

Appleby Parish Council Planning Decisions

Appleby Parish Council recommends that the following Planning Application

PA2020416

Objection

There is no reference to Appleby Parish Neighbourhood Plan in the Applicants submission which is a Legal Planning Document must be considered. Appleby Parish Council objects to the proposed development on a number of issues listed against our Neighbourhood Plan Policies below:

AP1 – Sustainable Development

AP2 - Design Principles

AP5 – Development of the Rural Economy

AP9 – Improvements to the Highway Network

AP11 – Natural Environment

AP13 - Protection, Conservation and Enhancement of the Appleby Conservation Area.

but also against, the following which are supplementary to Appleby Neighbourhood Plan :

NLC Local Plan Policies, namely

DS1

RD2 c)d)f)6.11)6.12, 6.16,

RD7 iv)

RD14?

RD15 ii) iii)

RD16.

T7

General Summary:

Distancing from Communities.

We consider that the development is too close to the Village of Appleby and that the noxious odours are not merely a nuisance but are noxious and create potential health issues for many of our Residents by way of particulate matter and flies, which are mentioned in the Environment

Agency comments. See relevant references within this submission. This will also result in a loss of amenity of use of the public footpath between Appleby village and The Lodge which is a building of townscape merit, which also passes by Ermine House, also a building of townscape merit, and the viewing the wildlife in Appleby Hall Plantation which the public footpath runs adjacent to. At present this is just one of two footpaths in Appleby Village, both run adjacent to the road.

If we lived in Scunthorpe or Bottesford we would be protected by a distance of 800m from this type of development as per the North Lincs Council Local Plan R15. The 800m limit for Scunthorpe and Bottesford would cover the whole of Appleby Village. And the distance to our Village/Settlement is somewhat vague, regarding the 400m limit as per R15. As for pollution there is no glass screen at 400m that we have become accustomed to in shops and other premises during this Coronavirus pandemic to prevent potential harm. Viruses etc do not always come with an odour which we now know, and it is not unknown for similar viruses to emanate from Chicken farms such as this development. The proposed development does not need to be in this location and so close to our Village. The Applicants were consulted on three occasions as part of the planning process for the Appleby Parish Neighbourhood Plan: 1st - 24th February 2016 at Ermine House, 2nd 23rd November 2016 at Ermine House, 3rd 19th April 2017 where they were asked directly about development plans within the Parish over the period of the Plan up to 2030. At no stage was the proposed development mentioned. Copies of the draft plan were also given to the applicants. An Environmental Licence was granted for a similar, albeit larger development in April 2017 ref the Environment Agency response for this application. AN/2020/130250/01-L01. While this may not be a material consideration per se the lack transparency throughout this application is familiar.

We would also add to the concerns of our residents regarding traffic movements, which impacts on Listed Buildings and Buildings of Townscape merit due to vibration caused by the passing HGVs

We have concerns by way of potential flooding, potential ingress into the sewerage system and potential contamination of the local aquifer.

If the proposal adds to the wider economy, quoted by the Applicant as Core Strategy CS1 consideration, where is the evidence to support that? The applicants are registered at Somerby West Lindsey and none of the family reside in Appleby. Annyalla Chicks the developers and expected operators, headquarters are in Wrexham, will be operating from Boston, Lincolnshire, and in fact are an Irish Company, which will bring nothing or very little to North Lincolnshire economy, and nothing at all to Appleby economy.

We already have two intensive chicken farms in our Parish alone, with concerns regarding smells from the Mickleholme Farm development which is further away than the proposed development, - reference comments lodged on NLC Portal for this application. There are also a number of other similar developments along the Ancholme Valley, none of which are as close to a Community as the proposed development would be to Appleby. See the map attached to the end of this document for details. The odour submission is vague - Referred to later in this Parish Council submission. There is little guidance regarding the operation of the site. If 300,000 chicks are delivered in one operation, and 300,000 chickens removed for slaughter all in one operation, then there will be 7.7 separate cleaning sessions per year. If the delivery of chicks and then removal of birds for slaughter are carried out on a rotational, i.e. continuous basis, barn by barn, which is more likely there being just 2 staff, then the cleaning process will also be continuous i.e. barn by barn. The cleaning process is said to be the time when most odours and particulate matter are released and in which case the odour from cleaning will be almost continuous. There is no information to clarify this situation.

This area is predominantly arable/rural, but the applicant downplays the effect of emissions from the barns as moderate animal/farm, the expected odours are not normal for Appleby as the applicant tries to infer. Especially from intensive livestock establishments close as the proposed development is planned.

The NLC Ecology report suggests that there will be a need for extra planting elsewhere to overcome the loss of biodiversity, which will take many years to establish. There is a suggestion that bat boxes and bird boxes should be utilized, in what are already designated Nature Conservation Areas in the Old Hall Plantation and Mickleholme Wood (not acknowledged by the Environment Officer) that provides natural nesting for bats and birds, and that will satisfy that requirement. There is a requirement by the Natural England for details of air pollution for Risby Warren an SSI some distance away from the site. All commendable reasons to safeguard different species, but where is a medical officers report for the protection of the human species i.e. our residents and their homes.?

References

Appleby Parish Neighbourhood Plan

Policy AP1 Sustainable Development

5.8 In addition, the NPPF embraces three critical roles for sustainable development:

- a an economic role, contributing to a strong, responsive, competitive economy;
- b a social role, supporting vibrant and healthy communities and

Comment: The development does nothing for Appleby Community and very little if any towards the local community of North Lincolnshire. Norman Jackson Farms, who's land is being rented, are registered in West Lindsey, Annyalla Chicks are registered in Wrexham with the local Plant being in Boston which is 60 miles away. In fact there is a potential detrimental effect on health of Appleby residents due to the odours and pollution that will be generated by proposed development – see later references under Odour and Particulate matter.

- c an environmental role, protecting and enhancing our natural, built and historic environment.

