

**SCOTTISH BORDERS COUNCIL**

**PLANNING AND BUILDING STANDARDS COMMITTEE**

**5 OCTOBER 2020**

**APPLICATION FOR PLANNING PERMISSION**

<b>ITEM:</b>	<b>REFERENCE NUMBER:</b> 20/00390/FUL
<b>OFFICER:</b>	Mr C Miller
<b>WARD:</b>	Mid Berwickshire
<b>PROPOSAL:</b>	Erection of 4 No poultry buildings together with associated infrastructure including link corridor, store rooms, egg packing facilities, staff facilities, loading bay, installation of 4 No feed bins, underground dirty water containment tank, drainage attenuation pond and formation of new access
<b>SITE:</b>	Falsidehill Farm, Kelso
<b>APPLICANT:</b>	Mr Stuart Ramsey
<b>AGENT:</b>	Ian Pick Associates Ltd

**PLANNING PROCESSING AGREEMENT**

A Planning Processing Agreement exists for extension to decision up until 5 October 2020.

**SITE DESCRIPTION**

The site is located on agricultural land, lying west of Hume and south-east of Gordon. The site is part of Falsidehill Farm, the farmhouse and steading grouping lying approximately 800m to the north-east. Other isolated steading groupings lie around the site at similar distances, notably Hardiesmill and Stenmuir. Hume village is the closest settlement 2.7km to the east. The site does not lie within any landscape or historic land designation, albeit the boundary of Mellerstain Historic Garden and Designed Landscape lies to the south-west, mainly on the opposite side of the A6089.

The northern boundary to the site is bounded by a minor public road which connects Hume and other farms and houses with the A6089. The site is prime quality agricultural land apart from the lower southern half of the site. There is a slight drop in the ground from north to south and from west to east, with small burns to the south and east boundaries. A dry stone dyke runs along the roadside and down the western side, other boundaries consisting of hedging.

Scheduled Monuments lie to the south and east, comprising Hareheugh Craigs, Sweethope Hill and Hume Castle, Hareheugh Craigs being the nearest at 1.25km. Hareheugh Craigs is also a Site of Special Scientific Interest (SSSI). Further SSSIs lie at Lurgie Loch 850m south of the site and Sweethope Hill 2km south-east.

**PROPOSED DEVELOPMENT**

The application is submitted for full planning permission to construct a poultry farm for the purpose of producing fertile eggs for hatching. Four buildings are proposed accommodating 37,060 hens and cockerels in total. The operation involves delivery of

birds at 17 weeks of age, then operated for a flock cycle of 48 weeks. Following this, the birds are removed and the buildings cleaned over a period of four weeks before a new flock is introduced. During the four week period, poultry manure will be disposed of via covered trailers away from the site and the site washed with high pressure hoses.

The main buildings are on a north-west/south-east axis, each building approximately 92 x 16m with a ridge height of just over 5m. A link corridor and other rooms for egg packing, storage and staff connect the four buildings at the northern end. The overall floor area of the built development totals 6777 square metres. The development also incorporates a loading bay, tool store, four feed bins to the north-eastern corner of the buildings, underground dirty water tank and a drainage attenuation pond.

The buildings will be clad in olive green polyester coated profile sheeting to the walls and roof, the base course being formed in concrete. The feed bins will also be clad in green plastic. The buildings are to be fitted with ridge mounted ventilation fans in black plastic. The site section indicates a small amount of cut at the western end and fill at the eastern end. The intended floor level and existing site levels also indicate a similar cut and fill intention north-west to south-east, the amount of fill being less than a metre at its greatest extent.

Landscaping is proposed in the form of planted bunding around all boundaries, the bunding varying in depth from 17-42m, undulating in height and planted with a variety of trees and shrubs, bordered by hedgerows.

Access to the site will involve two accesses onto the minor public road running along the northern boundary, dedicated as an "in" and "out". The existing stone roadside wall will be kept between and beyond the access points. Visibility splays of 2.4m by 215m are intended in both directions. A concrete yard is designed to the northern and southern ends of the buildings with perimeter tracks.

The Design and Access Statement anticipates limited commercial traffic associated with the development, mostly grouped around the end/start of the flock cycle when 10 HGV movements are envisaged bringing in and taking away birds, together with 52 tractor/trailer movements dealing with the poultry manure and dirty water. During regular operation, no more than six movements per week are envisaged by HGV relating to egg collection, feed delivery and fallen stock removal. All HGV traffic will be from the A6089 to the south-west and not via Hume from the east.

The application is classed as a 'Major' development under the Hierarchy of Developments (Scotland) Regulations 2009. The applicants publicised and held a public event prior to the application being submitted (held pre-Covid lockdown) as well as consultation with Greenlaw and Hume Community Council and Westruther and Gordon Community Council.

The outcome of the public consultation exercise has been reported in a Pre-Application Consultation Report (PAC) submitted with the application. Following queries from this Department, an addendum to the PAC was submitted with further detail of the community engagement. The requirements of the Development Management Procedure (Scotland) Regulations 2013 have now been satisfied.

In addition to the submitted plans and drawings, there are also statements and reports in support of the application, as follows:

- Ammonia Assessment
- Design and Access Statement

- Preliminary Ecological Appraisal
- Flood Risk and Drainage Assessment
- Landscape and Visual Impact Assessment
- Noise Impact Assessment
- Odour Assessment

## **PLANNING HISTORY**

Planning permission for a cattle shed was approved on the northern roadside boundary of the site in 2006. The building was intended to be 7m to ridge and measuring 36 by 18m. Although the building was isolated from Falsidehill Farm steading, the location was accepted subject to planting and appropriate colouring.

## **CONSULTATION RESPONSES:**

### **Scottish Borders Council Consultees**

**Roads Planning:** No objections but there will need to be improvements to the public road leading to the A6089 by means of four passing places, details agreed by condition. Conditions also to cover the access details into the site and surface water interception.

**Environmental Health:** No objections, noting that the Noise and Odour Assessments predicted negligible impacts on nearby residential amenity. Initially sought further information on lighting and raised questions over the poultry manure disposal methods. Upon receipt of responses, accepted the varied route of the poultry manure removal but seeks condition to ensure trailers are covered and that lighting would still be controlled by environmental protection legislation.

**Landscape Architect:** Initially required an amended landscaping plan. Accepted the LVIA findings generally and that the main impacts will be from the minor road passing the site. Agrees that with the scale of the landscape, distance from property and subject to suitable colouring, proposals are minimised in terms of visual impact. However, planting and bunding details needed including cross sections and bunding extent/shape. Birch and Willow recommended for new planting mix.

