

46/09/0030

MR S T LING

ERECTION OF 16,000 BIRD FREE RANGE EGG PRODUCTION BUILDING AND ALTERATION TO AGRICULTURAL ACCESS ON LAND ADJACENT TO GERBESTONE LANE, WEST BUCKLAND AS AMENDED BY DRAWING 09/016A RECEIVED 14 DECEMBER 2009; DRAWING 09/20B RECEIVED 25 JANUARY 2010; AGENT'S EMAIL AND FAX OF 11 JANUARY 2010; AND AGENT'S EMAIL OF 25 JANUARY 2010

316555.119623

Full Planning Permission

SITE DESCRIPTION AND HISTORY

The site comprises a parcel of agricultural land set on gently rising ground just to the south of Junction 26 of the M5. To the south, the land rises increasingly steeply towards the escarpment of the Blackdown Hills Area of Outstanding Natural Beauty (AONB). The north, south and east field boundaries are defined by rows of mature trees, whilst the west boundary, adjacent to the highway (Gerbastone Lane) is a mature hedgerow. Access to the site is presently available from an existing field gate in the south eastern corner of the field to the north, and then by passing through an existing gap in the tree line. Glimpses of Gerbastone Manor to the east are available from the south western corner of the field. A stream runs along the western site boundary.

The area is generally rural, although there are other dwellings within 200-400 metres of the site, mainly clustered to the east and south east.

Application 46/09/0023 sought full planning permission for the erection of a 16,000 bird egg production unit and the stationing of a temporary mobile home for an agricultural worker. The application was withdrawn after concern was expressed that it had not been demonstrated that there was a functional need for the dwelling. The application was also deficient in information about potential impacts and there were concerns over the proposed access and scale of the building.

PROPOSAL

This application seeks full planning permission for the erection of a free-range egg production unit. The application also proposes improvements to the existing access.

The temporary worker's mobile home, which formed part of the previous application, has been omitted from this proposal. It is stated in the application that it will be the subject of a future application, but it is not for assessment here.

The proposed building would be 2250 square metres in floor area. It would be 125m long and 18m wide, it would be 2m high to the eaves and 5.4m to the ridge. It is proposed to excavate the site to allow the building to be set down so that the eaves are below the adjoining ground level to the south of the building. A 5m wide hardstanding would be provided around the building, widening to 7 metres on the southern side to allow easy access to the feed bins, which would be sited on this

side. The bins would be higher than the eaves, but below the ridge line. It is proposed to finish the building with timber barding to the walls and juniper green profiled roof panels.

Earth spoil from the excavation is proposed to be deposited on adjoining land to the southwest of the building, either side of (but avoiding) the watercourse which runs along the field boundary.

It is proposed to widen the access and construct visibility splays 2m x 60m along the carriageway edge. The access would be 10m wide, set back 10m from the carriageway edge, with 45 degree splays angled out from here. It is proposed to realign the existing hedge along the rear of the new visibility splays. Within the site, a turning head would be provided immediately within the gates, to allow large vehicles to turn and enter the site. This arrangement allows them to use an existing gap between the trees, preventing the need to remove any further mature trees. The access would lead to a permeable parking and turning area along the east side of the site between the building and the road.

The building would allow the operation of a 16,000 bird egg laying unit. Birds would be bought on a contract and the flock retained on site for 60 weeks. The birds would be let out into surrounding paddocks (which would be rotated) during the day and return to the building at night. The paddocks would be enclosed by low electric fences. The application claims that around 90% of faeces would fall within the building and this would fall into a pit that would be emptied at the end of the laying cycle. There would not be a build up of detritus in the paddocks as they would be rotated. It is, therefore, claimed that significant odour would only arise for 2 days every 60 weeks, when the building is cleaned.