Comment: The development does not comply with this section, it will have a detrimental effect on the Environment (see later references) and it does not enhance the natural built nor historic environment. There is no evidence put forward to prove any benefit, only to mitigate, reduce, the damage that will be caused by the proposed development.

5.9 The NPPF also recognises twelve core planning principles. In summary, they are led by local plans which set out a vision for the future of the area;

2. enhance and improve places where people live.

7 help conserve and enhance the natural environment;

12 and improve health, social and cultural wellbeing.

Comment: The development has a negative impact on the above parts of this section in fact it creates a potential health issue.

Policy AP2 Design Principles

Proposals for all new development within the Parish should demonstrate that it meets the requirements of the Parish Design Statement (attached as Appendix 9 to the Plan).

Proposals should demonstrate, where appropriate, how:

a) the Parish Design Statement and/or the Appleby Conservation Area Design Statement (the latter attached as Appendix 10 to the Plan) have been taken into account;

Comment: There is no reference by the applicant to the Parish Design Statement nor the Appleby Conservation Area which is immediately adjacent to the proposed site. Appleby Neighbourhood Plan is a Legal Planning document.

b) the design reinforces the character of the village or rural area by respecting the local vernacular building character in terms of scale, form, materials used, plot density, special architectural and landscaping features, whilst safeguarding and enhancing the heritage assets of the area and the natural environment;

Comment: the proposed development in no way reinforces the character of the village or rural area., and extra traffic will have a detrimental impact on heritage buildings due to the vibrations caused when travelling through the village. Nor has the Conservation Area been taken into account by the developer.

c) the design helps to reinforce the existing streetscape or green public spaces;

f) the design can be accessed safely from the highway incorporating sufficient off-street parking;

g)the development has been made accessible to people with limited mobility;

Comment: The Application does not comply with the above sections; in fact it will detract from the natural environment of the area bordered by Mickleholme Wood and The Appleby Old Hall Plantation which are designated as Areas for Nature Conservation. It is also immediately adjacent to Appleby Conservation Area, and the public footpath that runs alongside the B1207 between the Village and Asholt Croft. This walk is often used despite its poor maintenance, which enables people to view the heritage assets close to the proposed site. The location of the proposed development would detract from that amenity, by way of noxious odour and loss of view approaching the development. The B1207 it is a popular cycling route and cyclists using the road will be within 10m of the development, which will detract from that amenity for similar reasons.

AP 2 Cross reference from North Lincolnshire Council Local Plan which supports our Neighbourhood Plan

RD1 – the site is class 2 agricultural land and should be used as such where possible.

RD2 Development in the open countryside will be strictly controlled. Planning permission will only be granted for development provided that:

c) the development would not be detrimental to the character or appearance of the open countryside or a nearby settlement in terms of siting, scale, massing, design and use of materials;

d) the development would not be detrimental to residential amenity or highway safety

the development would be detrimental to our Village, Conservation Area and amenity value of the public footpath.

RD7 iv) the likely level of traffic generated by the proposal is acceptable taking account of the suitability of existing access and approach roads: **see Traffic/Transport Comments in this submission**

RD15 States that no intensive livestock units should be developed within 200m of an individual dwelling excluding those connected with the Livestock Operation. **Comment: Ashcroft Holt is within 20m and The Lodge is within 80m of the development site. Ermine House is within 230m and sits within the Conservation Area of Appleby.**

Ashcroft Holt is identified in the application as being Farm owned, which it is, but the tenant is retired and therefore the dwelling has no connection with the proposed development.

RD16 **If** the existence of a number of intensive livestock units in a locality means that any further units would cause an increase in adverse environmental effects to an unacceptable degree or seriously restrict reasonable expectations of further development of a settlement, then additional units will not be permitted.

Comment: There are already two chicken farms in our Parish, the Mickleholme Farm site creating odour issues already – see comments by residents - and is at a further distance from the village 1.3km than the proposed site. The other site being adjacent to Keb Wood on the Southern side of the Parish. The location of the proposed chicken farm would deter many people from wanting to build dwellings in Appleby Village, or even live here. Despite what odour modeling might be used to infer, people actually know from experience what chicken farms smell like – and it's not pleasant!

NLC LP DS1 (supporting Appleby Parish Neighbourhood Plan) - General Requirements

A high standard of design is expected in all developments in both built-up areas and the countryside and proposals for poorly designed development will be refused. All proposals will be considered against the criteria set out below:

Quality of Design

The design and external appearance of the proposal should reflect or enhance the character, appearance and setting of the immediate area; and the design and layout should respect and where possible retain and/or enhance the existing landform of the site.

(iii) No unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing;

v) no pollution of water, air or land should result which poses a danger or creates detrimental environmental conditions.

Amenity Comment: The potential noxious odours have a heavy impact on DS1 from NLC Local Plan, which supports Appleby Parish Neighbourhood Plan.

There are two dwellings within 100m (Ashholt Croft and The Lodge) of the development, Ermine House is within the Conservation Area and within 230m of the site , plus 3 potential dwellings (the old hunting lodge has been granted planning permission to be converted to 3 dwellings approximately 300m) There are also a number of dwellings off Church Lane marginally over 500m. Keb House Rest Home is within 530m. All have the potential to be impacted by noxious odours and particulate material. The vast majority of owners of houses and

11 residents of Keb House are considered to be of a vulnerable age and therefore more susceptible to potential respiratory conditions. There is no glass screen to stop odours and particulate matter from migrating beyond these distances.

ODOUR/POLLUTION.Air Quality Consultants.

The Applicants Odour Summary reference Section 2.5 states “ODOUR ASSESSEMENT IS SUBJECTIVE” The Institute of Air Quality Management (IAQM) in 2018 states “...is the only UK odour guidance document which contains a METHOD OF ESTIMATING the significance of potential odour impacts” Section 3 “odour impact is a CHALLENGING AND SUBJECTIVE SCIENCE.” “FIDOR - IAQM methodology includes an ELEMENT OF PROFESSIONAL JUDGEMENT” (SUBJECTIVE)” .