Upon receipt of amended plans, raised issues over the roadside drystone dyke, hedging, variation of bund height and slopes, cell grown new planting, deer protection and addition of Birch. After further amendments, accepts the proposals subject to further variation and amendment by condition, including to the shape and localised height of the bunding, tree mix, no variations without approval, existing hedgerow retention and details of walls, gates and signage at the site entrance. Recommends conditions including replacement of defective planting and a maintenance programme.

**Flood Protection:** No objections. Notes submitted Flood Risk and Drainage Assessment and that the site is out with the 1 in 200 year flood risk from watercourses but is slightly more at risk from surface water flooding. Asks for clarity on attenuation, greenfield run-off, culvert crossings and flood risk protection.

**Ecology Officer:** No objections but whilst the Ammonia Assessment appears to confirm acceptable impacts on Lurgie Loch SSSI, no such impacts are assessed for Hareheugh Craigs SSSI which is part of a local biodiversity site. As this has grassland interest, impacts of ammonia should also be assessed in an amended report. Accepts the findings of the Preliminary Ecological Appraisal and the mitigation intended for

limited wildlife impacts, including provision for bats, breeding birds and hedgehogs. Requires conditions covering Species Protection and Biodiversity Enhancement Plans. Upon receipt of revised Ammonia Assessment, notes that impacts are within acceptable levels at Hareheugh Craigs and Sweethope Hill SSSI and local wildlife/biodiversity sites and also notes that SNH envisage no significant impacts.

**Archaeology Officer:** No direct archaeological impacts expected based upon the site location but concerns over visual impacts on Scheduled Monument at Hareheugh Craigs. Requested further visual information in the form of photographs from the asset looking towards the site and also that Historic Environment Scotland should be consulted. Upon receipt of photographs, believes that whilst the development will be visible from Hareheugh Craigs and Hume Castle, there will be little impact on setting and also notes the views of Historic Environment Scotland in that respect. Landscape screening and cutting in the building would reduce any impacts further.

**Economic Development:** Response awaited.

### **Statutory Consultees**

**Historic Environment Scotland:** No objections, the proposals do not raise issues of national significance. In terms of impacts from Hareheugh Craigs and Hume Castle Scheduled Monuments, accepted that the settings will take in the land including the development and that some of these settings are wide and low-lying in comparison with the elevated position of the assets. However, whilst the development will be visible, there are other large farm buildings in the area and the development will not challenge the dominance of the assets nor interrupt key views or landscape features. Mitigation will minimise impacts further through careful choice of materials and colours.

**Scottish Natural Heritage:** No objections. Both Lurgie Loch and Hareheugh Craigs SSSIs are not impacted to any qualifying extent and, thus, the proposal raises no national interest.

**Scottish Water:** Response awaited.

**SEPA:** Initially objected to the application on grounds of lack of drainage information and flood risk. Watercourses are small in the area with very limited dilution and information on foul water treatment and SUDs is inadequate. The Flood Risk Assessment is also inadequate as it has only drawn from flood risk maps and would not take into account the impacts from the watercourses to the east and south. A full assessment is needed. Also clarifies that ammonia and odour impacts are a matter for the Council and lists the other controls regulated by SEPA for intensive agriculture.

When a revised Flood Risk Assessment was received, maintained objection as there was still no acceptable derivation of accurate 1 in 200 year flood levels nor an appropriate finished floor level.

Sent a further revised Assessment and views awaited at the time of writing this report.

**Greenlaw and Hume Community Council:** Although noting job creation, expresses concerns over:

- Visual intrusion of buildings
- Prevailing wind and emissions having negative impact on Hume and area
- Traffic generated would need passing places to the A6089

- Hume would see an increase in traffic
- After care proposals needed if use ceases

**Westruther and Gordon Community Council:** response awaited

## **REPRESENTATION SUMMARY**

Objections have been received to the application from 12 properties and households. There was also a petition received with approximately 22000 names contained on it. These can be viewed in full on the Public Access website and the main grounds of objection include the following:

### Policy

- Contrary to LDP Policies including ED7

### Welfare

- Concerns over poultry farming, cruelty, welfare and suffering of birds
- Concerns over disease, human health and pandemic connections

### Traffic/Transport

- Road system inadequate to safely cater for increased traffic, being narrow, poor condition and lacking passing places
- Potential structural damage to Hume Castle from vehicle movement

### Amenity

- Significant air pollution and ammonia will affect residential amenity, from operation and transfer of manure
- Prevailing wind will carry pollution to Hume

### Landscape/visual impact

- Large industrial scale of buildings being a poor rural and landscape fit and adverse environmental visual impact.
- Impacts from spectacular westwards view from Hume Castle and elevated land, looking down on sheds in an unspoilt vista.
- This view previously considered important by SBC Archaeology.
- Landscape screening will be ineffective from elevated views.
- Impacts from Hareheugh Craigs

### Other matters

- Detrimental impacts on drainage and pollution of watercourses from operation waste
- Concern over precedent and future expansion if consent granted
- Despite Covid-19, a site visit is essential to understand the impacts
- Potential detrimental effects on local ecology and wildlife from ammonia emission, including Hareheugh Craigs
- Detrimental impacts on tourism

## **DEVELOPMENT PLAN POLICIES:**

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

PMD1 Sustainability  
PMD2 Quality Standards  
ED7 Business, Tourism and Leisure Development in the Countryside  
ED10 Protection of Prime Quality Agricultural Land and Carbon Rich Soils  
HD3 Protection of Residential Amenity  
EP1 International Nature Conservation Sites and Protected Species  
EP2 National Nature Conservation Sites and Protected Species  
EP3 Local Biodiversity  
EP8 Archaeology  
EP10 Gardens and Designed Landscapes  
EP13 Trees, Woodlands and Hedgerows  
EP15 Development Affecting the Water Environment  
EP16 Air Quality  
IS4 Transport Development and Infrastructure  
IS7 Parking Provision and Standards  
IS8 Flooding  
IS9 Waste Water Treatment Standards and Sustainable Urban Drainage

### **OTHER PLANNING CONSIDERATIONS**

SESpplan Strategic Development Plan 2013  
Scottish Planning Policy 2014  
National Planning Framework 3 2014  
PAN 39 Farm and Forestry Buildings 2008  
PAN 61 Planning and Sustainable Urban Drainage Systems 2001  
SPG Landscape and Development 2008  
SPG Placemaking and Design 2010  
SPG Biodiversity 2005  
SPG SUDS 2020

### **KEY PLANNING ISSUES**

The main determining issues with this application are impacts on landscape, residential amenity, biodiversity, cultural heritage, road safety and the water environment, and compliance with relevant Local Development Plan Policies and Supplementary Planning Guidance.