The application is accompanied by an ecological survey that concludes that there will be no significant impact on bats, nesting birds or dormice. However it is noted that the surrounding trees and hedgerows have good roosting, nesting and foraging potential. The report identifies badger setts on site, but notes that these are outside the proposed development area, so they should not be disturbed by the building. Subsequent confirmation has also been received from the ecologist making recommendations that no fixed stock proof fencing should be constructed around the site, movable electric fencing around the ranges should be a minimum of 20m from the identified setts and that a full badger survey is undertaken to determine the presence of other setts on site.

The amendments referred to relate to the relocation of the spoil to avoid the watercourse, the location of protective fencing to avoid badger setts and confirmation that the applicant will comply with the landscape officer's request for further tree planting within the site.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP – This application proposes to use an existing agricultural access. Due to the location of the development, the occupiers of the proposal are likely to be dependent on private transport for their day to day needs, which could foster an increase in travel. However, it is an agricultural use and is close to the A38 and M5 which are key routes within the

highway network.

Gerbastone Lane is an unclassified highway subject to the national speed limit, although traffic speeds in the area appear to be in the region of 30mph. It has been stated that there would be an average of 2.4 visits/vehicular movements per week in association with the proposed development. The existing access is substandard, particularly in terms of visibility and improvements are recommended. Splays of 2m x 60m would be appropriate for this development in this location.

The submitted layout plan indicates sufficient parking and turning to be provided. Taking the above into consideration, it may be unreasonable to raise a highway objection to the proposal.

Conditions are recommended requiring visibility splays of 2m x 60m; a 5m wide entrance constructed 10m back from the carriageway sides, with the sides splayed at 45 degrees back to the carriageway edge; the parking/turning area to be kept clear of obstruction; the gradient not to be steeper than 1 in 10; any entrance gates to be hung 10m back from the carriageway edge; provision to be made for surface water so as not to drain onto the highway.

WEST BUCKLAND PARISH COUNCIL – Objects for the following reasons:

- This development would cause massive intrusion into a valuable landscape. The proposed poultry building is of very large proportions and is set in open countryside. The proposed large scale excavation would significantly alter the character of the landscape. The existing landscape of small fields, mature trees, streams and the wild area of natural shrubs and trees in the south west corner will be permanently and seriously harmed by this very large and unsympathetic development. The extensive earth moving and piling up of soil to the west of the site will disturb and permanently damage wildlife in the area, whilst the electrified paddock fencing utilised for free range poultry will disrupt movement of wildlife. The poultry industry, like other sectors of the agricultural industry, is volatile with fluctuating viability. Should this venture fail a very large building would be left as part of the landscape. It would be unlikely that the applicants would want to remove this very large building and restore the land in the event of the business failing and another use, probably non agricultural, would be sought.
- There are 20 properties in near proximity, including a school and accommodation for children in care and a tourism business. The potential noise from roof fans, machinery within the building, and dust and odours from the birds and their dung will harm the amenity of these properties.
- Access & traffic. The road narrows just north of the access gate and is a bottleneck for local traffic where vehicles cannot pass each other. The road is not wide enough to accommodate large lorries turning in without several manoeuvres being necessary. It is noted in Appendix E, Detailed Appraisal of Operations, that 5% of the eggs will be sold privately. No detail is given of vehicle movements connected to the private sales in Appendix D, Traffic Analysis.
- The Taunton Deane Local Plan Strategy states under S1 that proposals for development ... will be required to meet the following criteria...
A) additional road traffic arising, ..., would not lead to overloading of access

roads, road safety problems,...

C) will not lead to harm to protected wildlife species or their habitats

D) the appearance and character of any affected landscape...would not be harmed as a result of the development

E) potential air pollution, water pollution, noise ,dust ... or nuisance which could arise as a result of the development will not harm public health, or the amenity of individual dwellings or other elements of the local environment".

This application does not meet these criteria.

