

**SCOTTISH BORDERS COUNCIL**

**PLANNING AND BUILDING STANDARDS COMMITTEE**

**4 SEPTEMBER 2017**

**APPLICATION FOR PLANNING PERMISSION**

<b>ITEM:</b>	<b>REFERENCE NUMBER:</b> 16/01377/FUL
<b>OFFICER:</b>	Stuart Herkes
<b>WARD:</b>	Tweeddale West
<b>PROPOSAL:</b>	Erection of poultry building
<b>SITE:</b>	Land South West Of Easter Haprew Farmhouse, Peebles
<b>APPLICANT:</b>	Glenrath Farms Ltd
<b>AGENT:</b>	John Thorburn & Sons (Construction) Ltd

**SITE DESCRIPTION**

The site is located in a field less than 0.5km to the southwest of the farmyard at Easter Haprew Farm, near Stobo. It lies to the immediate west of a farm track, to the immediate north of the Cloyhouse Burn, and around 75m upslope and to the west of an existing large poultry shed. The latter was approved by the Scottish Government at appeal in August 2009. The B712 road and River Tweed lie to the east again, downslope, and around approximately and respectively 0.5km and 0.6km from the site. The John Buchan Way lies around 2km to the south and on the other side of the Tweed valley. At a higher elevation, it affords views of, and towards, the site.

Excepting new tree planting along the field's boundary with the access track, and a telecommunications line, the land within the site is otherwise open. It slopes gently but discernibly upwards to the west, amid some local undulation. Beyond the site, the land to the west continues to rise, becoming notably steeper and more undulating as it ascends to Torbank Hill and other surrounding summits.

The site lies within the Upper Tweeddale National Scenic Area (NSA) and is in the near vicinity of the Tweedsmuir Uplands Special Landscape Area (SLA), which excludes the site but includes Torbank Hill. The Cloyhouse Burn flows directly into the River Tweed, which is both a Special Area of Conservation (SAC) and a Site of Special Scientific Interest (SSSI).

**PROPOSED DEVELOPMENT**

The proposed poultry building would be 140m by 20m and would have a ridge height of 6m. Its foundations would be established both by cutting into the existing hillside along the western side, and by building up the levels to the south and east. These works would accommodate on a level site, both the building and an associated yard area.

The building itself would accommodate two separate flocks of 16,000 free-range laying hens whose houses would be separated by a central egg packing room. It would be

finished externally using composite panel sheets, which it is advised, would be coloured Juniper Green (BS12B29).

Two feed silos would be erected on the east elevation along with an emergency generator set. An apron of hard standing would be accommodated to the front and sides of the new building, and a new vehicular access would link it to the existing farm access.

Blocks of woodland planting are proposed to the northwest of the building, and a new wetland area to the southeast.

Since the footprint of the proposed building is over 500 square metres, the proposal required to be assessed under Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011. (These regulations were current at the time of the application's receipt in October 2016 but have more recently been superseded by the 2017 version of the EIA Regulations, which have not changed the qualifying criteria with respect to the assessment of intensive agricultural buildings under the EIA Regulations). In their consideration of the proposal, statutory consultees have been content to refer to the environmental statement that was presented in support of the application for the earlier building (Planning Application 08/00256/FUL), albeit tailored to the information presented. However, at no consultee identified any requirement for a full new and updated Environmental Impact Assessment to be carried out and reported in relation to this proposal. Accordingly, this Authority's assessment is that no full EIA is required.

## **PLANNING HISTORY**

The now established and operational poultry shed to the east of the site, was the subject of Planning Application 08/00256/FUL. This was refused by the Tweeddale Area Committee in April 2009 contrary to the Planning Service's recommendation. However, it was subsequently approved at appeal in August of the same year. Permission was granted by the Scottish Government's Reporter subject to nine planning conditions and two informatives.

This existing building has a footprint of 160m by 15m and a ridge height of over 6m. It lies on the opposite side of the farm access from, and at a lower elevation to, the proposed new poultry shed building. Mitigation planting is in place, including tree planting along the side of the farm track. This includes a section of the application site, which coincides with what would be the site access for the proposed new building.

## **REPRESENTATION SUMMARY**

26 letters of objection have been received from 18 households and the Royal Botanic Garden Edinburgh at Dawyck, along with 1 representation in support.

