

Item B

**Land 45m North of 177 Straid
Road Bushmills**

**LA01/2015/0012/F
Full Application**

27th January 2016

<u>No:</u>	LA01/2015/0012/F	<u>Ward:</u> Giant's Causeway
<u>App Type:</u>	Full Application	
<u>Address:</u>	Land 45m North of 177 Straid Road Bushmills	
<u>Proposal:</u>	3 No. new poultry units for up to 37,000 birds per unit including extract fans to roof new meal and fuel silos, new concrete apron, new ancillary building and improvement to access extension to ex concrete apron, Straid Road, Bushmills.	
<u>Con Area:</u>	N/A	<u>Valid Date:</u> 31 March 2015
<u>Listed Building Grade:</u>	N/A	
<u>Agent:</u>	R. Robinson and Sons 59 High Street, Ballymoney BT53 6BG	
<u>Applicant:</u>	Mr A Dobbin	
<u>Objections:</u> 0	<u>Petitions of Objection:</u> 0	
<u>Support:</u> 0	<u>Petitions of Support:</u> 0	

**Drawings are available to view on the Planning Portal-
www.planningni.gov.uk**

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the conditions and informatives set out in section 10.

2 SITE LOCATION & DESCRIPTION & CHARACTER OF AREA

- 2.1 The site incorporates a portion of the existing farm complex and adjacent agricultural land. The proposed access uses the existing access to the existing poultry house and farm complex. The red line also includes portions of the adjacent fields to the rear of the farm dwelling, located to the north west and north east of it. There is little boundary definition within these fields other than boundary running along the existing farm complex. At the roadside, there are scattered hedges along the Straid

Road to the south. The northern boundary of the site is the roadside hedge running along the Clougher Road, a minor narrow country road.

- 2.2 The land in the surrounding area is generally flat. There are low drumlins in the wider area. At the site, the land rises gently from the Straid road up towards the farm complex. The existing farm complex consists of a bungalow, several farm sheds, and a poultry house.
- 2.3 The site is located within the rural area and outside any settlement limit as defined by the Northern Area Plan.

3 RELEVANT HISTORY

There is no relevant history.

4 THE APPLICATION

- 4.1 Planning permission is sought for the 3 new poultry units for up to 37,000 birds per unit including extraction fans to the roof, new meal and fuel silos, new concrete apron, a new ancillary building, with improvement to the access and an extension to the existing concrete apron.
- 4.2 As the application is for the installations for the intensive rearing of poultry with more than 85,000 places for broilers, it requires an Environmental Impact Assessment under Schedule 1 of The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015. An Environmental Statement was submitted with the planning application. The necessary advert for EIA development was carried out on 1st July 2015. This advert was placed in the Coleraine Times and Coleraine Chronicle and advised that an Environmental Statement had been submitted and where copies of this could be viewed and purchased.
- 4.3 The Environmental Statement has taken into account the many factors which need to be assessed with this type of development in the countryside including the potential effects on the environment and the significance of these, considering both construction phase of the project and when it is operational. The statement also takes into account noise, air

quality, dust and odour; ecology; the water environment; transport; socio-economic impacts; litter disposal and nitrates management; and assessment of significance of effects. Further clarification in relation to litter disposal was submitted on 16th November 2015.

- 4.4 On 16th July 2015 the planning application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Causeway Coast and Glens Borough Council. The proposal would not be likely to have a significant effect on the North Antrim Coast SAC or Skerries and Causeway cSAC or any other European site, either alone or in combination with any other plans or projects (in light of the definition of these terms in the 'Waddenzee' ruling of the European Court of Justice Case C-127/02) and an appropriate assessment is therefore not required.

5 PUBLICITY & CONSULTATIONS

External:

5.1 Neighbours: No objections received

5.2 Internal:

NIEA Natural Environment Division: has no objection to the proposal.

NIEA Historic Monuments Unit: has no objection to the proposal.

NIEA Water Management Unit: has no objection to the proposal.