In addition to these points it is considered that due to the nature of the site and the layout/design of the development the proposal will fail to deliver access for the birds to the 16 ha due to the inherent obstacles presented, and the site is therefore unsuitable for the purposes of a large scale free range unit.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION – The submitted information is acceptable and raises no concerns regarding noise from the proposed development. There are no other comments to make on this application.

HERITAGE AND LANDSCAPE OFFICER – My main concerns are

- whether the frontage hedgerow needs to be replaced or managed to meet highway visibility splay requirements;
- the building is large and will need additional screening. I recommend oak trees at 25m centres as 'wood pasture';
- we will need contours for the new earth mounding.

ENVIRONMENT AGENCY – Raise no objections to the proposed development providing that conditions are imposed to ensure that no development shall take place within 5m of the watercourse. Also provides advice about contamination and pollution, which could be attached to the decision notice as informatives.

BLACKDOWN HILLS AONB PARTNERSHIP – The site is outside the AONB but is close to the boundary of the protected landscape and given the topography and landscape character, the area is seen in association with the AONB. It is, therefore appropriate to consider the potential impact on the AONB. The character of the proposed development (the building, earthworks and landscaping) will be visually intrusive and out of character with the surrounding agricultural landscape. As well as affecting the setting of the AONB, the proposal would appear as an obvious industrial scale building in the foreground when viewed from the scarp above within the AONB, looking out over the vale.

Representations

14 OBJECTIONS have been received in respect of this proposal raising the following issues:

- The site borders an Area of Outstanding Natural Beauty (AONB) and will radically alter the look of the landscape, involving huge earth movement and destruction of wildlife habitat. The area has small fields, ancient hedgerows and small areas of woodland streams with wild field corners. Local buildings are small, so the proposed building is out of keeping with the area. The large scale excavation

and building will scar the landscape. The view when descending from the south will be ruined and will start to resemble an industrial area – there should be no large buildings allowed south of the M5.

- The application site is farmland and should be farmed – it is not for erecting buildings to house poultry, which can then be turned into warehousing. No buildings should be allowed that could become dwellings or empty warehouses after 5 years. A previous local poultry enterprise closed after 3 years and the building became light industry. There is no reason why this proposal should be any more successful. The proposal will only create one new job and it is questioned whether the upheaval and changes to the landscape are justified on this small economic benefit.
- The design and access statement understates the importance of the area for wildlife. The land acts as a buffer for wildlife between the M5 and the AONB. The Council should obtain an independent report of the wildlife value and importance of the site to the surrounding area. There is an abundance of local wildlife including owls, whose ability to hunt may be impaired if they are unable to hear due to the noise from the development. The felling of trees will disturb wildlife habitats and the electric fencing will disrupt the movement of wildlife.
- The site is not isolated and is within 200-400m of numerous residences. The prevailing wind will carry noise and smell towards homes and a school, which will be affected by the noise of the 24hr fans and the odours produced. Noise will be particularly intrusive at night which could cause sleep deprivation. 16,000 chickens will create a smell and noise beyond what is stated and will degrade the quality of life for local people. A negligible noise impact is acknowledged by the application – but this is still an impact. Smell will be unacceptably intrusive, however infrequent – there is none at present. Local experience from a previous poultry enterprise is that the smell is unbearable from manure and dead hens.
- The waste could become wet (and therefore smell) due to the large number of springs along the foot of the Blackdown hills.
- People will no longer want to visit the area and neighbouring Gerbastone Manor, which supports other local businesses.
- There is no mention of the size of the generator.
- The ground at the access will have to be re-graded as the existing levels would produce a gradient of around 1 in 5 (1 in 10 is proposed). Gerbastone Lane is a single track road that, according to SCC, is incapable of accommodating HGVs. Query whether the road will be widened. Lorries will not be able to turn into the access without making several manoeuvres. To construct the visibility splays proposed, a great deal of hedgerow will have to be removed.
- Retail sales of eggs from the gate (the application states 5% will be sold privately) will attract even more traffic.
- Question why the applicant cannot site the building at his existing farm in Nynehead.
- The Council should compulsorily purchase the site to protect it.
- The Council has previously stated that no farmland around Gerbastone Manor could be developed.
- The area attached to the proposed unit meets RSPCA standards, but access for the poultry to sufficient land will be restricted by hedgerows and streams, so the site is not suitable.
- A mobile home is not acceptable – this is not a ‘trailer park’ area and may lead to a permanent dwelling. The future intention to re-construct the derelict cottage is unworkable as there are no remains, only mature trees and a wildlife habitat.