The principal grounds of objection, and related points raised, can be summarised as follows:

- adverse effect on the landscape quality of the Upper Tweeddale NSA and Area of Great Landscape Value (AGLV), undermining the purpose of these designations
- adverse effect on the setting of, and views from, the John Buchan Way;

- adverse impact on the landscape quality of the Stobo Valley; including field patterns;
- building is of an industrial scale and appearance, and would be out-of-character with the rural surroundings;
- building would have unacceptable cumulative landscape and visual impacts in association with the existing poultry shed building, including in terms of the density of development within the area;
- adverse impacts upon the water environment, including the River Tweed SAC and SSSI;
- proposals are unsustainable and not environmentally-friendly;
- adverse impact on Protected Species, wildlife and the wider biodiversity of the Stobo Valley;
- adverse impact on tourism and wider local economy;
- potential for air pollution;
- human health issues, including potential for incubation and spread of avian flu;
- increase in flies and vermin;
- increase in traffic;
- road safety concerns from spillage of slurry and waste on road surfaces;
- loss of amenity for residents and visitors;
- increase in amount of manure; and concerns with respect to the storage, movement and disposal of waste and manure at and from the site at present and/or other facilities run by the Applicant, and concern at how such operations would be effectively regulated;
- proposed tree screening is inadequate and existing trees that were required in relation to the existing poultry house are ineffective; it is considered that SNH's concern for reinforced planting would not address the landscape and visual impacts;
- trees/landscape affected;
- concern that affected neighbours should have been informed directly of the application;
- potential for external cladding of building to be highly reflective;
- proposals conflict with proposed release into area of pine martens to control grey squirrel population;
- water supply;
- Conservation Area;
- contrary to Local Plan;
- promotion of further similar applications/piecemeal development at the site and within wider area;
- over-supply of facility within area;
- issue is taken with Landscape Architect's assessment that lowering site levels would provide mitigation;
- considered that SNH has contradicted its advice at time of previous application that it did not consider any additional sheds to be appropriate at the site;
- concerns expressed with respect to Reporter's assessment and conditions imposed upon the previous planning permission for the existing shed, which are considered to be ineffectual;
- noted that the Planning Authority's refusal of Planning Application 08/00256/FUL was later defended at the appeal on the grounds that: "*the proposed development, if it were to proceed, would result in significant harm to the landscape character and value of the National Scenic Area*";

- concerns are expressed with respect to perceived breaches of planning conditions and planning regulations by the Applicant at sites it operates elsewhere; and
- Planning Committee is encouraged to consider this application within the context of an assessment of the wider siting and management of poultry rearing within the Upper Tweed Catchment area; and particularly in relation to the disposal of manure within a 25 year manure management plan; and to seek input from the Plant and Animal Health Agency (PAHA) with respect to the potential to control avian flu.

The representation in support, considers that: (i) the building meets modern standards and regulations within egg production; (ii) would be well-screened in views from the main road, behind the existing building; (iii) would be appropriately accessible from the public road; (iv) would not increase traffic significantly; (v) would with appropriate finished materials, not have any intrusive landscape and visual impacts; and (vi) would bring employment and contribute positively to the local economy.

Copies of all third party representations are available for Members to view on the planning pages of the Council's website.

## **APPLICANTS' SUPPORTING INFORMATION**

Although an environmental statement was provided at the time of the previous planning application for the poultry shed to the east, no equivalent information was supplied in support of the current application. However, in response to SEPA's concerns that insufficient information had been provided to it for its review to establish whether or not the proposal would require to be made the subject of a Pollution Prevention and Control (PPC) permit application, a supporting statement prepared by the Scottish Agricultural College, has more recently been provided.

## **CONSULTATION RESPONSES:**

### **Scottish Borders Council Consultees**

**Archaeology Officer:** considers that further to the 2009 discovery of prehistoric archaeology made at the time of the archaeological investigation relating to the now established poultry building, there is a moderate to high possibility that further prehistoric features, finds or deposits exist on the current application site. It is therefore recommended that the site should be stripped of top-soil under archaeological supervision in advance of development and in accordance with a Written Scheme of Investigation (WSI) for a 'Strip, Map and Record' investigation and at least two weeks in advance of further ground works relating to the development. Any finds, features or deposits of archaeological significance encountered would have to undergo post-excavation research and publication if warranted and in agreement with the Council. A planning condition to achieve this is recommended. Within a subsequent response, the Archaeology Officer notes the advice of the Applicant's Supporting Statement that: *'should any other features become apparent during the construction phase, J P Campbell and Sons Ltd will undertake to inform the relevant authorities'*. However, it is considered that this is an inadequate form of mitigation, which is inconsistent with current policy and which would not address the concern that appropriate mitigation

should be provided. Accordingly the need for an appropriate archaeological investigation to be required by planning condition is maintained.