### **ASSESSMENT OF APPLICATION**

#### Planning Policy

The application should be mainly assessed against Local Development Plan Policy ED7 (Business, Tourism and Leisure Development in the Countryside). Policy ED7 aims to enable employment generating rural development whilst protecting the environment and ensuring development is appropriate for a rural location. The policy is supportive of development that would be used directly for agricultural operations or for uses which, by their nature, are appropriate to the rural character of an area. The policy requires such development to respect the amenity and character of the surrounding area and have no significant adverse impact on nearby uses, particularly housing.

The Council have previously accepted poultry developments within rural locations as being appropriate, subject to impacts not being adverse and able to be satisfactorily mitigated. Indeed, on a number of appeal decisions, Reporters have concluded that poultry developments satisfy the overarching requirements of Policy ED7, in that the Policy is not worded to preclude large scale agricultural developments in rural locations, provided adverse impacts can be avoided or mitigated.

Policy ED7 does require new business development in the countryside to be accompanied by a business case to support the proposal. The submitted Design and Access Statement details the business background which involves the landowner diversifying from his 675 acre cattle farm at Falsidehill to create a fertile egg production business. The applicant contends that as the proposal relates directly to an agricultural use and it is accepted that this is in compliance with the principle of Policy ED7.

Whilst large scale poultry developments are not fundamentally incompatible with a rural location, they can increase the usual impacts associated with standard agricultural developments. This report assesses those impacts on the environment.

A number of the objections, together with the petition, question moral and welfare issues associated with intensive poultry units. Whilst Members may note the concerns expressed, such matters are not for consideration within a planning application and relate more to national policy and statutory regulations governing the operation of such uses. The planning application must be judged on the provisions of the Development Plan and any other material planning considerations only.

#### Prime Quality Agricultural Land

Scottish Planning Policy defines Prime Agricultural Land as being within Class 1, 2 or 3.1 in the James Hutton Institute's 'Land Capability for Agriculture' records. Scotland's Environment Map shows that the northern part of the site is identified within Class 3.1, meaning it is capable of producing consistently high yields of a narrow range of crops or moderate yields of a wider range. This is the least productive of the three classes.

LDP policy ED7 (Business, Tourism and Leisure Developments within the Countryside) does not preclude the development of green-field land but seeks to tightly control such developments. Local Development Plan policy ED10 (Protection of Prime Quality Agricultural Land and Carbon Rich Soils) seeks to ensure our finite agricultural land resource is retained for farming and food production. The policy states that development which results in the permanent loss of prime agricultural land will not be permitted unless the land is allocated for development; the development meets an established need and no other site is available; the development is small scale and directly related to a rural business. The policy does not state that all criteria must be met, and is similar to the criteria listed at Paragraph 80 of Scottish Planning Policy, which states that meeting any of the three criteria is acceptable.

As with other applications for poultry units in the Borders and, indeed decisions on appeal, developments on prime quality land have generally not been considered contrary to Policy ED10, in that the overall loss of agricultural land would not be significant and there is an established need for the development based on apparent demand. There is also no obvious alternative site within the land holding that would avoid the loss of prime agricultural land. It is also the case that it is swapping one type of agriculture and food production for another, that the site is only partly covered by the prime land designation and the immediately adjoining field to the west exhibits marshy conditions despite also being covered by the prime designation, highlighting how indicative the designation can be.

In summary, it is not considered that the proposal is contrary to Policy ED10.

### Landscape and Visual Impacts

The proposed site is not located within or adjoining any areas designated for landscape quality or special landscape protection. The eastern fringes of the Mellerstain Gardens and Designed Landscape come to within 1.5km of the site, to the west adjoining the A6089. Landscape impacts must therefore be assessed against the LDP's standard policies for landscape protection, including PMD1 (Sustainability) and PMD2 (Quality Standards). Policy PMD1 states that landscape protection is a fundamental principle which underpins all the LDP's policies. Supplementing this, Policy PMD2 requires all new development to integrate with its landscape surroundings and encourages the incorporation of appropriate hard and soft landscape works (including structure planting or screen planting where necessary), to help integration with surroundings and the wider environment. Policy ED7 criterion (e) specifically notes that rural business proposals must also satisfy Policy PMD2.

The site lies within a general depression in the surrounding land form, sloping down generally to the south. As a result, the vast majority of views from houses, roads and other viewpoints will be looking down on the site. A Landscape and Visual Impact Assessment was submitted by the applicant which firstly identifies the "Lowland Margin" and "Lowland Margin with Hills" Landscape Character Types, identifying the general landscape pattern and characteristics which include:

- Even gently sloping landform with extensive flat areas
- Large fields divided by stone dykes and hedgerows
- Widely dispersed woodlands
- Large open scale of landscape
- Conical and dome shaped hills above gently rolling landform
- Medium density scattered villages and farm steadings

The LVIA contends that the site and development would comply with the above pattern and character of development due to the site being a distinct gently sloping field surrounded by dykes and hedges, with pockets of woodland and steading groups distant but visually connected with the site. It is suggested that with mitigation in the form of design, colours of materials and landscape screening, the development will be able to successfully integrate into the landscape without adversely affecting the landscape character.

The LVIA is also supported by a ZTV and five viewpoints taken from local roads surrounding the site – three close to the site from the north, east and south, and two more distant views from the north and east near Hume village. The ZTV reveals that the site may be immediately visible to an area of 1-2km around its boundaries and at more distance from the north. However, there is little visibility from the south and very limited visibility further from the east or west. The Landscape Officer accepts the findings of the LVIA that, on balance, the large scale of the landscape together with the low-lying nature of the site and distance from sensitive receptors, determines that landscape impact will be acceptable provided appropriate mitigation is achieved through siting, colours and landscape screening.

It is considered that the site has a generally limited visibility, localised around the three roads surrounding it and the isolated steadings and groups of houses at Hardiesmill to the west, Stenmuir on higher land to the south and the applicant's own farm steading at Falsidehill to the east. There will be a more distant visibility from the western

entrance to Hume village. The applicant's suggestion that this row of four buildings with linking section to the north, will be viewed very much as part of the overall pattern of isolated groups of farm buildings, separated by distance, gently rolling farmland and sporadic groups of woodland and shelter belts is accepted. The fact that it is contained within a single field which slopes down to a minor burn adds to the containment from the surrounding landscape. Furthermore, the linking of the four buildings together as one complex reduces the visual envelope and landscape intrusion compared to four isolated and separate buildings which has precedent elsewhere in the Borders.