It should be noted that the application does not propose a mobile home or a

permanent dwelling. These are stated as aspirations, but will require the submission of further applications. Comments relating to this aspect are not material to this decision. It should also be noted that, despite being housed in a large building, the proposed use is agricultural, within the meaning of the Town and Country Planning Act. There would be no reason for the Council to consider compulsory purchase of this site.

PLANNING POLICIES

S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
S7 - TDBCLP - Outside Settlement,
M1 - TDBCLP - Non-residential Developments,
M3 - TDBCLP - Non-residential Development & Transport Provision,
EN3 - TDBCLP - Local Wildlife and Geological Interests,
EN6 - TDBCLP -Protection of Trees, Woodlands, Orchards & Hedgerows,
EN10 - TDBCLP - Areas of Outstanding Natural Beauty,
EN12 - TDBCLP - Landscape Character Areas,
STR1 - Sustainable Development,
STR6 - Development Outside Towns, Rural Centres and Villages,
S&ENPP49 - S&ENP - Transport Requirements of New Development,
PPS1 - Delivering Sustainable Development,
PPS7 - Sustainable Development in Rural Areas,
PPS9 - Biodiversity and Geological Conservation,

DETERMINING ISSUES AND CONSIDERATIONS

The site is within the open countryside on a parcel of agricultural land. The proposed egg production unit is an agricultural use and is, therefore, considered to be acceptable in principle. The main issues in the consideration of this application are the impact on the highway network, visual impact – including the impact on the natural beauty of the AONB, the impact on surrounding residents – particularly in terms of potential noise and smell, flood risk, pollution and the impact on wildlife.

Highways

The site is accessed from a narrow rural lane via an existing field gate. This field gate is proposed to be widened as part of the development, with visibility splays to be provided. There is local concern about large vehicles using the lane, but given the proximity to the M5 and a wider section of the lane the Highway Authority do not wish to raise any objection provided that the necessary visibility can be achieved. The Highway Authority have requested that visibility splays 2m x 60m are provided in both directions. Together with the widening of the access, this is likely to require the removal and replanting of a significant amount of the boundary hedgerow. The landscape officer has examined the hedgerow and considers that it is a thin hedge that should be able to be realigned with relative ease. If this fails, then a similar new hedge could easily be replanted. It is possible that to achieve the visibility splays required by the Highway Authority, less hedgerow removal is required than indicated on the submitted plan. As such, full working details should be submitted for the works to create the access and this can be secured by condition, as can the final treatment of the visibility splays.

Within the site, it is proposed to site a turning head immediately through the access.

This arrangement, although appearing slightly clumsy, allows vehicles to turn within the site and access the poultry building through an existing gap in the tree-line. The arrangement is considered to be a good solution to create an adequate access to the site whilst preventing any loss of the mature trees along the northern site boundary. Around the building, adequate parking and manoeuvring facilities are to be provided.

With regard to the above, the impact on the highway network is considered to be acceptable and a safe access can be formed without unreasonable visual detriment to the rural character of the lane.

It has been suggested that the application states that there will be egg sales from the farm gate and this will generate further traffic. However, there does not, in fact, appear to be any evidence for this – rather the application states that a contract has been entered into with John Bowler Eggs, who will collect all of the eggs. As such, this need not be a concern at the present time and should sales from the site reach a significant level in the future, then this may require planning permission. Such activity would have to be assessed at such time as it became relevant to do so.