**Ecology Section:** seeks a proportionate Ecological Impact Assessment for otter, badger and breeding birds and other protected species and habitats, ahead of the commencement of development at the site, along with the submission and approval of a Landscape Habitat Management Plan, including measures to compensate for habitat loss and enhance existing habitats. It is noted that SNH has objected on the grounds that an Appropriate Assessment would be required with regard to a likely significant effect on the River Tweed SAC/SSSI from surface water and foul water run-off to the Cloyhouse Burn unless appropriate and robust conditions are attached to any consent granted, to ensure the installation and operation of a surface and foul water treatment system to the satisfaction of SEPA. It is further noted that SNH has objected unless additional planting is undertaken and an ongoing woodland management regime established through a landscape management plan to mitigate anticipated significant adverse landscape and visual effects to the Upper Tweeddale NSA. It is considered that the Ecological Impact Assessment and Landscape Habitat Management and Enhancement Plan, should be informed by the advice of SNH, SEPA and the Landscape Section.

**Environmental Health Section:** advises that installations can impact on local air quality and on the amenity of nearby properties, and that to this end, the Applicants should quantify impacts from the development upon both noise and local air quality, while management plans are sought in respect of odour, noise and pests. Although it advised that this information was required in advance of the application being determined, Environmental Health has more recently advised that these matters could be addressed by planning conditions with an explicit requirement that these matters should be addressed prior to the commencement of the development's operation. There are no comments with respect to potential land contamination concerns.

**Landscape Section:** considers that the visibility of the existing building is low and that the overall impact of the proposed development on the few receptors within the surrounding landscape would not justify opposing the application. Accordingly, recommends that the application could be approved subject to an expanded mitigation planting scheme being submitted for prior approval. This should identify a strengthened landscaping treatment for the site to complement the existing planting and trees within the surrounding area. This should introduce sufficient woodland planting to strengthen the visual backdrop to the building and connect across the landscape to the existing bands of woodland, to constitute a shelter belt setting for the building. This would appropriately encompass a broadening/extension of the woodland to the south, along the Cloyhouse Burn; a more substantial band of planting to the west of the proposed building, wrapping around the building to the north; then linking visually with the wider surrounding landscape. With such planting in place, it is anticipated that in time, the longer term visual effects of the proposal would be effectively mitigated. The development would be visible in the short term, but in the longer term, once the planting has become established, it would become integrated into the wider landscape. An illustrative plan as to where it is considered additional tree planting is required to address the landscape and visual impacts of the proposal has been supplied by the Landscape Section. It further considers that since the proposal would rely on the conditions imposed on the previous development 08/00256/FUL for successful mitigation, the same conditions should also be applied to any approval of the current proposal. More

recently, in a follow-up consultation response, the Landscape Section advises that the mitigation planting details should be submitted before the application is determined.

**Roads Planning Section:** advises that the site is adequately serviced, and has no objections. Given the implementation of the improvements to the local road network that were required and delivered under the planning consent for the existing poultry shed, there are no concerns over the access arrangements to the proposed poultry unit. Any increase in traffic movements as a result of the second unit would be negligible. It is anticipated that egg collection, deliveries etc. to and from both units, existing and proposed, would most likely occur at the same time, therefore minimising/mitigating any impacts upon the public road.

### **Statutory Consultees**

**Manor, Stobo & Lyne Community Council:** raises the following concerns:

- Proposal is contrary to Planning Policy EP1 and Structure Plan Policy N10 with respect to the impacts upon the NSA;
- Insufficient social, economic or employment benefits would be derived from the proposal to justify any departure from planning policies that seek to conserve the landscape character of the NSA;
- It is considered that insufficient attention has been paid to the impact in views beyond those from the valley floor and public road (B712) and that the Reporter at the time of the determination of the last application at appeal, neglected to take full account of landscape and visual impacts from surrounding hills including from the John Buchan Way;
- Existing sheds are reflective in sunlight;
- Community Council questions whether the existing landscaping complies with the landscaping plan approved at the time of the appeal decision;
- There would be an unacceptable cumulative landscape and visual impact in association with the existing poultry shed building;
- Advised that new and additional tree planting would not remove its objection or mitigate its concern due to the length of time new tree planting would take to become established (around 20-25 years) relative to the expected operational time of a poultry shed which it is advised is no more than 20 years;
- Expresses concerns at amount and level of effluent that there would be at the site in the event of approval, and queries what arrangements would be in place for management and regulation of this effluent on-site. It is advised that some form of on-site treatment would be required, and that the planning implications of this treatment have not been fully considered in planning terms; and
- The Community Council notes the need for an Environmental Management Plan to be submitted to address SEPA's PPC regulations and considers that it should be consulted on the environmental management plan for the site.

**SEPA:** has no objection. It notes that the site is not currently regulated by SEPA as the capacity of the existing shed falls below the threshold requiring a permit under the Pollution Prevention and Control Regulations (PPC). However, the new shed would increase the total number of birds on the site to 64,000; and as such, the threshold of 40,000 birds would be exceeded and a PPC permit would be required. It is advised that the Applicant would be required to apply to SEPA for a PPC permit. It is advised what the application for a permit should consider in line with the Standard Farm Installation

Rules for Intensive Agriculture PPC permitted sites. This includes slurry and manure storage; odour management; noise management; drainage; and decommissioning. It is advised that it is the Applicant's responsibility to ensure that there is consistency between the proposal that is the subject of the planning application and the operation that would be described by the details required within the PPC permit application. It is additionally advised that the site might be at risk of flooding due to the proximity of a nearby watercourse and due to the steepness of surrounding terrain, also surface water flooding, and that the Applicant should consider incorporating flood resistant and resilient measures within the design and construction.