As with all poultry developments, there is significant length to the buildings (91m), generally much greater length than farm steading and general purpose agricultural buildings. However, the visual impacts are minimised by the orientation at 90 degrees to the adjoining road from which the greatest visual impacts would be expected. The buildings are also relatively low in height with an eaves of 2.89m and a ridge height of 5.09m. In terms of planning history, planning consent has already previously been granted for an isolated cattle shed at this site on the roadside, 7m to ridge and 46m length. There has, therefore, been previous acceptance that the site can accommodate an agricultural development without significant adverse impact on the surrounding landscape or receptors.

Apart from the relatively low height and 90 degree alignment, further mitigation is still necessary relating to building colours, levels and boundary treatment, in order to successfully integrate such long buildings into the landscape. Colours are generally intended to be olive green plastic coated metal sheeting with 450mm base course in concrete. The regular ventilation chimneys will be in black but the four feed bin structures to the north-east of the complex will be in green to match the buildings. Green is generally the most appropriate colour for this complex, given its location within an overall landscape of open farmland but the precise choice of colour and samples should be reserved for further agreement by condition, relating to all buildings and feed bin structures.

In terms of levels on the site, there is a gentle slope to the south and to the east. Whilst the Landscape Officer had requested cutting in of the buildings, the site section and existing levels plans do indicate that there will be cut to the north and west, with some fill and underbuilding to the south and east. The overall fill areas are generally less than a metre in depth, however, so it is considered that the general floor levels of the buildings are appropriate for the site, resulting in little obvious alteration to the ground form.

In terms of landscape screening around the site, this has been amended during the processing of the application to address comments from the Landscape Officer. The proposals will now retain the roadside dyke, apart from removals to facilitate the two accesses. The dyke will be curved on the entrance radii. Continuous earth bunding will now be provided around all sides of the development, again with breaks to facilitate the two access points. The bunding varies in width around the site from 17m to 42m, all contained within the existing field boundaries and not breaking into adjoining fields. The bunding is intended to be 1.5m in height with an asymmetrical shape, the gentler slope facing out from the development to help integrate with the surrounding landform. The bunding will be planted with a variety of evergreen and deciduous trees and shrubs on a staggered basis at 2m centres, taller species being planted on the roadside bund in particular.

There are several responses from the Landscape Officer to note but the most recent one dated 18 August accepts the latest planting proposals subject to a number of amendments, including matching any new stone walling, final gradient of the roadside

bund, bund height increase adjoining the feed bins, removal of proposed yew, planting out with the eastern bund edge and final details of hedges, walls, gates and maintenance. All of these matters can be addressed by applying appropriate conditions to seek a final detailed landscape plan and maintenance schedule. However, the principles of what have been shown on the submissions thus far suggest that the development, aided by landscape mitigation, can be successfully accommodated into the surrounding landscape, despite the length of the units and their relative isolation from other buildings and steading groups. Although some objectors and the Community Council believe the impacts to be dominant and a poor landscape fit, especially from higher ground to the east, the design and landscape mitigation previously mentioned should reduce the impacts to acceptable levels, especially as the new screening matures.

Although the ZTV suggests theoretical visibility from the Mellerstain HGDL to the west, visibility will be intermittent, separated by the A6089, areas of woodland and other steading groups such as Hardiesmill. It is also at least 2km distant to the heart of the designated area. It is, therefore, not considered that the setting of the designed landscape will be adversely impacted by the development, in compliance with Policy EP10.

In conclusion, it is considered that in terms of landscape and visual impact, the development would comply with the requirements of Policies PMD1, PMD2, ED7 and EP10 subject to the imposition of appropriate conditions.

#### Residential Amenity

Policies PMD2 and HD3 state that developments should be compatible with neighbouring uses and should not have an adverse impact on residential areas. Although HD3 is applicable in rural situations, it is particularly aimed at impacts on areas where the predominant use is residential, rather than in open countryside where residential properties are isolated and mixed with farm buildings and land uses. The nearest residential properties to the site are in three distinct locations at Hardiesmill, Stenmuir and Falsidehill, generally in the order of 800m – 1km distant and all within an existing farming context.

There have been generally been no objections on visual impact from residential properties in terms of impacts from windows or gardens. It is unlikely there will be much visibility from any houses within the Hardiesmill Group. From Falsidehill, the aspect from the roadside cottages is north and south, the development being at least 800m due west. Only the houses on the crest of the hill at Stenmuir will view the complex as part of a wider open vista north towards the Lammermuir Hills. However, the complex will be at a lower elevation and will be seen as an isolated group of agricultural buildings set on low sloping ground within the overall landscape and with minimal impact, especially once the bunding and landscaping is established. Although some objectors and the Community Council have criticised the visual impact and referred to the industrial nature of the scale of the development, it is considered that their impact, in terms of outlook and visual impacts on residential properties, is very limited, distant and affects very few properties.

Residential amenity is also affected by other issues such as noise, lighting, air pollution and traffic routing impacts. A number of the objectors and the Community Council have raised such matters, especially in relation to the potential of prevailing wind carrying odour eastwards to Hume village and also impacts from traffic through Hume.

In terms of odour, modern poultry complexes are heavily regulated and designed to minimise such impacts on neighbouring dwellings. In the submissions, the applicant has produced an Odour Assessment which reflects national, DEFRA and SEPA guidance on odour emissions and bases the assessment on operational impacts from the ridge mounted ventilation chimneys. The assessment takes into account sensitive residential receptors at the three locations previously mentioned (Hardiesmill, Falsidehill and Stenmuir) as well as a more distant receptor at Sweethope.

Members will note that in Table 10 of the Assessment, the significance of the impacts was only measured as “negligible” at any of the receptors. National guidance on odour assessment states that only if the impact is greater than “slight”, would it then be classed as significant. Whilst no impacts were assessed on receptors further from the site, such as at Hume village, the receptors at Falsidehill and Stenmuir are downwind of the prevailing wind direction and much closer to the site than Hume – thus any results for these locations would be expected to be greater than the impacts for Hume village, which is at least twice as distant. The Odour Assessment, therefore, concludes that impacts would be acceptable and not a constraint to approval of the scheme. Environmental Health have accepted the findings of the Odour Assessment and SEPA have confirmed that they have no remit as the proposal is below the PPC 2012 Schedule 1 threshold.