Visual impact

The site is on relatively low ground at the foot of the Blackdown Escarpment. The Local Plan proposals map shows the site within the Low Vale landscape character area (LCA) rather than the Blackdown Scarp LCA. The existing tree lines on the north site boundary, and the north boundary of the field beyond are likely to obscure most of the building from view when looking from the north, over the M5 towards the site.

Of greater concern are the views of the site from within the AONB, a concern shared by many local residents and the AONB group. The proposal seeks to dig-in the building such that the eaves on the southern side are below the adjoining ground level. The spoil from the excavation would be used to form an earth mound in the south western corner of the site, and further trees would be planted on top of this. The applicant has also agreed to plant further trees within the open spaces around the building, effectively turning the site into a small wooded area over time. The Landscape Officer considers that these issues combined, would be sufficient to prevent any unreasonable landscape impact on the local area in general and the natural beauty of the AONB specifically.

Impact on surrounding residents

Local residents are, understandably, nervous about potential impacts from this development. Aside from the highway and visual issues noted above, their main concerns relate to potential noise and smell disturbance. Environmental Health Officers have considered the proposal based upon the submitted information and their experience of similar units. They are satisfied that, provided that the unit is well managed, there should be no reason that noise and smell should be detectable beyond the site boundaries. This is with the notable exception of when the unit is cleared out at the end of each 60 week cycle. As acknowledged in the submitted information, smell is likely to be detectable at this time. However, it is only likely to be for 1-2 days in each 60 week cycle and this is not considered to be sufficient to warrant the refusal of planning permission. With regard to these matters, the impact on the surrounding dwellings is considered to be acceptable.

Flood risk

The application site is in close proximity to a stream, although not within an identified flood risk area. The Environment Agency is satisfied that surface water run-off from the development will not give rise to flooding elsewhere and is satisfied. The area for proposed earth deposition has been confirmed as avoiding land either side of the adjoining watercourse and this is now acceptable.

Pollution

Neither the Environment Agency or Environmental Health Officers have raised concerns about pollution arising from this development. The Environment Agency recommend various measures that would help to prevent pollution and these largely relate to controls outside the planning system. It is recommended that their advice is attached to the decision notice as informatives. In light of this, it is not considered that the development would give rise to unacceptable pollution.

Wildlife

The submitted survey indicates that the trees and field boundaries provide good potential nesting and roosting sites for birds and bats. The hedgelines are also good as foraging areas for bats and habitats for dormice. However, no signs of nests, roosts or dormice were discovered on the site, and subject to a condition requiring the submission of a scheme for the protection of wildlife, these species should be able to be satisfactorily protected.

The ecological survey also identified a badger sett on the site. This is located in the south western corner of the site. The ecologist has seen the latest copy of the plan and is satisfied that the proposed earth deposition will not adversely affect badgers. He raised concern that permanent perimeter stock fencing could impede badger movements and recommended that any stock fencing was sited at least 20m from any badger sett entrance. In light of this, the Nature Conservation and Reserves Officer is satisfied that the impacts on badgers can be mitigated.

Other issues

There is considerable local opposition to this proposal and most of the issues raised have been addressed above. One major concern appears to stem from a previous poultry enterprise at Manley's farm, which became unprofitable after only 3 years. The building has subsequently been put to light industrial use and many local residents are concerned that the building subject to this application will suffer the same fate. It has been suggested that the proposal is, in fact, so bound to fail that it is a way of achieving planning permission for an industrial building by stealth. However, there is no evidence to suggest that this would result and the application must be determined on its own merits – as a proposed poultry unit. Information has been submitted which demonstrates that the enterprise will become financially viable within 3 years.

Similarly, the proposal seems an unlikely way to try to achieve planning permission for a dwelling in the open countryside as the investment required in setting up the enterprise – both the cost of the building and the significant landscaping proposed –

is significant. Any application for a dwelling must be considered on its own merits if and when it is submitted.