**Scottish Natural Heritage:** maintains conditional objections, firstly, in relation to potential impacts upon the River Tweed Special Area of Conservation (SAC) unless the proposal is subject to planning conditions which ensure that there is satisfactory treatment of surface and foul water to the satisfaction of SEPA; and secondly, in relation to potential impacts upon the Upper Tweeddale National Scenic Area (NSA), unless the proposal is subject to planning conditions which secure the mitigation measures proposed in the application, plus additional landscape planting.

With respect to the management of surface and foul water drainage, SNH notes that the existing poultry shed at Easter Haprew operates on a similar treatment system to that proposed, and that the details of the existing system were subject to approval through conditions on the previous planning permission. SNH advises that it would object to the proposal unless any permission granted is now made subject to conditions that ensure the implementation of the required water treatment to the satisfaction of SEPA.

With respect to the mitigation of the landscape and visual impacts, SNH seeks additional new planting to supplement that which is already proposed by the Applicant, as an essential requirement for mitigation of the impacts of the building in the medium to long term. It further requires that the new tree planting should be made subject to an on-going management regime that ensures a regular programme of silvicultural management to ensure the woodland fulfils its intended role, to be achieved through a landscape management plan. The first consultation response includes an appendix setting out what it considers the new planting should achieve and provides guidance on how it is considered this would be most effectively addressed.

It is acknowledged by SNH that the landscape and visual impacts would be liable to be significant and adverse in the short-term during and in the period immediately following construction, but that the establishment of the new planting sought would in time reduce these residual effects to not being significant.

It notes the need for checking surveys for protected species to be carried out before development starts, with species protection plans prepared and submitted to the Local Authority if these are required.

## **DEVELOPMENT PLAN POLICIES:**

### **SES Plan Strategic Development Plan 2013**

### **Adopted Scottish Borders Local Development Plan 2016**

PMD1 - Sustainability

PMD2 - Quality Standards  
ED7 - Business, Tourism and Leisure Developments in the Countryside  
HD3 - Protection of Residential Amenity  
EP1: International Nature Conservation Sites and Protected Species  
EP2: National Nature Conservation Sites and Protected Species  
EP3: Local Biodiversity  
EP4: National Scenic Areas  
EP5: Special Landscape Areas  
EP8: Archaeology  
EP13: Trees, Woodlands and Hedgerows  
EP15: Development Affecting the Water Environment  
EP16: Air Quality  
IS5: Protection of Access Routes  
IS7: Parking Provision and Standards  
IS8: Flooding  
IS9: Waste Water Treatment Standards and Sustainable Urban Drainage  
IS13: Contaminated Land

#### **OTHER PLANNING CONSIDERATIONS:**

Scottish Planning Policy

#### **KEY PLANNING ISSUES:**

- Whether or not the proposed poultry building, and/or its operation, would in isolation, or culmination with the existing poultry building to the east, have any unacceptable adverse effects on the environment and/or amenity of the site and surrounding area, including upon the landscape character and quality of the National Scenic Area; upon the River Tweed SAC and SSSI; and/or upon the amenity of any surrounding residential properties.

#### **ASSESSMENT OF APPLICATION:**

##### **Planning Policy**

Although the building is of a large scale compared to most farm buildings, poultry rearing, including intensive poultry rearing is in its nature, only appropriately accommodated in the countryside. Positive regard can also be had to the contribution that such an enterprise can make to the rural economy, including employment opportunities within the local area. Accordingly, this proposal raises no concerns in principle. The assessment of the proposal is from this point, reasonably confined to a consideration of the specific impacts upon the environment and amenity of the site and surrounding area which would be liable to occur as a consequence of siting and operating this specific proposal in this specific countryside location.

##### **Design and Layout**

The design and layout of the site are functional, and align with the proposal's use and operation as a poultry shed. These aspects of the development are not objectionable subject to planning conditions being imposed, to address certain matters that do require additional detail to be provided.



Firstly, there is a need to ensure that the appearance of the building and its ancillary structures would match as closely as possible the appearance of the existing building to the east and its ancillary structures. However, concerns have been raised by objectors that the external finishes should not be highly reflective or shiny. Given that the proposed building would be located higher in the landscape than the existing building, there is a concern to ensure that highly reflective surfaces should be minimised, if not omitted altogether. To this end, details of the finished appearance of the external surfaces of the building and ancillary structures would be appropriately submitted for further consideration.