NIEA Industrial Pollution & Radiochemical Inspectorate: has no objections. It is stated that a PPC permit is required under the Pollution and Control (Industrial Emissions) Regulations (NI) 2013 (The PPC(IE) Regulations).

Rivers Agency: has no objection to the proposal.

Nlwater: has no objection to the proposal.

Transport NI: has no objection to the proposal.

Environmental Health: has no objection to the proposal

DARD NI: has confirmed the farm business is active and established for the required period.

6 MATERIAL CONSIDERATIONS

- 6.1 Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local plan, so far as material to the application, and all other material considerations. Section 6(4) states that in making any determination where regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 6.2 The development plan is:
- Northern Area Plan 2016
- 6.3 The Regional Development Strategy (RDS) 2035 is a material consideration.
- 6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times a plan strategy and is adopted, councils will apply specified retained operational policies.
- 6.5 Due weight should be given to the relevant policies in the development plan.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

The Northern Area Plan 2016

The Strategic Planning Policy Statement for Northern Ireland (SPPS)

Planning Policy Statement 2 - Natural Heritage

Planning Policy Statement 3 - Access, Movement and Parking

Planning Policy Statement 21- Sustainable Development in the Countryside

8 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the: Environmental Statement, principle of the development in this location, design and visual integration, traffic issues and; impact on natural heritage.

Planning Policy

8.2 The site is within the rural area as defined by the Northern Area Plan 2016. The following designated sites/ecologically sensitive locations are within 7.5km of the site:

- Skerries and Causeway SCI
- The Giants Causeway and Dunseverick ASSI
- North Antrim SAC
- White Park Bay ASSI
- White Rocks ASSI
- Runkerry ASSI
- Prolusk ASSI
- Portballintrae ASSI

8.3 The principle of this development proposed must be considered having regard to the PPS policy documents specified above and the supplementary guidance.

Environmental Statement

8.4 As the proposal is Schedule 1 Development under The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015, an Environmental Statement (ES) was submitted with the planning application.

8.5 Relevant consultees have been consulted, including those necessary statutory bodies, as the competent authorities on certain matters contained within the ES to seek their particular advice on the impact of the proposed development on the environment.

8.6 Having sought this expert advice, the ES confirms that:

- There will be no demonstrable harm to residential amenity by way of noise or odour;
- The proposal will not pose any environmental risk to air quality;
- There will be no unacceptable adverse impact on nature conservation interests;
- The proposed site is not at risk of flooding and the proposal will not cause or exacerbate flooding elsewhere;
- There will be no potential adverse impact on water resources that cannot be prevented or controlled by mitigating measures; and
- The access to the site and the nature and frequency of associated traffic movements will not prejudice the safety and convenience of road users or constitute a nuisance to neighbouring residents by virtue of noise, dirt and dust.

8.7 The site is not in a designated sensitive area and the development is not considered to be unusually complex or have any potentially hazardous environmental effects.

8.8 The ES also confirms that majority of the waste produced from this development will be the poultry litter. Waste and bedding from the buildings is removed from the site on a periodic basis to be utilised according to the Moy Park Litter Utilisation Plan. Limited amounts of waste water and packaging will also result. The total litter of 1014 tonnes per year will be deducted from Moy Park's total of 80,818 tonnes of litter which make up of landspreading in the Republic of Ireland, combustion for energy production and disposal via anaerobic digestion. No litter is to be landspread in Northern Ireland.

Principle of development

8.9 Policy CTY 1 of PPS 21 sets out the range of types of development which, in principle, are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. One of the types of development is agricultural and forestry development in accordance with Policy CTY 12.

8.10 Policy CTY 12 states that planning permission will be granted for development on an active and established agricultural and forestry holding where it is demonstrated that:

a) It is necessary for the efficient use of the agricultural holding.

This is expansion of an existing farm business as the applicant already has a poultry unit serving up to 19,000 broilers. The addition of another 3 units with a maximum of 37,000 birds per unit will expand the business to serve a capacity to a maximum of 130,000 broilers. The scheme is part of the Moy Park project. The buildings are necessary for the efficient use of the agricultural holding and the economic efficiency of the holding.

b) It is appropriate to the location in terms of character and scale.