Given the acceptability of the application as outlined above in terms of its impacts and the extensive landscaping that is proposed, it is not considered that the proposal would cause significant detriment to tourism in the local area. The fact that the applicant owns other land elsewhere is not a material consideration to determining whether this site is acceptable for the proposed use.

Conclusions

The proposed use is considered to be acceptable in principle. Subject to modifications to the access, it is considered that the proposal will not be detrimental to highway safety. The proposal will not give rise to unacceptable impacts on nearby property in terms of noise or smell, and will not lead to pollution or off-site flooding. Potential impacts on wildlife can be mitigated through the imposition of conditions. It is acknowledged that the site is within a sensitive landscape location, however, it is considered that the extensive earthworks and landscaping proposed will acceptably assimilate the building into the surrounding area and as such, any visual impact would not be to such a degree that would warrant the refusal of planning permission.

Views from and of the nearby AONB and, therefore, the natural beauty of the AONB will be preserved.

With regard to the above considerations, the proposal is considered to be acceptable. It is, therefore, recommended that planning permission is granted.

RECOMMENDATION AND REASON(S)

Recommended Decision: Subject to the receipt of a satisfactory amended plan clarifying the position of the proposed raised ground levels in relation to the badger sets - Conditional Approval

The proposed use is considered to be acceptable in principle. It will not lead to unacceptable impacts on the local highway network, the amenities of other nearby property, wildlife, flooding or pollution. The proposed landscaping and earthworks are considered to provide an acceptable mitigation to assimilate the building into the surrounding landscape and preserve views from and the natural beauty of the nearby Area of Outstanding Natural Beauty. The proposal is, therefore, in accordance with Policies S1, S2, S7, M1, M3, EN3, EN6, EN10, and EN12 of the Taunton Deane Local Plan; Policies STR1, STR6 and 9 of the Somerset and Exmoor National Park Joint Structure Plan Review; and advice contained within Planning Policy Statements 1, 7 and 9.

RECOMMENDED CONDITION(S) (if applicable)

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and

Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. Prior to the commencement of the development hereby permitted full details of the proposed access shall be submitted to and agreed in writing by the Local Planning Authority. The details, based on an accurate measured survey, shall show:
 - (a) That there shall be no obstruction to visibility greater than 900mm above the adjoining road level in advance of a line drawn 2.0m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 60m either side of the access;
 - (b) That a recessed entrance of a minimum of 5m wide shall be constructed 10m back from the carriageway edge and its sides shall be splayed at an angle of 45 degrees towards the carriageway edge.
 - (c) The proposed material for the surfacing of the access, showing that the area between the entrance and the edge of the carriageway shall be properly consolidated and surfaced (not loose stone or gravel);
 - (d) The gradient of the access shall not be steeper than 1 in 10;
 - (e) The provision that shall be made within the site for the disposal of surface water so that none is allowed to discharge onto the highway.
 - (f) The proposed location of the boundary hedge that will be realigned and/or replanted behind the visibility splay required by (a).

The agreed details shall be implemented before the building hereby permitted is brought into use and shall thereafter be maintained as such.

Reason: To ensure that an adequate and safe access to the site is provided, in the interests of highway safety and the visual amenities of the area, in accordance with Policies S1, M1, M3 and EN12 of the Taunton Deane Local Plan and Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

3. The area allocated for parking and turning on drawing 09/20B shall be kept clear from obstruction and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: To ensure that adequate facilities exist for the traffic likely to be attracted to the site, in the interests of highway safety, in accordance with Policies S1, M1, M3 of the Taunton Deane Local Plan and Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

4. Any entrance gates erected shall be hung in to open inwards and shall be set back a minimum distance of 10m from the carriageway edge unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that vehicles are able to stop clear of the highway, in the interests of highway safety, in accordance with Policies S1, M1, M3 of the Taunton Deane Local Plan and Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

5. (i) Prior to the commencement of the development hereby permitted, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show the proposed boundary treatments, precise contours for the earth deposition, all proposed planting at the site boundaries and additional planting within the site and the treatment including a method statement of the roadside boundary hedge that will be realigned in accordance with condition (2).
- (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
- (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1 and S2.