Secondly, no details have been provided with respect to the siting and appearance of the proposed emergency generator set or any housing or bunding required to contain it. Although this is liable to be a relatively small component at the site, these details would in the event of approval need to be established ahead of the commencement of development. This requirement might be combined with that for the wetlands which are also not sufficiently well-described in the supporting details.

Thirdly, there is a need to require that the finished levels within the site should be provided for prior approval, since the levels information is somewhat basic and in any event, requires to be related to data that can be checked and verified on site. To this end, and in the event of approval, a condition should be attached to require that sufficient details should be provided in advance of development being commenced. This is in the interests of ensuring that levels are not raised to any unacceptable height(s), which might exaggerate its prominence within the landscape beyond that which is strictly necessary.

Fourthly, there is a need to ensure the implementation and maintenance of new tree planting to address the concerns of the Landscape Section and SNH. These matters are considered below, within the next section.

### **Landscape and Visual Impacts**

The proposal consists of the erection of a large poultry shed with associated feed silos and hard standings and gravelled access track. The proposed sheds and road infrastructure would also require cut and fill earthworks which are a further impact upon the landscape form, and its visual amenities, beyond that of the building itself.

Objectors consider that the introduction of such a large, even industrial type, of building and all associated works would have the potential to create significantly adverse landscape and visual impacts. Some consider that these impacts would not be negated even if extensive tree-planting were required and carried out in the vicinity of the site to soften, if not in time interrupt, views from the surrounding landscape.

The site is located within the Upper Tweeddale National Scenic Area and is therefore visually sensitive. Paragraph 212 of Scottish Planning Policy requires that development that affects a National Scenic Area, should only be permitted where the objectives of the designation and the overall integrity of the area would not be compromised.

The proposed shed would be visible from principal receptors, particularly the B712 public road (where the effects should be limited mostly to short sections close to the entrance

of Easter Happrew Farm) and in the panoramic views from across the valley from the more elevated John Buchan Way, particularly from the sections above Easter Dawyck Farm. The distance from other sensitive receptors such as residential properties, is much greater, and therefore the impacts upon these are considered by the Landscape Section to be minimal. However, in closer proximity, and certainly from land of equivalent elevation or higher, the proposal is liable to be mostly or entirely visible behind the existing poultry shed building. This is at least until the existing tree planting along the farm track attains significantly greater height. However, there are concerns with respect to the proposed appearance of the site from sensitive receptors, particularly from more elevated vantage points. The building would appear as a large, elongated structure, prominently located within the local landscape, rising above an existing building of equivalent size, which may contribute to a greater cumulative impact.

Both the Landscape Section and Scottish Natural Heritage acknowledge that in the short to middle-term, the lack of established trees in close proximity to the site would mean that the siting of such a large and visible building would inevitably have a significantly adverse landscape and visual impact. However, subject to the successful implementation and maintenance of additional landscaping, it is considered that the landscape and visual impacts of the proposal, cumulative or otherwise, would not be unacceptable.

Extensive new tree planting is required in the form of a framework of woodland shelter belts around the site in order to remain in character with local landscape form. Advice from the Council's Landscape Architect and SNH suggests the need for new areas of tree planting to be established to the south, to link the existing newly planted areas to the east and the more established trees to the southwest. In time this should form an effective screen to soften and eventually interrupt views from the south, including from the John Buchan Way. The planting would constitute a backdrop of wooded shelter-belts in views of the building from the south, east and north, including from more elevated vantages; into which a recessively coloured building at least, would be capable of receding visually.

In summary, with the addition of new tree planting forming a continuous framework of woodland shelter-belts it is material that existing landscape features will combine to limit views of the building from the surrounding landscape. Once effective the proposed planting would minimise visual intrusion and should address and arrest any perception that the quality of the landscape had been degraded.

The Landscape Section has expressed concern that since the proposal would rely on the newly established planting delivered under the consent for the existing poultry building the same conditions should be applied to any approval of the current proposal. However, given that this planting is regulated under the conditions of the existing consent, there is no reasonable or necessary requirement to do this so directly. One point of note in this respect though, is the impact upon this tree belt of the proposed new access. This would require the removal of a section of these new trees to allow the physical accommodation of the junction. Given that only a section of the tree belt would be impacted, the principle of this access being accommodated as proposed raises no concerns. However, the Applicant would reasonably be required to provide the detail of how the new access would be accommodated relative to the trees, to prevent any exaggeration of any tree removals. It should be sufficient only to allow the safe and efficient management of vehicular traffic.

Within the site, there would reasonably be some concern with respect to the finish of all altered ground levels, which should be actively re-seeded to avoid any unsightly areas of bare earth which might otherwise be left-over. These areas should be actively managed and actively seeded to ensure an appropriate finished appearance. This would be particularly important in the years when any new tree planting were still becoming established and views of the interior of the site were readily visible from sensitive receptors.