In terms of character and scale the proposed buildings fit in with existing buildings on the farm which is beside the site. The character of the site is large agricultural sheds and a poultry house. The new units will reflect the existing character and scale.

c) It visually integrates into the local landscape and additional landscaping is provided as necessary.

In terms of integration, the building will be sited to cluster with the existing farm complex of buildings and will be visually linked and integrated into the landscape given the existing character. The new buildings will be positioned to cluster with existing farm complex which consists of a poultry house and several large agricultural sheds adjacent to the existing farm house. The new buildings will be visually linked with the existing farm complex and uses the same access. There are limited critical views from the public road due to local topography and mature vegetation at roadside on the Straid road. The land is generally flat in this area with low hills. Critical views are restricted to along the frontage on the Straid Road and on the eastern approach. Longer views are screened. A landscaping plan has been submitted which shows retention of existing vegetation on boundaries and the planting of new hedges and trees to new boundaries and supplement existing gaps. This will result in better screening when the vegetation matures. The site is not prominent on the landscape.

d) It will not have an adverse impact on the natural or built heritage.

NIEA, as the competent authority, has been consulted on natural and built heritage grounds and is now content with the proposal. There should not be any detrimental impact on the natural or built heritage.

e) It will not result in a detrimental impact on the amenity of residential dwellings outside the holding.

It is considered that the distance of the proposed poultry units is far enough away from neighbouring properties so as to not cause any significant detrimental impact or unacceptable further impact than the existing situation, given there is already a farm complex. Environmental Health has been consulted as the competent authority on this matter and raise no concern.

8.11 CTY 12 continues that in the case where a new building is proposed, the following must also be addressed.

There are no suitable existing buildings on the holding or enterprise that can be used;

There are no suitable buildings on the farm as the poultry supplier demands contamination free new buildings for the operation. This is supported by DARD's biosecurity of intensive poultry industries.

the design and materials to be used are sympathetic to the locality and adjacent buildings; and

The design and materials of the building are sympathetic to the locality and is located to cluster with the existing farm buildings. The poultry houses are of a simple design and buildings of this style are characteristic of the rural area.

the proposal is sited beside existing farm or forestry buildings.

In this case, the buildings are located to the rear of the existing farm complex and therefore sited beside the existing farm.

Design and visual integration

- 8.12 Policy CTY 13 allows for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. This matter is also considered under CTY 12 (para 8.10 & 8.11) and complies with the requirements of CTY 13.
- 8.13 Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. Given the new poultry sheds will sit clustered with the existing farm complex, and reflect the fabric of the countryside, it will not cause a detrimental change to the rural character of this area.

Traffic Issues

- 8.14 TransportNI has been consulted as the competent authority on traffic matters and raises no objection subject to conditions being imposed on any planning permission granted.

Impact on Natural Heritage

- 8.15 The site lies within 7.5km of a number of areas designated for their conservation and/or ecological value as set out in paragraph 8.2. Given the nature of this proposal which could have a detrimental impact on these, NIEA and Shared Environmental Services (SES) were consulted as the competent bodies in advising the planning authority in this regard. An Environmental Statement and Habitats Regulation Assessment were also carried out. Policies NH 1 and NH 3 of PPS 2: Natural Heritage provide the planning policy context for such designations.
- 8.16 SES is satisfied with the information submitted in relation to the potential impact on the European and International designated sites.
- 8.17 NIEA states that the proposal will not have a significant effect on, either directly or indirectly, any of the ASSI's or SAC's.

9 CONCLUSION

- 9.1 Having taken into account the advice from the various consultees listed above and given the scale and location of the development on the site, it is not considered to have a significant effect on or to the relevant receptors such as soil, water, flora, fauna and residential amenity. The proposal is acceptable in terms of visual amenity and road safety. The proposed development is considered acceptable in this location having regard to the area plan and other material considerations. The development is an appropriate use of the land and is acceptable in terms of its layout and appearance. Approval is recommended.