Comment: All the phrases and figures of speech in effect means that accuracy is not guaranteed or even probable! OUR RESIDENTS SHOULD NOT BE SUBJECT TO INDUSTRIAL SCALE DEVELOPMENT THAT HAS THE POTENTIAL TO HARM HEALTH The “prevailing wind rose” contained in the Odour Assessment given by the Applicant is out of date. A more up to date Wind Rose contained in the file from 2017 at the end of this document, suggests that prevailing winds are often from a West/North West direction and therefore will have a greater impact on our residents. Also www.windfinder.com would also confirm that prevailing winds for Scunthorpe, our nearest weather station is from a West to North West direction for 10 months of the year. Wind direction is also variable so there will always be the potential for noxious odours and particulate matter harming residents. The Air Quality Consultant own summary also states that light wind conditions can result in odours travelling against the wind direction, which would also infer that still conditions could result in an extended distance of travel. There is no receptor at Keb farm house which is 430m distance from the site. Those distances cannot be set in stone and the estimates regarding odour distribution are potentially damaging to residents welfare. The location of the proposed development is totally inappropriate due to proximity to Appleby Village. There is no glass screen at the 400m mentioned in the proposal.

3.17 The assumed Efflux Velocity of the 60 vent extraction fans used in the receptor calculations/ modelling are for fans operating at 4% of maximum fan speed when there will be times that the fans will have to be used at higher speed which would result in higher dust and odour emissions. With predicted climate change higher temperatures and therefore higher fan velocity rates will be more frequent. There is reference to 4 gable end fans as a back up for warmer conditions. If there is a requirement for these then the effectiveness of the existing proposed fans (of which there are no specific details) must be questioned. When the extra fans are in service there is an even greater risk of increase in pollution and noxious odour.

Odour and particulate matter rates will vary depending on ventilator rates and differing periods of the growing cycle, which will increase throughout the 42 day cycle and when clearing litter. The emitted concentrations may be the same as per the Air Quality Statement, but the volume of odour and particulate matter will increase as the birds grow.

Comment: 4.0 Spent litter will be transported in a sheeted trailer for use at a power generating facility – Where? Sheeted trailers will shed more dust into the area. Or for spreading on 3rd party land **Where?** **There is no land dispersal area information similar to that we receive for other facilities – Dirty Water is to be disposed of in the same way. There is no waste management Plan.**

Comment: 4.6 “Dead chickens will be removed daily” – how many? How long is the dead bin storage container opened for each day – the strongest and most toxic odours emanate from the dead bin containers, which are then off loaded. How are the carcasses disposed of? **Waste Management Plan?**

Comment: The proximity of the development is much closer – at best 50% closer to Appleby Village - than any other similar facility to other Communities in the area and yet there are reported concerns regarding smells at those extended locations. The strength of the noxious odours reaching residents of Appleby will be much stronger compared to other facilities.

We know from experience when passing more remote facilities how badly they smell – residents don't need projections to tell them that.

The proposed development site is only 10yds away from a public road and no more than 30 yards from a public footpath.

Table 8 relates to the Hedonic sensory scale of between -1.13 and -2.47 where -1.13 is considered moderate farmland/animal to -2.47 ammonia. Examining the Hedonic scale other descriptions within this scale are

- 2.34 sharp, pungent , acid and -2.45 sulphuric and as such are not likely to be moderate, especially considering the close proximity to the Village.

This area has always been an arable farming area, not livestock, and certainly not on this scale, and so to offer the wording moderate farmland/animal smell as it being a harmless or normal smell, is somewhat insidious to say the least.

The modelling concentrates only on odours. Please refer to the DEFRA article below which addresses particulate matter.

It is also known that ...changes of wind speed or direction can influence dispersion with settled conditions generally resulting in higher levels of ambient air pollution.

Woodland areas tend to work as a wind break and therefore create more settled conditions, resulting in increased transmission of particulate matter and so safe distances need to be extended so as not to cause harm to our residents.

DEFRA article link:

https://uk-air.defra.gov.uk/assets/documents/reports/cat07/1511251444_AQ0926_Report_PM_Emissions_from_Poultry_Farms

Review of Air Quality Impacts Resulting from Particle Emissions from Poultry Farms

Summary from Review reads:

The monitoring studies indicate that poultry farms have the potential to have a significant effect on daily mean PM₁₀ concentrations, suggesting that exceedences of the AQS daily mean objective that applies in England, Wales and Northern Ireland (equivalent to a 90.4th percentile), could potentially occur in close proximity to large poultry farms. Emission factors identified as part of a literature review **vary significantly**, meaning that **certainty** in these emission factors is low. Furthermore, it has been demonstrated that particulate emissions from poultry farms vary on a diurnal basis due to changes in bird activity, as well as seasonally and over the course of bird rearing cycles, due to increasing bird size and ventilation rates. In addition, the results of the monitoring undertaken to date indicate that PM₁₀ concentrations in the vicinity of poultry farms can increase significantly when birds are being removed from the poultry farm at the end of rearing cycles. **The ‘average’ emission factors described in Section 7 are therefore considered unlikely to be representative of worst-case particulate emissions from poultry farms. As it is during periods when these worst-case emissions occur that exceedences of daily mean PM₁₀ concentrations are most likely to be observed, this suggests that dispersion modeling of particulate emissions from poultry farms based on ‘average’ emission factors is unlikely to result in accurately predicting maximum daily mean PM₁₀ concentrations.**

This report also adds to the belief that the odour figures referred to in the odour assessment submitted by the applicants are in fact not to be relied upon despite the fact that they claim their own figures to be conservative, in order to downplay the potential harm and discomfort of residents

<https://www.hse.gov.uk/agriculture/poultry/guide.htm#>

<https://www.hse.gov.uk/pubns/web40.pdf>

Comment: These two links are essentially a guide for farmworkers especially chicken farm workers who do in fact suffer above average frequencies, of bronchitis and respiratory conditions, but the particulate matter discharged into the atmosphere can potentially cause harm to residents due to the close proximity to Appleby, particularly but not only when the litter and birds are being removed and transported to other locations. The advice/recommendations in the links refer to the wearing of RPE, Respiratory Protective Equipment, which strongly suggests that the material in the sheds is harmful. The dust etc from the barns being released into the atmosphere can lead to potential harm to residents.