It would also reasonably be required that existing trees that are to be retained should be protected accordingly and for the duration of construction works. Again, this matter is capable of being addressed by the imposition of an appropriately worded planning condition.

### **Road Safety, Access and Parking**

Since the road has already been upgraded to accommodate the operation of the existing poultry unit, the Roads Planning Section is content that no further works are necessary. Accordingly, there are no concerns with respect to road safety or traffic movement.

### **Residential Amenity**

With respect to the regulation of potential nuisance impacts, SEPA has confirmed that the proposed shed would result in an overall capacity of stored birds (cumulatively with the existing shed) which would require to be licensed under PPC. Accordingly, it is reasonable to anticipate that the operation of the site would be regulated by SEPA directly.

However, if the site (either separately or cumulatively) is not regulated by SEPA on account of the total number of birds, it would be appropriate to ensure that the site's operation is controlled by appropriately worded planning conditions as requested by Environmental Health in order to cover areas of concern including, but not limited to noise and air quality impacts and pest management. In this way, there would be no unacceptable impacts upon the amenity of any surrounding residential properties, and sufficient flexibility would be allowed to accommodate any phasing that the Applicant ultimately proposes.

Concerns have been expressed with respect to the way that the site or other premises run by the Applicant, are currently being operated, but the determination of a planning application can only reasonably assume that the proposal would be operated in full accordance with the relevant regulations, including planning conditions. Any breaches of these regulations would only be appropriately followed up with the relevant authorities, including the Planning Authority; this includes any alleged breaches of any conditions attached to the permission for the existing poultry shed to the east of the site.

It is worth noting that the consent issued for the existing poultry building includes planning conditions that limit noise levels from plant and machinery and control vehicle movements to prescribed hours of operation. Notwithstanding the potential for overlap with PPC requirements it would be appropriate to replicate these conditions in the current development should Members be minded to approve this application.

## **Foul and Surface Drainage**

Site drainage is to be to a SUDS system to treat storm run-off from the proposed shed access and areas in hard standing, within a similar arrangement to that currently operated in relation to the existing poultry shed to the east.

SNH has advised that they would maintain an objection to the proposal unless any permission granted is made subject to conditions that ensure the implementation of the required water treatment to the satisfaction of SEPA. More particularly, it seeks the imposition by planning condition, of an equivalent requirement to that which was imposed upon the planning consent issued at appeal for the now established poultry unit building to the east.

Whilst there may be some overlap with PPC regulations it would be perfectly reasonable in this case to seek addition information in relation to foul and surface water drainage under an appropriately worded planning condition.

## **Cultural Heritage and Archaeology**

The Archaeology Officer has identified a need for mitigation in the form of a condition to require a 'Strip, Map and Record' investigation. Such a requirement would be reasonably imposed by planning condition upon any consent issued, and would not be appropriately met at the Applicant's discretion during the course of ground works, as the Supporting Statement proposes.

## **Natural Heritage**

The site lies within close proximity to the River Tweed SAC, and both SNH and the Ecology Section consider that there is potential for unacceptable impacts upon Protected Species and their habitat at the site. Accordingly, these consultees require the implementation and reporting of a proportionate Ecological Impact Assessment and the submission and approval of mitigation plans for species protection, and a Landscape Habitat Management and Enhancement Plan, including measures to compensate for habitat loss and enhance existing habitats.

No details with respect to the proposed wetland areas have in fact been provided, and would be appropriately required in this context, given the Applicant's intention that these should attract water fowl.

These measures are capable of being required and secured under appropriately worded planning conditions. There should however be a concern to ensure that such information is consistent with the details that would reasonably be required to address the landscaping concerns, including both tree planting and finished levels. Similarly, the landscaping details themselves need to be consistent with the proposals within the Landscape Management and Enhancement Plan.

## **Other Concerns**

Since the proposal has been assessed under Schedule 2 of the Environmental Impact Assessment Regulations, it would reasonably be required under condition that the

numbers of stored birds on site, could not be increased to any levels that would otherwise have required the proposal to be re-categorised as a Schedule 1 development; that is, one with an inherent requirement for the application to have been supported by an EIA. This is because no EIA has been submitted in support of this proposal, and none has ultimately been required on the understanding that the proposal is a Schedule 2 development.

Contrary to the understanding of the Community Council, the Structure Plan is no longer within the statutory development plan, and reference to its policies is therefore no longer a direct requirement of the assessment of the proposal.

## CONCLUSION

Subject to the imposition of planning conditions to address the above noted concerns, the proposal is considered not to be liable to have any unacceptably adverse impacts upon the amenity or environment of the site or surrounding area, and as such, is considered to be permissible in these terms.