There was additional dialogue between the applicant and Environmental Health over manure disposal at the end of each flock cycle. It was noted that up to 50 tractor and trailer removals of manure were intended over a 3-4 day period, which could result in odour issues if close to residential property. The applicant clarified that the manure was not waste but a fertiliser with significant demand and the destination each year would vary depending on the customer. Environmental Health have accepted that as the route may vary each year, impacts on one particular property or set of properties would be unlikely. Further mitigation, as advised in the Design and Access Statement, would be to ensure the trailers are covered with sheets before transit away from the site. It is not likely to be enforceable, nor justifiable, to specify a particular destination each year for the manure, but the sheeting can be required by planning condition. This should minimise the impacts of odour on what would only be 3-4 days per year.

It is, therefore, concluded that residential amenity would not be significantly impacted upon in relation to odour and this can, in practice, be monitored and regulated by Environmental Health under pollution prevention control regulations directly.

Residential amenity can also be impacted by noise and lighting pollution. In terms of the latter, a lighting plan was submitted at the request of Environmental Health which showed four gable end floodlights only to be used at the end of each flock cycle and seven low powered bulkhead lights on dusk to dawn timers. Environmental Health accepted the proposals but reminded the applicant that the provisions of the Environmental Protection Act still apply.

In terms of noise impacts, a Noise Assessment was submitted with the application and this considered both operational noise from the extract fans and noise from transport vehicles servicing the site. This assessed impacts on properties at Hardiesmill, Falsidehill and Stenmuir and concluded that noise levels would be negligible to very low. It did make suggestions for careful site management involving no revving or running of engines for longer than necessary, avoidance of forklift scraping and maintenance of the concrete apron.

These are matters that would be difficult to enforce in isolation, as they are referred to only in the Noise Assessment. For other poultry developments, however, applicants

have submitted Operational Plans to demonstrate how the units would be operated and managed in order to minimise disruption and impact on surrounding neighbours. Although the applicant has explained the development and some operational methods and mitigation within the various Assessments and Design and Access Statement, it is justifiable to seek a specific Operational Plan by condition, in order to control the operation and management of the use and to ensure impacts are minimised. This can incorporate the measures being taken to reduce odour, noise, lighting and transport impacts. Impacts from traffic routing are discussed in the Access section of this report.

In summary and subject to the aforementioned conditions, it is considered that the development is both sufficiently distant from residential property and can be developed and operated with mitigation and control to enable compliance with Policies PMD2 and HD3.

### Cultural Heritage

The development does not directly affect any known cultural heritage sites but does lie 1-3km from three Scheduled Monuments at Hareheugh Craigs, Sweethope Hill and Hume Castle. Policy EP8 of the Local Development Plan requires the setting of Scheduled Monuments to be protected and development that would destroy or adversely affect the setting of such assets will not be permitted. However, the Policy also states that any development that may create adverse effects on setting should include mitigation acceptable to the Council.

A number of the objections to the development have concentrated on this aspect, the claim being that the development would interrupt the spectacular westwards view from Hume Castle and elevated land, looking down on the development in an unspoilt vista. Objectors argue that this view was previously considered important by SBC Archaeology and that the proposed landscape mitigation would be ineffective from elevated views. There are also objections to similar impacts from Hareheugh Craigs.

The Council Heritage Officer and Historic Environment Scotland have been consulted on the development and they have considered the potential impacts on the setting of these Scheduled Monuments. The Heritage Officer requested further visual information in the form of photographs from Hareheugh Craigs looking towards the development. Upon receipt of the photographs, he considered that whilst the development would be visible from Hareheugh Craigs and Hume Castle, there would be little impact on setting and landscape screening and cutting in the building would reduce any impacts further.

Historic Environment Scotland were of a similar opinion in terms of impacts from Hareheugh Craigs and Hume Castle. They accepted that the settings would include the development and that some of the settings are wide and low-lying in comparison with the elevated position of the assets. However, whilst the development would be visible, they considered that as there are other large farm buildings in the area, the development would not challenge the dominance of the assets nor interrupt key views or landscape features. Mitigation would minimise impacts further through careful choice of materials and colours.

Given the opinion from Historic Environment Scotland and the Council Heritage Officer and in consideration of the photographic material supplied with the application, it is not considered that the impacts on setting would be adverse to the extent of contravention of Policy EP8. Whilst photographs have only been supplied from Hareheugh Craigs, this is the nearest Scheduled Monument to the site and as effects are considered acceptable from there, the impacts will be even less from the more distant Monuments

of Hume Castle and Sweethope Hill. From Hareheugh Craigs, the steading and buildings of Stenmuir are immediately obvious and much closer to the Monument affecting its setting to a much greater degree than the application site.

It is also noted that mitigation in the form of design, colour and landscaped screening have already been proposed to minimise impacts, as required by Policy EP8. Whilst objectors consider the landscape screening will be ineffective from elevated views, the buildings are only 5m high and will have tree screening surrounding them atop a 1.5m high bund. Even when viewed from elevated positions to the south and east, it is considered that sufficient height of screening will be attained to prove effective.

In conclusion, it is considered that the proposed development, with mitigation, will not adversely impact on the setting of the three identified Scheduled Monuments to the south and east of the site.

### Access

Policies PMD2 and IS4 require safe access to and within developments. The submissions with the application have set out the vehicular movements envisaged, which are infrequent and mainly concentrated in the period between flock cycles when the buildings are cleaned ready for the next flock. The Design and Access Statement States that on average weeks, there would be six HGV or lorry movements in and out delivering feed and collecting eggs and fallen stock. This does not include staff and private car movements. At the end of each flock cycle, there would be a total of 62 movements from mainly tractor and trailers over a period of four weeks but mainly concentrated into 50 movements over a 3-4 day period for manure removal.

The Design and Access Statement states that all HGV movements would be from the A6089 and not from the east or south. In response to concerns and objections over routing through Hume village, the applicant has clarified their acceptance of such prohibition via a condition on the planning consent to secure an HGV management plan. They also confirm their agreement to provide four passing places between the site access and the A6089. The Design and Access Statement, supported by an access drawing, demonstrates two access into the site with curved continuations of the existing stone wall along the roadside and visibility splays of 2.4 x 215m in both directions, unaffected by the wall.