6. The development hereby permitted shall not be commenced until details of a strategy to protect nesting birds and badgers has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Country Contracts submitted report, dated June 2009 and shall include a further survey detailing badger activity over the whole site and on adjoining land. The results of this survey should be used to determine the external operational use of the poultry unit.

The strategy shall include:

- Further badger surveys on site and on adjoining land owned by the applicant
- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
- Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
- Measures for the retention and replacement and enhancement of places of rest for the species.

Once approved the works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority.

The development shall not be occupied until the scheme for the

maintenance and provision of the new bird boxes and related accesses have been fully implemented.

Thereafter the resting places and agreed accesses shall be permanently maintained

Reason: To protect and enhance the site for protected species in accordance with Policy EN3 of the Taunton Deane Local Plan and Planning Policy Statement 9.

7. Spoil from the excavation shall only be deposited in the area indicated on drawing 09/20B and shall be kept 5m clear of the watercourse unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect existing biodiversity interests alongside the watercourse in accordance with Policy EN3 of the Taunton Deane Local Plan and Planning Policy Statement 9.

8. Predator proof fencing shall only be installed in the locations indicated on Drawing 09/20B and no other fencing shall be installed anywhere on the site unless otherwise agreed in writing with the Local Planning Authority.

Reason: To prevent disruption to the movement of wildlife in and around the site, in accordance with Policy EN3 of the Taunton Deane Local Plan and Planning Policy Statement 9.

Notes for compliance

1. The Environment Agency recommend that no contaminated water shall be allowed to enter any controlled waters, including groundwaters or watercourses. It is not clear where the proposed septic tank will discharge to. The system will be subject to obtaining a separate consent from the Environment Agency under the terms of the Water Resources Act 1991. The applicant can use the following link to obtain this consent: <http://www.environment-agency.gov.uk/business/topics/water/110593.aspx>.

Any foul drainage system from the proposed development will be expected to meet the requirements of British Standard BS 6297: 1983 and which complies with the following:- (a) there is no connection to any watercourse or land drainage system and no part of the soakaway system is situated within 10 metres of any ditch or watercourse, or within 50 metres of a well, borehole or spring. (b) porosity tests are carried out to the satisfaction of the Local Planning Authority to demonstrate that suitable subsoil and adequate land area is available for the soakaway (BS 6297: 1983 refers).

2. Any storage of fuels must be undertaken in full accordance with the Control of Pollution (Oil Storage) (England) Regulations 2001. Therefore, any facilities, above ground, for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located

within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund.

3. The waste from the egg production buildings should be spread and stored in accordance with the NVZ regulations 2008.

All waste removed from site must be carried in line with Duty of Care and the Environmental Permitting Regulations 2008 and taken to a appropriately licensed waste management facility. If any waste is to be brought onto the site then the appropriate exemption must be applied for. For more information on how waste is classified and appropriate ways of dealing with waste, please refer to the Environment Agency website:

<http://www.environment-agency.gov.uk/business/topics/waste/default.aspx>.

The appropriate management of nitrates particularly from poultry farming has been identified as a key issue within the recently published South West River Basin Management Plan. This document has been published to ensure that targets set out in the Water Framework Directive are met by 2015. As part of this, the Environment Agency, in conjunction with other key stakeholders such as Natural England, have set up the Catchment Sensitive Farming (CSF) Initiative to provide advice and best practice for agricultural practices. Should this be of interest to the applicant, the CSF Officer for the site is Roy Hayes (roy.hayes@environment-agency.gov.uk).

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

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