<https://eos.org/editors-vox/is-living-near-a-farm-bad-for-your-health>

Comment: This link refers to livestock farms, particularly poultry farms that emit large amounts of dust particles into the air from bedding material, animal feed, feathers, skin flakes and hair. With the potential for the dust to be contaminated with bacteria and viruses. The latter being particularly sensitive for residents at the moment due to the coronavirus pandemic. The summary goes on to refer to a co-ordinated epidemiological study of 2500 neighbouring residents to livestock farms.

Also refer to: https://www.theguardian.com/environment/2020/apr/24/coronavirus-detected-particles-air-pollution?CMP=Share_iOSApp_Other

Comment: While as yet unproven it is also plausible and relates to the potential for viruses being carried by particulate matter in air pollution. The concerns of our residents must be a priority.

Comment: The Environment Agency response to this application AN/2020/130250/01-L01 states that odours will be a concern for local residents. Viz “there are limits to the measures that the operator can take to prevent impacts to the residents.” **This at 400m,**

when in fact there are at least two dwellings that are within 100m and a dwelling within 230m and a further dwelling within 320m. Keb House Rest Home is within 500m where all the residents will be particularly sensitive (age 70 plus) to particulate matter than can be harmful to health. The majority of residents on Church Lane are also in the same age bracket.

There are no physical barriers at these locations and distances, similar to the ones we are becoming accustomed to currently, - no glass or plastic screens to stop potential particulate matter and bacteria from affecting our residents.

NLC LP Policy DS1 iv) amenity open space in the area should be retained, wherever possible;

The amenity of the public footpath close to the site, plus the popularity of the road as a cycle route will be lost due to the odour and noxious fumes. The amenity for nearby residents will be lost.

NLC LP Policy DS1 v) no pollution of water, air or land should result which poses a danger or creates detrimental environmental conditions.

Comment: This is not satisfied – refer to Parish Council findings below.

The IBD assessment refers to the nearest water courses being a low flood risk when in fact the National Flood Data defines them as a medium flood risk, which is another example of the inaccuracies in this application.

The same document states that there is no connection to the Anglian water sewerage system and therefor presents no issues.

This statement cannot be considered to be accurate because Appleby is a combined sewerage system and therefore where the possibility exists that surface run off can get into drainage systems the possibility will exist.

The development is to utilise a 2.5million litre lagoon and therefore has a significant single point source, and properties within a very close radius with surface water drainage which will be connected to the sewerage system at some points.

Early January of 2020, the country experienced significant rainfall which flooded the B1207 in very close proximity to the proposed site, the flooding extended across the carriageway and into the fields on the other side and stayed waterlogged for weeks. Significant rainfall is becoming more common.

This demonstrates how close the natural water table sits within this area to the surface. Two years ago all farms in the area had to improve tractor cleaning facilities due to contamination of the aquifer in the area, including Mickleholme Farm neighbouring the proposed site.

It would be reasonable to assume that heavy rainfall periods and waterlogged ground would not only contribute to the possibility of a second source of flooding but would contribute to the effluent becoming mixed with surface water runoff and spread the contamination over a wider area.

The dispersal of the effluent into the ground over several days and weeks would have a catastrophic detrimental effect due to contamination upon the water table below, which is extracted at many points in the area for various uses.

The single point source identified (although a second has been identified by this report) presents a significant hazard to watercourse layers which are known to be close to surface level in this area.

There has been no demonstration of the risk assessment process used to determine the findings of the report. The flooding of land close to the development has not been acknowledged and therefore information used to reach accurate conclusions cannot be verified as accurate.

There is no identified emergency response to a major spillage incident and no demonstration of risk assessment process, to determine the need.

To conclude, this report has been put together without any figures to support actual statements made within it. It has failed to identify all sources of flooding and contamination risk, instead cross referencing informational sources which apply to these types of development, but fail to quantify the actual reality of what the development will produce, in terms of waste, waste toxicity, flooding or impact to the village.

This is a report drafted by consultants and designed to mitigate the issues rather than quantify them and fails to address the correct procedure for making a formal planning application for what is an industrial and commercial factory close to the boundary of a protected conservation zone.

Section v) of NLC LP Policy DS1 is therefore compromised.

Conservation

NLC LP DS1 vi) There should not be an adverse effect on features of acknowledged importance, on or surrounding, the site, including species of plants and animals of nature conservation value (particularly species protected by Schedules 1, 5 and 8 of the Wildlife and Countryside Act 1981), Scheduled Ancient Monuments, archaeological remains, listed buildings and Conservation Areas or trees and woodland covered by Tree Preservation Orders; and

vii) the development must ensure the retention of those existing site features that make an important contribution to the character or amenity of the site or the surrounding area;

Comments: The Conservation Officers comments relating to this proposal are inaccurate – particularly to The Lodge, it being within 50m of the proposed development. See photographs attached to this document as proof of distance from The Lodge to the proposed site. Whereas the Conservation officer refers to significant woodland between the Lodge and the site. The Environmental office also refers to loss of habitat.

The site will have a negative impact on the character and amenity of the surrounding area due to loss of open space

Refer to Appleby Parish Council Ecology comments attached later in this submission. **

There has been no Bat survey carried out. Appleby Parish Council have sourced Bat Records for Appleby area. While there are no rare species of Bat in the area there will be a loss of foraging area due to the development, and the possibility of cross contamination of species and potentially Zoonosis to our residents – this due to the close proximity of the development to our

Community, particularly to the much older and more vulnerable residents of Keb House Rest Home which is just 530m away.

viii) development proposals should include the results of archaeological assessment, where appropriate, and adequate measures to ensure that there would be no unacceptable impacts on archaeological remains. Conditions will be imposed to secure suitable mitigation at the appropriate time in the development process.

