

**REPORT TO:** Planning Committee  
**MEETING DATE:** 1 November 2022  
**BY:** Executive Director – Place  
**SUBJECT:** Application for Planning Permission for Consideration

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Application No. **22/00239/P**  
Proposal Erection of poultry building and associated works  
Location **Field to the West of Howden Wood  
Gifford  
East Lothian**  
Applicant East Lothian Eggs Ltd  
Per Cogeo Planning & Environmental Services Ltd

**RECOMMENDATION** Consent Granted

## **REPORT OF HANDLING**

### **PROPOSAL**

This application relates to an area of agricultural land which forms part of Howden Farm which is to the east side of East Saltoun. The site is within the countryside, as defined by Policy DC1 of the East Lothian Local Development Plan 2018 (ELLDP 2018).

The site is bounded to the northwest by an existing poultry shed and associated range land at Howden Farm beyond which is the B6368 public road. The east of the site adjoins Howden Wood, which is designated as a Local Biodiversity Site and native woodland. The south and west of the site is bounded by agricultural land.

There have been a number of planning permissions granted for poultry related developments at Howden Farm resulting in there being 3 separate poultry buildings with associated smaller buildings and ranges in different locations, on Howden Farm.

#### Planning History

In February 2016 planning permission ref: 15/00541/P was granted for the erection of a poultry shed on agricultural land to the east side of Howden Wood and some 300 metres to the south of the agricultural buildings of Howden Farm. Planning permission 15/00541/P has been implemented and the poultry shed is in situ.

In March 2017 planning permission ref: 17/00027/P was granted for an extension to be added to the southern gable elevation of the poultry shed approved by the grant of planning permission 15/00541/P. Planning permission 17/00027/P has been implemented.

On 27th June 2019 planning permission (Ref: 19/00330/P) was granted for the erection of poultry building and associated works on land to the south of Howden Wood. Planning permission has been implemented and the poultry shed is in place.

In February 2020 planning permission (Ref: 19/01200/P) was granted for changes to landscaping and variation of condition 1 of planning permission (Ref: 19/00330/P).

In April 2020 planning permission (Ref: 20/00238/P) was granted for the installation of a ground-source heat pump, solar array, siting of a storage container all in association with the poultry building granted planning permission 19/00330/P.

In October 2020, planning permission (Ref: 20/00851/P) was granted for a poultry building and associated works to be erected on land to the north of the farm buildings of Howden Farm some 600m to the north of this current application site. Planning permission 20/00851/P has been implemented.

In June 2021 planning permission (Ref: 21/00375/P) was granted for siting of 3 storage containers for the installations of heat pump units and associated works on land to the east side of the poultry shed granted planning permission 20/00851/P.

In February 2022 Planning permission (Ref: 21/01235/P) was granted for the formation of an earth bund to be formed to surround the existing poultry building the subject of planning permission 19/00330/P and the associated buildings and structures. Works to implement planning permission 21/01235/P have commenced and are on going.

In addition to this current application a planning application ref: 22/00952/P has recently been received by East Lothian Council for a further poultry shed to be erected on land to the east of the poultry building approved by the grant of planning permission 15/00541/P on the eastern side of Howden Wood. That application will be determined on its merits in accordance with the development plan unless material planning considerations indicate otherwise.

## **PROPOSAL**

Planning permission is now sought in part retrospectively for; (i) the erection of a poultry shed on the application site, (ii) the erection of a building containing an egg packing facility adjacent to the northeast corner of the proposed poultry shed, (iii) two x 9m high feeding silos adjacent to the southeast corner of the proposed poultry shed and (iv) an area of hardstanding to be used as a car parking area to the east side of the proposed poultry shed and egg packing building.

This proposed poultry shed would lie directly to the south east of the existing poultry shed which was granted planning permission Ref: 19/00330/P and would be within the landscaped bund which was approved as part of planning permission Ref: 21/01235/P. The site would be accessed from the existing vehicular access to the existing poultry shed leading from the B6368 public road.