The Roads Planning Service (RPS) have taken into account the nature of the development and the anticipated traffic generation. They accept the development but are clearly concerned that the minor public road leading from the site to the A6089 is narrow and lacks passing opportunities. They seek four passing places to be created at agreed locations, by condition. Whilst the applicant's land holding does not appear to extend in the direction required, such opportunities can normally be created within verge and the boundaries of the road. RPS also seek full details of the site accesses and measures to ensure surface water is discharged away from the road.

RPS are clearly content with the proposals based upon the estimated traffic generation and improvements to the public road to the west which can be secured by condition. The traffic generation is generally very low for most of the year with the vast majority of movements being concentrated into a 3-4 day period to facilitate manure removal. The concerns over HGV movements eastwards are understood, especially regarding the narrow nature of the public roads, the number of bends and the potential impacts on Hume village. Whilst tractor/trailer manure removal may use this route on occasion, this is "agricultural" traffic only over a very short period. Use of these roads by HGVs would be particularly unsuitable and the concerns of the objectors and Community

Council are understood in this regard. The agent recognises this and would be agreeable to prohibition of HGVs in an easterly direction via a condition securing an HGV management plan.

The impacts of traffic movements must also be considered in relation to residential amenity. The routing of HGVs to the A6089 and not through Hume village or the network of narrow roads to the east and south would be an important mitigation to reduce potential impacts. There are very few properties would be impacted by use of the westerly route to the A6089. Whilst the direction and number of HGVs can be controlled by condition within the aforementioned HGV management plan, there could also be concern at limiting such movements to reasonable daytime hours. This matter can also be considered in the management plan.

The greatest number of vehicular movements would be the tractor and trailer removal of poultry manure at the end of each flock cycle, albeit this would be concentrated into a 3-4 day period in the year and the routes may vary. 50 movements are envisaged in total which could mean up to 17 per day and even during hours of darkness. Nevertheless, given the agricultural nature of the vehicles, the limited number of days in the year and the requirement, by condition, that the trailers be sheeted, it is not considered that there is sufficient residential amenity impact, in terms of noise or odour, to oppose the development.

### Ecology

Ecological assets are protected by Policies EP1-EP3 of the Local Development Plan covering a range of sites and species from international to local interest. A Preliminary Ecological Appraisal was submitted with the application. Although there have been third party objections to the potential impacts of the development on ecology and the local designated sites, the advice from consultees is that the impacts would be acceptable.

The Ecology Officer accepts the findings of the Preliminary Ecological Appraisal and the mitigation intended for limited wildlife impacts, including provision for bats, breeding birds and hedgehogs. He recommends that conditions are imposed covering Species Protection and Biodiversity Enhancement Plans.

The application was also supported by an Ammonia Assessment which calculated the impacts of the proposed poultry unit emissions on nearby ecological designations – Lurgie Loch SSSI, Hume Craigs Local Wildlife Site (LWS) and Sweethope Hill Local Biodiversity site. Using dispersion modelling, this concluded that the sites were not at any significant risk from ammonia impacts and this conclusion was accepted by the Ecology Officer.

However, the Ecology Officer identified that the original Ammonia Assessment omitted consideration of Hareheugh Craigs SSSI which is part of a local biodiversity site. As this has grassland interest, impacts of ammonia were requested to be assessed in an amended report. The revised Ammonia Assessment was submitted and included assessment of impacts on Hareheugh Craigs SSSI/LWS, concluding that impacts were within acceptable levels. This revised report was accepted by the Ecology Officer. Scottish Natural Heritage were also consulted and they accepted that there would not be an impact on the SSSIs.

In conclusion, impacts on ecology have been demonstrated to be within acceptable levels. Direct impacts have been addressed in the Preliminary Ecological Appraisal and can be controlled by conditions relating to Species Protection and Biodiversity

Enhancement Plans. Indirect impacts on nearby designations have been demonstrated to be acceptable within the Revised Ammonia Assessment. The development is, therefore, considered to be in compliance with Local Development Plan Policies EP1-EP3.

### Drainage and Flood Risk

Impacts on the water environment and flood risk potential are controlled by Policies EP15, IS8 and IS9. The application was submitted with a Flood Risk and Drainage Assessment which concluded that the site was not at significant risk of flooding and that surface water could discharge to an existing ditch at no greater than the greenfield run-off rate. An overflow attenuation pond will also be provided on the site. Foul drainage will be handled via a package treatment plant with discharge to an existing ditch. The Assessment considers the development can be sited and drained in accordance with Scottish Planning Policy.

The Assessment and proposals have been considered by SEPA and the Council's Flood Risk Officer. The latter noted that SEPA flood maps and the Flood Risk Assessment indicated no fluvial flood risk. In terms of surface water flood risk, the findings were generally accepted by the Flood Risk Officer although further clarification was sought relating to the nature of the flood risk event, greenfield run-offs being at their existing rate and flow control mechanisms being agreed.

SEPA objected to the application principally on lack of drainage information and flood risk. They required further information on the treatment plant discharge, field tile proposals and SUDs. They also considered the Flood Risk and Drainage Assessment to be inadequate and that it should not be based upon their own flood risk maps which would not have taken into account the small watercourses to the eastern and southern boundaries. They asked that the flows at the site take these into account in assessing flood levels at the site.

At the time of writing this report, the applicant has now submitted a revised Flood Risk and Drainage Assessment and this has been forwarded to SEPA and the Flood Risk Officer. The Assessment does not seem to provide any additional information on drainage details. However, there is further information on flood risk assessment. The revised Assessment concludes that before and after the development, the eastern drainage ditch surface water flow remains "in-bank" and does not pose a flood risk to the site, especially considering the normal 150mm floor level position of buildings above the existing ground. Indeed, it is considered that water levels drop as a result of the development and compared to the greenfield state pre-development.

Members will be updated on the responses from SEPA and the Flood Risk Officer at the meeting. This report is written on the basis that SEPA accept the revised Assessment and remove their objections, given that the Council Flood Risk Officer had raised no objections subject to some clarification of certain issues. Appropriate conditions are attached to the report relating to foul and surface water drainage. Should the SEPA objection be maintained, then notification to the Scottish Ministers would be required if Members agree to approve the application.