Comment: An extensive archaeological assessment has been carried out, but it is unclear what will happen as a result of the findings, and the potential for further findings in a nearby location.

Resources

NLC LP DS1 ix) There should be no conflict with an allocated or approved land-use proposal in the locality nor should the reasonable potential for development of a neighbouring site be prejudiced; and

the old hunting lodge has been granted planning permission for conversion to 3 dwellings and is less than 400m from the site. The proposed development will have a negative impact on those agreed dwellings.

x) the location and design of developments on the urban fringe (sites adjoining settlement development limits) should take into account the need to minimise the impact of the development on adjoining agricultural land or other countryside interests; and

Comment: The proposed development does not show any consideration for the need to minimise the impact on the local Community.

Policy NP 5 Development of the Rural Economy

This policy is designed to support certain types of development hence the wording:

All proposals should accord with all other relevant policies contained within this Neighbourhood Plan and those contained within the documents forming the North Lincolnshire Local Development Framework, particularly with regard to design and impact on the countryside and neighbouring residents or businesses and to soil protection and the quality of agricultural land.

Justification

5.35 The Plan will:

- a) enhance the rural area as a good place to work for agricultural and other businesses and for people wishing to work from home, through the provision of high quality communications and ease of access to the regional road network;
- b) encourage the re-use of redundant buildings for appropriate economic uses, particularly where the new economic use can help support the continued agricultural use of the farm holding or other local business to provide local employment;

c) support sustainable development that will encourage visitors to the rural area, especially that which relates to the safeguarding and enhancement of the historic and natural environment; and

d)seek to promote the development of shops and other businesses that serve the local community.

5.36 A wide range of businesses can operate successfully from a rural location. The Parish is well located close to Scunthorpe, Hull, Immingham and Grimsby as well the nearby market towns of Brigg and Barton upon Humber with the M180 providing good transport links to the region and beyond. The development of the Parish's economy will enhance the vibrancy and vitality of the settlements in it and help support the diversification of agriculture. A careful balance will need to be achieved in supporting proposals that assist the economic sustainability of local communities, whilst addressing any potential environmental consequences. There is a clear link between the economic stability of rural areas, and the likely success in achieving a well- managed countryside.

5.37 The Plan seeks to support small-scale enterprises that can be accommodated primarily through the conversion of existing buildings within communities or on farmsteads. Well-designed and landscaped small-scale new buildings may be acceptable where needed to accommodate new uses that would help to support the agricultural economy, or the expansion of an existing business located in the rural area.

5.38 Care will be needed to ensure that new business development does not impact on residential amenity or result in unacceptable levels of increased traffic on the rural roads in the Parish.

5.39 It will be particularly important to encourage environmentally-sensitive schemes which capitalise on the tourism and recreational potential of the rural area. Improvements to cycleways, bridleways and footpaths are supported through cyclists, horse riders and walkers.

5.40 The establishment of new small retail uses outside settlement development limits may be acceptable where the shop primarily sells goods grown or manufactured on the premises or nearby. Small shops and cafés serving visitors to tourism and leisure uses may also be acceptable with a preference for locations in villages.

Comment: Clearly the proposed development does not fit with this

Policy AP 11 Natural Environment

The Neighbourhood Plan will seek to protect, maintain and enhance the Parish's natural environment taking account of the intrinsic character and beauty of the countryside, whilst supporting thriving communities within it.

Development which would negatively affect nationally recognised designated sites including the Sites of Special Scientific Interest at Far Wood (North) and Risby Warren (South) will not be supported unless the reasons for development are evidenced to clearly outweigh the harm to the conservation interest of the site.

Where development on nationally or locally designated sites including the Local Wildlife Sites at Rowland Plantation, Keb Wood, Top Wood, Santon Wood & Clappgate Reservoir & the corridor to Top Wood, as well as Spring Wood Ancient Replanted Woodland, is approved, compensatory measures will be required to maintain and enhance conservation interests, priority should be given to on-site compensatory measures before considering off-setting.

Proposals for new development should not harm the existing network of local ecological features and habitats. New development will be expected to maintain and enhance existing ecological corridors and landscape features (such as watercourses, hedgerows and tree lines) for biodiversity.

Proposals for new development in areas considered important for nature conservation (Appleby Hall Plantation, Mickleholme Wood, Priory / Appleby Carrs, Santon Wood, Spring Wood and Coronation Wood) as shown on the Policies Map, will not be supported.

All proposals for new development within the open countryside will be expected to protect and enhance the special nature of the local landscape and its surroundings.

The Application does not comply with this, in fact it will detract from the natural environment of the area bordered by Mickleholme Wood and The Appleby Old Hall Plantation identified as areas for Nature Conservation. It is also immediately adjacent to Appleby Conservation Area, and the public footpath that runs alongside the B1207 towards Asholt Croft. This walk is often used despite its poor maintenance and the location of the proposed development would detract from that amenity, by way of toxic odour and loss of view approaching the development. Any cyclist using the road will be within 15m of the development, and it is a popular cycling route.

Also see Councillor submission below. **

Policy AP 13 Protection, Conservation and Enhancement of the Appleby Conservation Area.

When considering applications within the Appleby Village Conservation Area, or those which affect the setting of the Conservation Area, particular regard will be had to:

- a) the scale and nature of the development in relation to the local character and distinctiveness of the Conservation Area;

The Development has a negative impact upon this section

- b) the impact of the development on any designated heritage asset or its setting;

- c) the design, height, orientation, massing, means of enclosure, materials, finishes and decoration proposed;

- d) the retention of original features of special architectural interest such as walls, gateways, chimneys, etc.;

- e) the retention of existing trees, hedgerows and landscape features with appropriate landscaping improvements incorporated into design proposals;

- f) the protection of important views and vistas;

Comment: The Development has a negative impact upon section f - existing open space at the site allows unobstructed views to Micklehome Wood, which will be obscured if the development were to go ahead. It is noted that the existing hedge at the site has not been maintained in the same way as everywhere else in the Parish.

g) the location of appropriately designed car parking; and

h) guidance provided in the Appleby Conservation Area Appraisal, the Appleby Conservation Area Supplementary Planning Guidance, the Appleby Conservation Area Design Statement, and the general design principles set out in Policy AP2 of this Neighbourhood Plan.