10 CONDITIONS/ INFORMATIVES

10.1 Regulatory Conditions:

1. As required by Section 61 the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

2. The existing boundary vegetation as indicated on Drawing No. 02/3 date stamped received 25th September 2015 shall be permanently retained, unless it is necessary to be removed to prevent danger to the public in which case a full explanation shall be given to the Planning Authority in writing. The proposed planting as indicated on the same drawing shall be undertaken during the first available planting season after construction of the building for its permitted use.

Reason: In the interest of visual amenity and to ensure the development integrates into the countryside.

3. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Planning Authority, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Planning Authority gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

4. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No.02/3 bearing the date stamp 25th September 2015, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

5. The access gradient to the building hereby permitted shall not exceed 4% (1 in 25) over the first 20 m outside the road boundary.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

6. A detailed Construction Environmental Management Plan (CEMP) must be submitted to the Planning Authority, for consultation and agreement with NIEA Water Management Unit, at least eight weeks prior to the commencement of construction (as proposed in the Environmental Statement submitted with this proposal).

Reason: To ensure effective avoidance and mitigation measures have been planned for

INFORMATIVES

10.2 Informatives:

1. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.
4. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Planning authority or other statutory authority.
5. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc. deposited on the

road as a result of the development, must be removed immediately by the operator/contractor.

6. All construction plant and materials shall be stored within the curtilage of the site.
7. It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.
8. Notwithstanding the terms and conditions of the Department of Environment's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Regional Development's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the TransportNI Section Engineer whose address is County Hall, Castlerock Road, Coleraine, BT51 3HS. A monetary deposit will be required to cover works on the public road.
9. Recommended informatives are set out in the DOE Standing Advice Note No.12 –

Agricultural Developments (April 2015) available at:

http://www.planningni.gov.uk/index/advice/northern_ireland_environment_agency_guidance/standing_advice_12_agricultural_developments_issue_1.pdf

Water Management Unit also recommends adhering to the guidance detailed in:

DOE Standing Advice Note No. 11 – Discharges to the Water Environment (April 2015):

http://www.planningni.gov.uk/index/advice/northern_ireland_environment_agency_guidance/standing_advice_11__discharges_to_the_water_environment.pdf

DOE Standing Advice Note No.4 – Pollution Prevention Guidance (April 2015)

http://www.planningni.gov.uk/index/advice/northern_ireland_environment_agency_guidance/standing_advice_4_pollution_prevention_guidance.pdf

Effective mitigation measures must be in place to protect the water environment and surrounding water bodies from any discharge into them that may damage ecological status and to ensure that the Water Framework Directive (WFD) objectives for the water body are not compromised nor the WFD objectives in other downstream water bodies in the same and other catchments. The applicant should be informed that it is an offence under the Water (Northern Ireland) Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata. Conviction of such an offence may incur a fine of up to £20,000 and / or three months imprisonment. The applicant should ensure that measures are in place to prevent pollution of surface or groundwater as a result of the activities on site, both during construction and thereafter.

10. The applicant should also be reminded of their responsibilities under the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations (SSAFO) (Northern Ireland) 2003 and The Nitrates Action Programme (NAP) Regulations (Northern Ireland) 2010.
11. The applicant's attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:
 - kill, injure or take any wild animal included in Schedule 5 of this Order, which includes the badger (*Meles meles*).
 - damage or destroy, or obstruct access to, any structure or place which badgers use for shelter or protection;
 - damage or destroy anything which conceals or protects any such structure;
 - disturb a badger while it is occupying a structure or place which it uses for shelter or protection.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

If there is evidence of badger on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac

Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 905 69605.

12. The applicant will have to apply to the NIEA Industrial Pollution and radiochemical Inspectorate (IPRI) for a permit.

ANNEX

Date Valid	31st March 2015
Date First Advertised	22nd April 2015
Date Last Advertised	1 st July 2015
Details of Neighbour Notification (all addresses) The Owner/Occupier, 178a Straid Road, Busmills	
Date of Last Neighbour Notification	29th April 2015
Date of EIA Determination	28th April 2015
ES Requested	Yes

Site Location