## RECOMMENDATION BY CHIEF PLANNING OFFICER:

I recommend that the application is approved subject to the following conditions:

1. No development shall take place until the applicant has secured a programme of archaeological work in accordance with an approved **Written Scheme of Investigation (WSI)** outlining a **Strip Map & Record investigation. Development and archaeological investigation shall only proceed in accordance with the WSI.**

The requirements of this are:

- The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA) approval of which shall be in writing by the Planning Authority.
- If significant finds, features or deposits are identified by the attending archaeologist(s), all works shall cease and the nominated archaeologist(s) will contact the Council's Archaeology Officer immediately for verification. The discovery of significant archaeology may result in further developer funded archaeological mitigation as determined by the Council.
- Development should seek to mitigate the loss of significant archaeology through avoidance in the first instance according to an approved plan.
- If avoidance is not possible, further developer funded mitigation for significant archaeology will be implemented through either an approved and amended WSI, a new WSI to cover substantial excavation, and a Post-Excavation Research Design (PERD).
- Initial results shall be submitted to the Planning Authority for approval in the form of a **Data Structure Report (DSR)** within one month following completion of all on-site archaeological works. These shall also be reported to the National Monuments Record of Scotland (NMRS) and Discovery and Excavation in Scotland (DES) within three months of on-site completion
- The results of further mitigation of significant archaeology shall be reported to the Council following completion for approval and published as appropriate once

approved.

Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

2. No development shall commence until a proportionate Ecological Impact Assessment, informed by supplementary surveys, including a mitigation plan for the protection of otter, badger and breeding birds and other protected species and habitats as appropriate, has been submitted to and approved in writing by the Planning Authority. Any works shall, thereafter, be carried out in accordance with the approved mitigation plan.

Reason: To minimise disturbance to protected species, and their habitat; to encourage the continued use of the site by these protected species throughout and beyond the development period; and to ensure that the information required, is appropriately up-to-date at the time that works are commenced.

3. No development shall commence until a Landscape Habitat Management and Enhancement Plan, including measures to compensate for habitat loss and enhance existing habitats has been submitted to and approved in writing by the Planning Authority. Any works shall thereafter be carried out in accordance with the approved scheme.

Reason: To minimise disturbance to existing habitats and to ensure appropriate levels of protected species habitat enhancement.

4. Notwithstanding the details supplied in support of the planning application, no development shall commence until a Landscape Management Plan (including a planting plan) which includes provision for:

(a) the re-seeding of grass on all areas of ground at and around the site which is altered or otherwise impacted to accommodate the poultry building hereby approved, its yard and/or site access; and

(b) the planting of new trees and new shelter belts of trees;

has first been submitted to, and approved in writing by, the Planning Authority. The approved landscape plan shall be implemented before the end of the first planting season following commencement of operation of the poultry unit hereby approved.

Reason: In the interests of enabling the development to be accommodated as sympathetically as possible into its wider surroundings.

5. Notwithstanding the details supplied in support of the planning application, the development hereby consented shall not be commenced until a scheme of details has first been submitted to, and approved in writing by, the Planning Authority, which describes:

(i) the proposed finished floor levels of the poultry building hereby approved and of all its ancillary structures (including the silos); the proposed surface levels of the new access road; and of the new yard/forecourt areas;

(ii) the existing and proposed finished ground levels throughout the site; and

(iii) a clearly identifiable datum point, or clearly identifiable datum points, located outwith the site and sufficient for the purpose of establishing the heights of the proposed finished floor and surface levels and the existing and proposed ground levels relative to the level of the surface of the existing area of hard standing associated with the existing poultry building to the east of the site.

Thereafter the development shall only be implemented in full accordance with the approved details.

Reason: To ensure that the consented development does not have any unacceptable impacts upon the appearance of the surrounding landscape as a consequence of the ground levels within the site being raised or lowered to any inappropriate heights.

6. Notwithstanding the details supplied in support of the planning application, no development shall commence on the development until full details of the following have all first been submitted to, and approved in writing by, the Planning Authority:
  - i. the siting and finished appearance of the generator and any associated housing or bunding;
  - ii. the precise form, including sectional profiles of the wetland areas;
  - iii. the materials and finishes of the external surfaces of the poultry shed and all its ancillary structures (including the feed silos, roof vents, and generator).
  - iv. Thereafter, the development shall only be implemented in accordance with the approved details.

Reason: To ensure a satisfactory finished appearance for the poultry shed building, its associated structures, and its site, and in the interests of ensuring that the development does not have any unacceptable landscape and visual impacts.