Comment: Policy AP13 of the ANP above provides that “particular regard will be had to the scale and nature of the development in relation to the local character and distinctiveness of the Conservation Area”. This applies not only to developments within the Conservation Area, but also to those which affect the setting of the Conservation Area. The nature and scale of the proposed development is out of all proportion to its setting on the very edge of the Conservation Area and in the shadow of the Appleby Hall Plantation, and will greatly detract from that setting.

NLC Local Plan - The Historic Environment Archaeology

14.35 Archaeological remains are a finite and non-renewable resource and form an important part of our national heritage, valuable for their own sake and for their role in education and tourism. They contain irreplaceable information about the past and are highly vulnerable to damage and destruction.

Comment: An extensive Archaeological survey was carried out, but there has been no mention or recommendation regarding the significance of the finds during the survey and what measures or actions will be taken regarding those finds.

The 2002 Conservation Area Appraisal applied in 2005 for the expansion of the Conservation Area recommended that the Conservation Area be enlarged and added that:

8.6 Appleby Conservation Area boundary review.

Following a careful survey of the existing conservation area and its immediate surroundings, three changes are recommended to the existing boundary, two of which are extensive. They would bring the whole of the historical village envelope, including the grounds of Ermine House and the former Appleby Hall, within the area and would give a firmer definition to the designation by following distinct boundaries:

i. The north side.

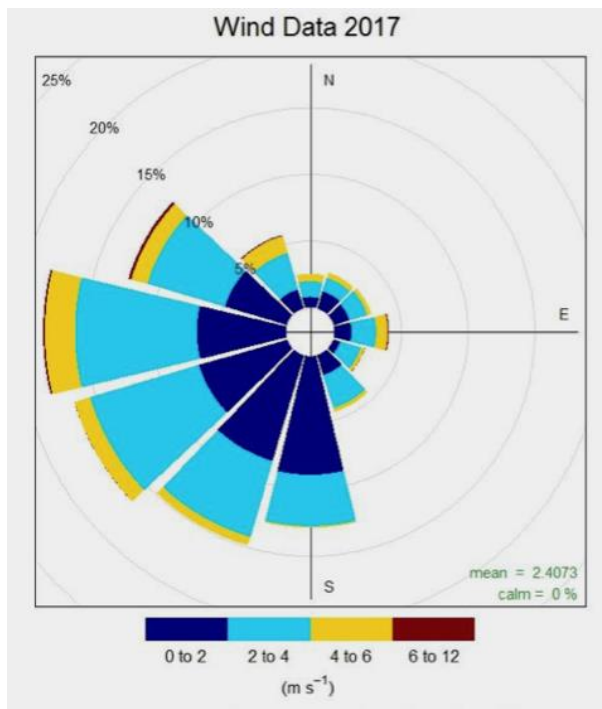
The current boundary follows the north side of Ermine Farm. It then includes a part of the woodland flanking the secondary entrance to the former Appleby Hall, but it excludes the Hall's kitchen garden walls and follows an undefined line just north of Church Lane.

There is a strong historical justification for the designation to include Ermine House, on the west side of Ermine Street, and the whole of the Hall Plantation on the east side. The latter would bring into the conservation area the surviving elements of the Hall: the lodge and north entrance, the walls of the walled garden, the Victorian service buildings and the important tree collection.

Comment: Supplementary information regarding Odour below:

This more recent Wind Rose shows a different wind profile to the one used in the Odour Assessment provided by the Applicant and shows the potential harm that could be inflicted on

Appleby Residents. The applicants wind rose is used to wrongly infer that wind direction would reduce the impact on our Community.



Also refer to www.windfinder.com which suggests that the prevailing winds at Scunthorpe only travel in North West direction for two months of the year.

AP9 Improvements to the Highway Network

Support will be given to the Highway Authority in securing the following highways improvements through the delivery of any new development within and surrounding the Parish, including:

- a) in Appleby village, measures (including, where appropriate, the use of planning conditions or obligations) to manage the impact of traffic generated by any new developments on the minor road network, including giving priority to pedestrian and cycle movements;

Comment: The above policy while intended for improvements to existing conditions demonstrates the concerns on the B1207 before the proposed application was put in place.

Parish Council TRAFFIC/Transport findings.

RD7 - Agriculture, Forestry and Farm Diversification

Proposals for agriculture, forestry and farm diversification will be acceptable in principle provided that:

NLC LP RD7 iv) the likely level of traffic generated by the

proposal is acceptable taking account of the suitability of existing access and approach roads;

NLC LP RD1 d) the development would not be detrimental to residential amenity or highway safety

Cycling

LP Policy T7 The safety, convenience and attractiveness of cycle facilities and routes will be improved and new ones created to make North Lincolnshire cycle-friendly.

To promote cycling as a mode of transport, priority will be given to the following areas:

- iv) circular recreational cycle routes;

Comment: The Ancholme Way is being developed to improve both walking and cycling as a recreation and amenity, within North Lincolnshire, which will increase the number of circular routes. For our Parish the connection to the Ancholme Way from Saxby Bridge and then to return via the B1207 and Horkstow bridge would be affected by the proposed development by way of extra traffic, but also as a result of the noxious odour and potentially harmful particulate matter, dust and flies etc, derived from the proposed development, which will detract from this local amenity.