### Other issues

There have been other issues raised by objectors which have been considered but do not alter the assessment or recommendation on this application. Site restoration proposals raised by the Community Council are not generally applied to permanent development considered non-reversible. Fears over structural damage to Hume Castle

caused by heavy vehicles can be addressed by the routing of HGVs away to the west in the HGV Management Plan. Precedent for further development cannot be used as a reason to oppose the development as each proposal must be dealt with on its own merits and in accordance with the provisions of the Local Development Plan and any other material considerations at the time. Concerns over tourism impact are understood but, in reality, the development will appear in the landscape as an agricultural complex of buildings and there is no information to suggest that, in a rural area, such groups of buildings would prove a deterrent to tourism.

### Conclusion

In conclusion, the principle of the development is supported by Policy ED7 in that the development is appropriate to a rural area and meets a demand for the product. The landscape and visual impacts of the development are mitigated by the location of the site in a general landform depression with limited visibility in terms of both receptors and distance, and by the bunded landscaping proposals which will provide effective screening.

This mitigation will also be effective at reducing impacts from residential and cultural heritage receptors to acceptable levels, when combined with appropriate conditions relating to operation, traffic management etc. Impacts on ecology can be addressed by appropriate conditions as can impacts on the water environment – subject to SEPA withdrawing their objection.

### **RECOMMENDATION BY CHIEF PLANNING AND HOUSING OFFICER:**

I recommend the application is approved subject to the following conditions and informative:

1. No development shall commence until an Operational Management Plan is submitted to, and approved in writing by, the Planning Authority. The Plan to include the methods of operation and management of the use, including ventilation, noise, odour and lighting control and transport. Once approved, the development then to be operated in accordance with the Plan.  
Reason: To ensure that the operation of the use has no unacceptable impacts upon the amenity of the surrounding area or neighbouring residential properties, by ensuring that all potential sources of nuisance are appropriately managed and controlled.
2. No development shall commence until a Waste Management Plan is submitted to, and approved in writing by, the Planning Authority. The Plan to include details of the nature and frequency of manure removal from the site, and methods to ensure odour control including the use of sheeted/covered trailers. Once approved, the development then to be operated in accordance with the Plan.  
Reason: To ensure that the operation of the use has no unacceptable impacts upon the amenity of neighbouring residential properties that may be on the route of manure removal movements.
3. No development shall commence until a Heavy Goods Vehicle (HGV) Management Plan is submitted to, and approved in writing by the Planning Authority. The Plan to include details of the route, frequency and hours of intended HGV movements and to avoid use of the public road through Hume village. Once approved, the development then to be operated in accordance with the Plan.

Reason: To ensure that heavy vehicle traffic movements associated with the use have no unacceptable impacts upon the amenity of neighbouring residential properties.

4. No development shall commence until:
  - a) details of materials to be used on all exterior surfaces of the development hereby permitted have first been submitted to and approved in writing by the Planning Authority;
  - b) details of the design and siting of external food storage bins/ silos and ventilation chimneys have first been submitted to and approved in writing by the Planning Authority; and
  - c) design proposals for the placement of any photovoltaic panels and security lighting have first been submitted to and approved in writing by the Planning Authority.

Thereafter, the development shall be undertaken wholly in accordance with the approved details.

Reason: To ensure that the landscape and visual impacts of the development hereby permitted are adequately mitigated.

5. Notwithstanding the details supplied in support of the planning application, including the Planting Plan, no development shall commence until a detailed Landscape and Management Plan has first been submitted to and approved in writing by the Planning Authority. The Plan shall include:
  - a) An updated landscape plan for the development, including revised planting details and species as recommended by the Council Landscape Officer in her email dated 18 August 2020
  - b) Retention of the existing stone dyking and hedgerows on the site boundaries with details of the matching stone dyke treatment on the access radii and any boundary fencing and gates
  - c) Final details of the width, height and profile of all earth bunding, including an increase in height at the feed silos
  - d) A full management and maintenance schedule for the new planting, including the procedure for replacement of any trees or planting that fail to establish.

The approved Landscape and Management Plan shall be implemented in accordance with the approved details before the end of the first planting season following commencement of operation of the development hereby permitted

Reason: To ensure that the landscape and visual impacts of the development hereby permitted are adequately mitigated and that planting is properly implemented and maintained.

6. No development shall commence until precise details of four passing places on the "C" class road between the site and the A6089 are submitted to, and agreed in writing by, the Planning Authority. Once agreed, the passing places to be completed in accordance with the agreed details prior to the use becoming operational, unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure adequate access to the site and to protect the public road edge.

7. The vehicular accesses to the site shall be constructed and surfaced to the specification of the Council prior to the development becoming operational, including visibility splays of 2.4m by 215m in both directions and measures to prevent the flow of water onto the public road.

Reason: To ensure adequate access to the site and to protect the public road edge

8. No development shall commence until a scheme of foul and surface water drainage is submitted to, and approved in writing by, the Planning Authority in consultation with SEPA. The scheme to include the following:
  - a) Greenfield run-off rates being demonstrated to be limited to their existing rate;
  - b) The attenuation pond being installed as proposed and to mitigate against a 1 in 100 plus climate change flood event;
  - c) Details of the flow control at the attenuation pond; and
  - d) Details of any culverts, watercourse crossings or alterations to crossings.Reason: To safeguard the water environment and ensure the development is adequately serviced
  
9. No development shall commence until a Species Protection Plan and Biodiversity Enhancement Plan are submitted to, and approved in writing by, the Planning Authority. The Plans to be based upon the species mitigation outlined in the Preliminary Ecological Appraisal. The development then to proceed in accordance with the approved Plans.  
Reason: To preserve and protect ecological interests at the site.

### Informatives

1. SEPA have provided the following regulatory advice for the development:
  - This proposal is below the PPC 2012 Schedule 1 threshold therefore SEPA have no remit in relation to odour or noise. The Enforcing authority is the Local Authority Environmental Health Department. Please also note the points below in relation to regulatory requirements for the applicant.
  - Surface water proposals must adhere to General Binding Rule (GBRs) 10, 11 & 21.
  - Vehicle Wash areas must adhere to Pollution Prevention Guidelines 13.
  - All slurry stores built or substantially altered after 1 September 1991 must adhere to the Silage, Slurry and Agricultural Fuel Oil (Scotland) Regulations 2003 – known as SSAFO: All slurry and manure storage and spreading must adhere to General Binding Rule (GBR) 18.
  - Any abstractions over 10m<sup>3</sup> per day must be authorised by SEPA. Please contact your local office for further information.
  - Foul effluent from the offices should be served by an appropriately sized septic tank/treatment plant and soak away (where suitable). An application for registration will be required if under 15pe, otherwise a licence. The system must be designed in accordance with the Building Standard Technical Handbook Section 3 – Environment.
  - All relevant oil storage (domestic storage of more than 2500 litres and all other oil storage of more than 200 litres) must adhere to the Water Environment (Oil Storage) (Scotland) Regulations 2006 (link to SEPA Website Oil Storage Advice).
  