7. Notwithstanding the details submitted in support of the planning application, and unless otherwise agreed in writing and in advance by the Planning Authority, no development shall commence prior to the submission to, and written approval by, the Planning Authority in consultation with SEPA, of a detailed scheme for the water supply and for all foul and surface water drainage, including that from roof areas, hard-standings and the access roads. This shall include the results of percolation tests, the written reports of which shall be submitted to the Planning Authority at least two months before development commences

Reason: To control carefully and limit all environmental impacts which cannot be left any more open-ended and to address SNH's concern that the Planning Authority in consultation with SEPA, should have control over this matter.

8. Notwithstanding the details submitted in support of the planning application, the development hereby approved shall not be commenced until schemes of details sufficient to address the following concerns, have all first been submitted to, and approved in writing by, the Planning Authority:

- (i) the quantification of the impact of the operation of the poultry farm on local air quality, with reference to the 'Scottish Air Quality Limits and Objectives';
- (ii) the quantification of the noise impacts liable to be generated by the operation of the poultry farm; and
- (iii) management plans to address how air quality and odour impacts; noise impacts; and pest control would all be managed at the site.

Thereafter, and following approval of all of the above, the poultry shed shall not become operational, or be operated, other than in full accordance with the approved management plans.

Reason: To protect the amenity and environment of the surrounding area, including neighbouring residential properties, by ensuring that the operation of

the poultry shed hereby approved, has no unacceptable impacts upon air quality and/or noise impacts for the duration of the operation of these premises.

9. The poultry building hereby approved shall not accommodate any greater number than 85,000 birds in the case of broilers, or 60,000 in the case of hens.  
Reason: To retain effective control of the development which has been assessed under Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. Accordingly, the number of places for birds stored within the poultry building should not be increased to any level above that which would otherwise have required the scheme to have been assessed under Schedule 1 (and not Schedule 2) of the aforementioned EIA Regulations at the time of the determination of the planning application.
10. Notwithstanding the details supplied in support of the planning application, no development shall commence until a scheme of details has first been submitted to, and approved in writing by, the Planning Authority, which describes the accommodation of the new site access in relation to the trees of the newly planted shelter belt within the east of the site. This shall identify the trees for removal, and all measures (such as fencing and any verge treatment) that would be established to protect all retained trees from overrunning by vehicles and/or their trailers using the junction.  
Reason: To maintain appropriate control over an aspect of the development that has been insufficiently described within the supporting details and to ensure that appropriate measures are in place to protect retained trees from damage by any and all vehicles that use the junction to access or exit the site.
11. Excepting any trees whose removals are agreed in writing by the Planning Authority, no other trees at the site or along its boundaries shall be removed, lopped, lifted or damaged in any way before or during construction without the prior written agreement of the Planning Authority. Furthermore, and for the duration of development, all existing trees shall be fully protected in accordance with the requirements of BS 5837:2012 and all measures required on-site to protect these trees for the duration of construction works, shall be maintained in full accordance with the requirements of BS 5837:2012. Further, there shall be no storage of plant or machinery within the Root Protection Areas (RPAs) of these same trees, and there shall be no services installed within their RPAs unless such works are compliant with NJUG Guidelines.  
Reason: In the interests of preserving the health and vitality of the existing trees, the loss of which would have an adverse effect on the visual amenity of the area. The existing trees represent an important visual feature which the Planning Authority considers should be substantially maintained in the interests of conserving the visual amenities of the site and surrounding area.
12. At no time shall noise from fixed plant and equipment exceed NR30 within any noise sensitive dwelling.  
Reason: In the interests of residential amenity in the neighbourhood and to ensure consistency with Appeal Consent PPA-140-429 specifically with respect to the operation of an equivalent requirement under a planning condition attached to that planning permission.



13. During development and operating all vehicle movements to and from the development shall be within the hours 0700-2200 unless in cases of emergency. Reason: In the interests of residential amenity in the neighbourhood and to ensure consistency with Appeal Consent PPA-140-429 specifically with respect to the operation of an equivalent requirement under a planning condition attached to that planning permission.

## INFORMATIVES

1. The poultry shed building hereby approved should be finished in as matt, non-reflective materials as possible, in the interests of not drawing attention to the building through any excessive glare. This concern extends as much to the main building as the ventilation housings on the roof and also the silos, which would be particularly prominent features within views of the site from the surrounding landscape.
2. There is an overhead powerline within or near the eastern boundary of the site. The Applicant should liaise with the relevant utility operator to ascertain whether or not the proposed layout would raise any concerns for the operator in case the latter would have any concerns about works within this proximity to the powerline.

## DRAWING NUMBERS

Plan Ref	Plan Type
141016/03	Location Plan
141016/04	Site Plan
141016/02	Elevations
141016/01	Floor Plans
7755/05	Sections

## Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning Officer	

The original version of this report has been signed by the Chief Planning Officer and the signed copy has been retained by the Council.

## Author(s)

Name	Designation
Stuart Herkes	Planning Officer



16/01377/FUL

Easter Haprew  
Peebles