The road is a single-metalled carriageway immediately to the west of the proposed site, and is approx. 5.1 metres wide, with grass verges on both sides of the road surface. These verges are wide but are unavailable for traffic use as they are uneven and undulating. This would cause problems when large Heavy Goods Vehicles, often in excess of 40 tonnes, are accessing or egressing the proposed chicken farm site.

Although the National Speed Limit at the site is 60mph, anecdotal evidence taken from residents fronting Ermine Street, Appleby (the B1207) indicate that drivers of vehicles, travelling both north and south through the village and beyond, regularly flout the speed limit of 30mph and even increase their vehicle speed when leaving the village boundary. This perceived increase in speed will have an effect on the access point to the proposed poultry site to the north of the village.

Speed surveys have been undertaken, by consultant engineers, on behalf of the applicant, and their findings are published on the applicants' Planning Application. Although the 85th percentile speed during the survey indicated that the speed for north- and southbound traffic was in the region of 59.67 to 59.91 mph immediately outside the proposed site, the time of the survey (13.53hrs to 14.58hrs) did not give a fair and totally accurate indication of the 'usual' speed of vehicles at that point. I would suggest that the majority of the drivers approaching the speed indicator vehicle, operated by Safer Roads Humber, are aware of the vehicle's methodology, and therefore slow their speed down to the limit indicated. This would then give a 'false' representation of the 'normal' speed of vehicles on that section of road.

Although the level of road traffic accidents on that particular section of the B1207 appears to be slight, the actual number stated does not take into account the fatal accidents that have occurred on Ermine Street at some point away from the site in question. I understand that it is only by good fortune that more serious incidents haven't taken place. The one overriding aspect of the submissions by the consultants is that all the accidents were attributed to driver error, rather than deficiencies in the highway design. With more HGVs and other vehicles associated

with the development on the road at this point, aren't we raising the possibility of an increase in accidents?

The traffic generation statistics submitted give an unrealistic picture of movements within and around the site. The consultants state that over a period of the 8-week growth cycle of the chicks (assuming a five-day working week), giving 40 working days, there will be 94 two-way HGV movements. This equates to 2.35 HGV arrivals/departures per day. The majority of vehicle movements will be from 7.00am to 8.00pm, BUT for operational reasons, sometimes there will be both overnight and weekend working to and from the site. What disturbance is this going to cause our village, especially if the vehicles travel south, through Appleby, and towards the M180 motorway?

Not only will there be an increase in HGV movements, it is envisaged that the staff and other workers travelling to and from the area will impact on traffic movements within the area. It is expected, from the Traffic Generation statistics given, that approx. 128 'other' two-way car movements will take place. I would consider this a gross under-estimation of the traffic movements associated with the farm, and that considerably more traffic will be created when the site is operational.

NLC Highways Data from census cable monitoring by Roy Hindmarsh of NLC Highways in 2018 showed high levels of traffic movements along the B1207. Based on this data an overnight curfew was put in place regarding Tarmac Ltd lorries. The extra traffic generated by the proposed Chicken farm will cause even greater concern for residents AND IT IS NOTED THAT REMOVAL OF BIRDS FOR SLAUGHTER IS A NIGHT TIME OPERATION.

In 2019 it was agreed with Ian Jickells of NLC Highways to put extra traffic control measures in place on the B1207 on the North side of Appleby Village due to speeding traffic concerns. We are still waiting for these improvements.

The resulting extra traffic movements are not welcomed. The traffic monitoring in Appleby has seen monitoring priority increased from c 350th on the Humberside Highways list to 38th again demonstrating the sensitivity about extra traffic

There is also a Conservation Area consideration to the traffic movements. The vibration caused by traffic driving past the Estate Cottages in Appleby Village are a concern for residents, the cottages being so close to the B1207. Many of the Cottages are of Listed status the rest being Buildings of Townscape Merit.

Neighbourhood Plan AP13 States that : particular regard will be had to; b) the impact of the development on any designated heritage asset or its setting;

****Appleby Parish Council review of Applicants Environmental and Ecological Statement.**

The applicants have devoted just one day as a token gesture to the proposal and identified a minimal number of species in the immediate area. The report by our Councillor, who actually lives in this area and therefore has a better knowledge of the area than the applicant identifies many more species.

It also has to be noted that the applicant didn't take time to carry out a Bat survey but suggests erecting Bat boxes in to a natural woodland nesting area as their sole mitigation for the potential harm that disease from their development could pass on to wild life.

The following environmental aspects cause concern

2.2.7 Poultry litter and manure will be exported to a third party. Manure has twice as much nitrogen (kg/t) as cattle farmyard manure (corrected to a similar dry matter percentage) and three times the level of phosphate. Even if the nitrogen spreading limits are adhered to, the resulting phosphate is likely to be in excess of what is required by the land and can cause eutrophication in water courses. Excess phosphate in rivers leads to increase in plant growth altering the species composition and balance. A multiplication of algae turns the surface green and decreases the light reaching the stems and leaves of higher plants. Oxygen is used up leading to a toxic underwater environment. Natural England is very concerned about phosphate levels in watercourses both from farming and domestic sources. The danger is that poultry manure will be spread on the same land year after year as the number of poultry units increase and spreading land becomes in short supply. This will unbalance the phosphate levels in the soil and increase the risk of run off into vulnerable water courses. (AP11)

2.3.9 Light pollution . Whilst it is accepted that light from the poultry units themselves is unlikely to be a source of pollution if shutters are used, the concern is that lighting of the greater compound will cause light pollution. At present there is no lighting at all. This will highlight the existence of the unit.(DS1iv)

2.5.6 site management. Dirty water from the clean out process to be spread in ‘appropriate locations’ or taken to third party lands. This would seem unmanaged in terms of potential pollution. (DS1iv)

CS5 planning policy

Policy CS5 must be read in the light of the explanation published with it in paras 4.71, 4.72 and 4.74. It is said that “the policy seeks to enhance the broader social and economic wellbeing of rural communities... It is further stated that “..proposals which would result in isolated, sporadic, out of scale ...development or which may individuallyerode the character of the countryside, will not be acceptable”. “Whilst the Core Strategy aims to provide general support for the land based sector, larger scale agricultural development, including...poultry units..., can have significant impacts and will not be appropriate in all rural locations”. The proximity to Appleby village makes this an inappropriate location.