The proposed poultry shed would be rectangular in shape and would house 32,000 free-range hens for egg production. It would measure some 26.55m wide by some 102.3 m in

length. It would have a pitched roof which would be approximately 6.89m in height to the ridge of its roof and 3.3 metres to eaves. The north eastern gable would have two large pairs of double doors in it as well as two small pairs of double doors. The south west elevation would have two small pairs of double doors. There would be a personal door within each of the south east and north west elevations. The shed would be finished in a colour, design and materials that are in-keeping with the finishes of the existing poultry shed unit. Heat recovery units would be attached to the north east gable while exhaust fans would be attached to the south west gable.

The egg packing house would adjoin the south eastern corner of the poultry shed. It would be approximately 30 metres long and 14 metres wide. It would have a pitched roof 6.44 metres to ridge and 4.5 metres to eaves. The north east elevation would have a pair of large double doors and a pair of small double doors. It would also be constructed a material to match the existing buildings on the site.

The two proposed feed silos would be located adjacent to the south east corner of the proposed poultry building and would each measure some 9 metres to ridge and be some 3.5 metres wide.

The south east roof slopes of the poultry shed and packing shed would be fitted with solar PV panels to improve the energy efficiency of the building.

The development would be contained within the landscaped bund which was approved as part of planning permission Ref: 21/01235/P.

The Planning Statement submitted by the applicant informs that the application is submitted on behalf of East Lothian Eggs Ltd, a local agricultural business with an existing free range hen shed operation on land at Howden Farm. Due to the success of the current operations, the applicant is seeking to expand their rural business through the construction of an additional hen shed onsite with a proposed capacity of 32,000 hens – which if granted would give the business a cumulative capacity of 64,000 hens within the two sheds.

In terms of vehicle movements, the applicant has stated that as the site hosts an existing hen shed unit, operational deliveries and collections from the site will be scheduled to service both hen sheds in one visit. By managing the two units together, vehicle movements associated with operations will be reduced.

In terms of feed deliveries, this would occur 1-2 times per week. Egg collections would be undertaken up to 3 times per week. It is also stated that 2-3 vehicles will enter and leave the site per day, working in the sheds.

The hens would be delivered on site as pullets at 14 weeks of age and they would be removed from the site at 80 weeks of age, as per existing operations at the site.

The applicant has stated that they aim to employ 2-3 additional members of staff for the operations.

A range area of some 40 Hectares for the hens would be provided in the fields to the southeast of the proposed shed.

The application is accompanied by an Environmental Impact Assessment and information on noise, dust, odour, light, and drainage, waste management have been submitted as part of the supporting information of this planning application. A further revised Environmental Impact Assessment has also been submitted to incorporate

comments received by SEPA following consultation on the Environmental Impact Assessment.

## **DEVELOPMENT PLAN**

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan, unless material considerations indicate otherwise.

The development plan is the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Development Plan 2018 (ELLDP).

There are no policies of SESplan relevant to the determination of this application. Relevant to the determination of the application are Policies DC1 (Rural Diversification), DP1 (Landscape and Streetscape Character), DP2 (Design), T2 (General Transport Impact), NH3 (Protection of Local Sites and Areas), NH5 (Biodiversity and Geodiversity Interests including Nationally Protected Species) NH8 (Trees and Development), NH11 (Flood Risk), NH12 (Air Quality), NH13 (Noise) and SHE2 (Low and Zero Carbon Generating Technologies) of the adopted East Lothian Local Development Plan 2018.

## **REPRESENTATIONS**

Two written objections have been received to the application. The main grounds of objection are:

- \* Noise from both the construction of the sheds and the use after construction;
- \* Odour from waste associated with the poultry shed;
- \* Additional road traffic on an already busy road;
- \* Impact of the concentration of poultry sheds in the area and concern over industrial agriculture;
- \* Increased vermin in the area;
- \* The new tree proposed, is there details regarding the protection of these against wildlife;
- \* Impact of the concentration of poultry sheds in the area detrimental to mental health, and the council receiving money for the application.
- \* Previous history of unsociable construction noise and burning plastics which should be prevented;
- \* Increased deforestation noise and the continued cutting down of trees and no replanting of trees with ground now being a dumping ground.
- \* Contamination of waterways from urea run off;
- \* Movement of hen litter;
- \* Advertising free range eggs when they are not;
- \* Intimidation of residents by an unhinged family with sonic bird scarers, revving of engines behind properties and general victimisation of residents around Howden Farm;
- \* No consideration of the welfare of residents and the environment from the destruction and industrialisation of East Lothian;
- \* A full environmental study needs to be carried out into the impact of the buildings already in place;
- \* Damage to roads from increased traffic;

With regards to the siting of the proposed shed within this area, there is no requirement for the applicant to demonstrate why this site was chosen. The application will be determined on its merits in accordance with the Development Plan unless material considerations indicate otherwise.