2. With regards to Condition 6 the passing places should be formed as per SBC approved specification DC-1/DC-1a.
  
3. With regards to Condition 7, the specification for the vehicular access to the site shall be a 40mm layer of 14mm size close graded bituminous surface course to BS 4987 laid on a 100mm layer of 28mm size dense base (road base) to the same BS laid on a 310mm layer of 100mm broken stone bottoming blinded with sub-base, type 1.

4. It should be borne in mind that only contractors first approved by the Council may work within the public road boundary.

DRAWING NUMBERS

Location Plan	IP/SR/01
Site Plan	IP/SR/02B
Elevations	IP/SR/03
Floor Plans	IP/SR/04
Site Levels	IP/SR/05
Section Location	IP/SR/06
Site Sections	IP/SR/07
Soft Landscape Proposals	IPA 1091
Lighting Plan	IP/SR/08

**Approved by**

Name	Designation	Signature
Ian Aikman	Chief Planning and Housing Officer	

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

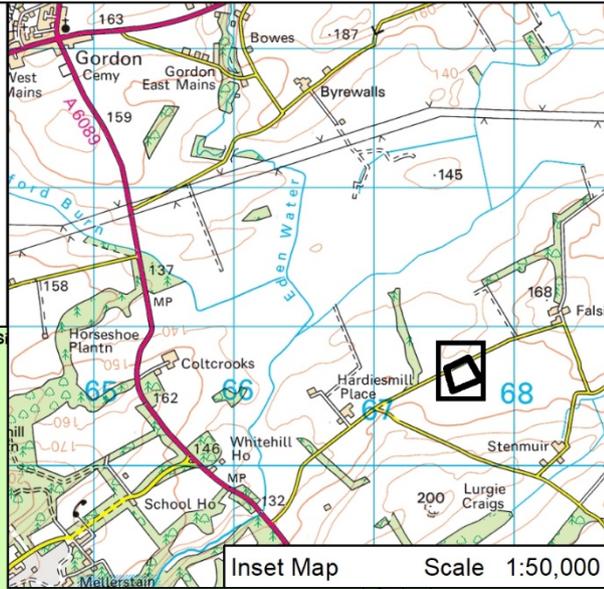
**Author(s)**

Name	Designation
Craig Miller	Principal Planning Officer



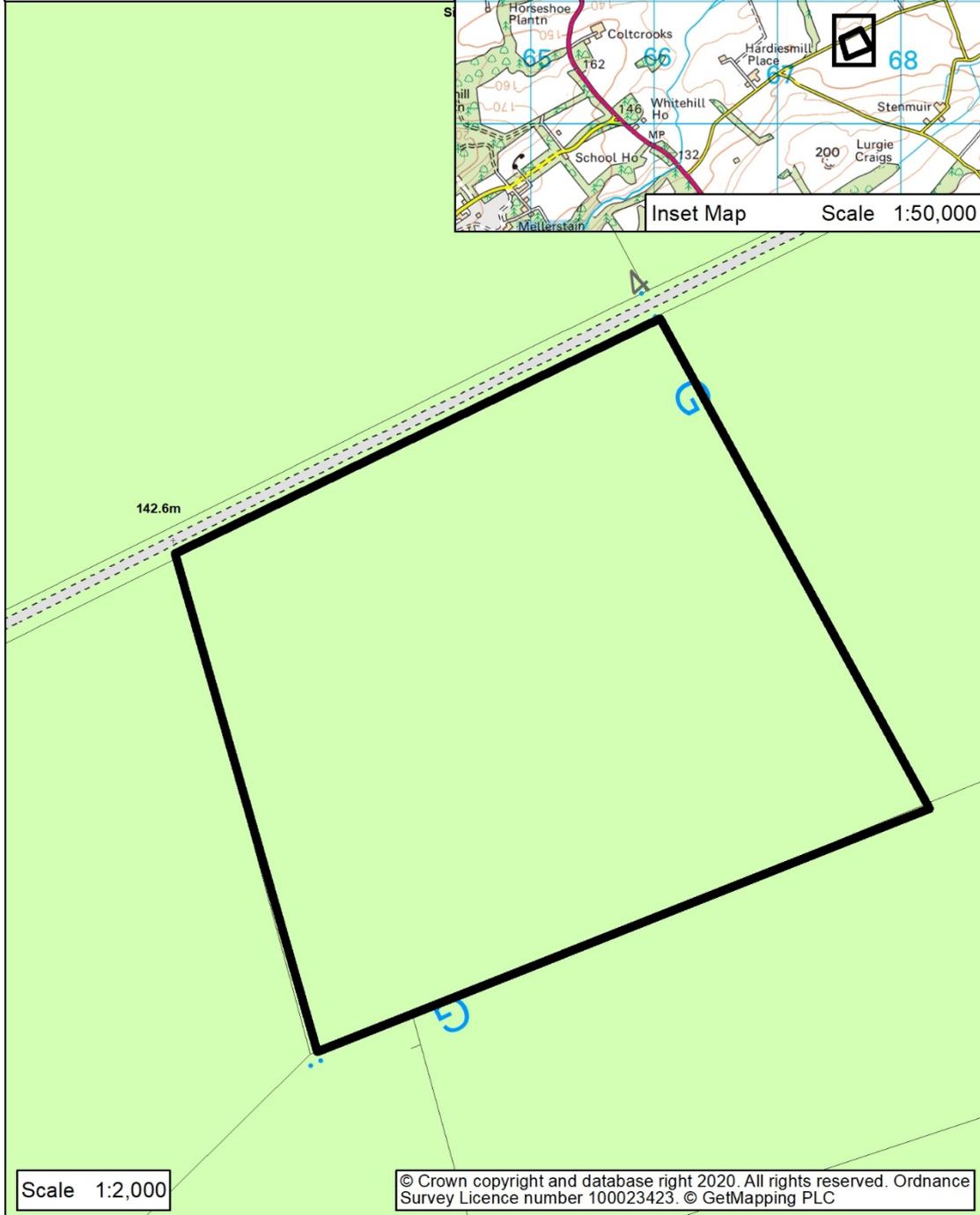
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Falsidehill Farm  
Kelso



Inset Map

Scale 1:50,000



Scale 1:2,000