5.1.7 & 5.1.9 National Planning Policy Framework para 8 make it clear that the sustainability of local communities must also be improved by economic and community benefits. There is no evidence whatsoever to suggest that the immediate local community will benefit in any way (AP2bc,)

On the contrary it is plainly obvious that there will be economic effects on the residents of Appleby in terms of reduced property values and no social benefits

5.1.13 Economic roles. Although the proposed development is outside of the environmentally designated area of outstanding natural beauty it is within the parish boundary and would negatively impinge on the character of the landscape and the visual impact of the village. (AP2)

5.1.15 Odour assessment. states no ‘adverse impact’ CS5 agricultural developments must demonstrate that there are no unacceptable environmental impacts. None of the reports on odour, noise, ammonia impact etc submitted with the application conclude that there will be no impact. (AP11)

Local planning policies

Noise pollution. additional HGV traffic will impact on houses along ermine street as far as the station area and Risby road. This is a constant complaint of residents and will add to the level of nuisance already being endured (DS1iii)

5.2.3 & 5.2.4 implies the village community has an integrated investment in the proposal and would see a benefit from it. Little evidence to show how this would be true. What might be presented does not outweigh the intrusion and nuisance the project would cause to the village.(DS1iii&DSiv)

5.3.1 RD2 (iv)planning development will only be granted for developemnt which would : not be detrimental to the character or appearance of the open countryside, or a nearby settlement in terms of siting, scale massing ,design or use of materials. The proposal clearly breaches this (AP13)

5.3.2 RD15 . proximity to the village. The measurements of nearest dwellings affected do not take into account the current nature and character of the village, as a domestic rural settlement. This would be imposing industrial buildings into an otherwise domestic setting where there are currently non .(AP13) (DS1, quality of design should enhance the character, appearance and setting of the immediate area)

6.2 Habitat

6.3 Natural England have yet to provide a report on this proposal

6.5 The environment agency basic data for this site on which any permission has been granted may well be out of date(2018) and not take into account the recent changes in the environment, especially with regards to local flooding and drainage.

Drainage and the impact on the natural environment. Currently no assessment from the environment agency with regards the changing flood plain map and recent change in climatic conditions for the area.

6.12 Ammonia emissions to be controlled ‘as far as possible’ through good management. This is not an acceptable measure of control.

6.13.2 offsetting of CO2 against potential transport of meat from further afield does not negate its production in this locality.

6.14.1 the proximity of the nearest properties being below a distance threshold and thereby warranting no further assessment disregards the effect this may still have. (AP2b &c).

6.14 .2 Dust. There is nothing in this application to deal with the effect of dust from the fans other than to say they will be at minimal level. It is’ generally accepted, by modeling techniques’ that a 400m zone is a threshold for nuisance complaint’s to airborne emissions. This is a vague term and does nothing to mitigate the nuisance once it is experienced.

(RD15 suggests that the site is too close to Ashholt Croft and the Lodge, within 100m, plus Ermine House within 230m which is within the Conservation Area , and are local dwellingsand others that are borderline for that distance)

6.15.1. Environmental control of emissions is described as not having a significant effect on air quality or health of local people. Later described as ‘not significant’ to ‘moderate’ and ‘not high enough to cause justifiable annoyance’ This implies there will be an effect. This is not acceptable. It has not been demonstrated that there will be no significant impact from the odour of the proposed development. ‘No adverse impact’ is not a measuring tool.

Landscape

7.3.3 ‘There are few notable landscape features’ . The proposal would clearly ‘create ‘ a feature in an otherwise clean setting. It would be obtrusive and out of place. The claim that this development would have a minimal impact on the landscape and its surroundings, even with the landscaping and use of materials proposed, can only be said to be highly subjective

7.9.1 ‘the proposal will have no significant affects on any of the landscape elements , landscape character.’ It will have a negative impact on the visual approach to Appleby and will impose a completely different view. The proposal represents an unacceptable visual intrusion into the landscape(AP11)

Ecology.

10.3.1 -10.3.4 Badgers and Voles. Whilst not present on the proposed site are habitating in close proximity to it.

10.3.5 Birds. The typical assemblage of birds listed omitted many species common to the immediate area . These include Greenfinch, siskin, goldfinch, collared dove. Great tit ,blue tit, long tailed tit, coal tit, magpie, lark, starling, dunnoek, meadow pipit ,thrush, fieldfare and jackdaw.

In addition Buzzard, sparrow hawk, hobby and kestrel overfly the site.

The survey results presented would suggest an almost barren landscape when the opposite is the case.

By referencing the old pig unit there is an implication that an industry is familiar to the location But the pig farm has been redundant for many years. Regardless , this is substantially further

from the road, hidden from view and has not been a nuisance to the village for some time . as a result of its redundancy. Residents would, therefore , hardly see this as mitigation for introduction of a new nuisance. (AP11. AP13)

Bat Records.

There has been no bat survey, despite that information being freely available. WHY?



The Lodge with chopped hedge the entrance to the site immediately behind the hedge and footpath between The Lodge and the road. There is not significant woodland between The Lodge and the site. The entrance to the site will be where the red van is shown here.



Asholt Croft completely open to the site and the public footpath parallel to the road.



The site is perfectly good grade two arable land and shouldn't be used for this type of industrial scale development .

NLC Local Plan Policy RD1 Where development of agricultural land is unavoidable, areas of poorer quality land should be developed in preference to those of higher quality, except where other sustainability considerations suggest otherwise.



Public footpath adjacent to the road, residents will lose the pleasure of using this footpath due to the smells and dust close to the site.

The following Map shows the distance of other chicken farms to Communities demonstrating just how close this application is to Appleby Village and the complete inconsideration for Appleby Residents.