The issue of intimidation of the occupiers of neighbouring properties by the applicant is not a material planning consideration relevant to the determination of this planning application. Any matters of anti-social behaviour, is a matter for Police Scotland.

The application does not propose the felling of any trees within the application site. If any trees have been felled contrary to the requirements of an existing planning consent then this matter can be investigated by the **Council's Planning Enforcement Service** as an alleged breach of planning control. Otherwise the felling of unprotected trees that are outwith a conservation area may be controlled through Forestry Scotland depending on the extent of felling.

With regards to fees received by the Council to assess the planning application, these fees are set out by the Scottish Government and are intended to cover the costs of the Council to assess and determine planning applications.

This planning application is for a poultry building to be operated as part of the farm unit at Howden Farm. The matters of pollution – noise, waste and contamination of waterways - are assessed as part of the EIA.

The matter of what constitutes free range egg production in Scotland is controlled by Scottish Government. Scottish Government have advised that the granting of planning permission for the poultry shed would not necessarily mean that a relevant licence approving the shed for free range egg production licence would also be issued. As the issuing of that licence is a separate process governed by legislation other than planning legislation this does not prevent the Council as Planning Authority from determining this planning application. The applicant has however been made of this separate licensing process.

The matter of vermin is controlled through legislation other than planning. Such matters are therefore not relevant to the determination of this planning application.

With regard the matter of noise during the construction period of the shed as this would be for a temporary period then it would be unreasonable of the Council as Planning Authority to limit the noise emanating from the site during this period. However any complaint about unreasonable levels of noise could be investigated by the **Council's Protective Services** under their relevant legislation. The matter of noise from the shed once in operation is addressed elsewhere within this report.

## **COMMUNITY COUNCIL**

The Humble, Bolton, East and West Saltoun Community Council have commented on this planning application. They have stated that they do not wish to submit a formal objection to this application. However they have raised a number of points that they believe should be considered including;

1. Ensuring compliance with the landscaping condition of previous consents before any further development is undertaken.
2. Concerns about the potential longer term impact of sequential expansion of developments of this kind. Staged applications can eventually lead to a complex of buildings which would not be approved if applied for as a consolidated proposal. ELC should seek a clear statement from the applicant on future expansion plans and consider setting explicit limits on what would be acceptable.
3. It appears that this application involves building on land identified in the previous application as 'grazing' for the hens in that unit. It is understand that hens are 'locked

down' at present, but that may not always be the case so it is important to identify what land is earmarked for this in respect of the proposed and previous unit.

4. The applicant felled or uprooted roadside trees to comply with sight-line requirements in the previous consent. The area felled is currently an unsightly mess of broken, fallen and uprooted trees. Remedial work should be a condition of any new planning consent.

In respect of some of the points raised by the Community Council the following responses are given.

Issues of landscaping conditions can be enforced by the Council through Planning Enforcement Action if necessary. Furthermore, supplementary replacement planting can be dealt with by way of planning conditions attached to any consent issued.

With regards to subsequent development on this site, any future proposals would require planning permission and their impacts would be assessed on their own merits in compliance with the East Lothian Local Development Plan 2018 including cumulative impacts.

A range area of some 40 Hectares for the hens would be provided in the fields to the southeast of the proposed shed. However the formation of the range area does not require planning permission and does not form part of this planning application.

## **ENVIRONMENTAL IMPACT ASSESSMENT**

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 the proposed development falls within the category of a Schedule 2 Development, being one that may require the submission of an Environmental Impact Assessment (EIA). The proposal falls under the development description Schedule 2, Section 1(c) - Intensive Livestock Installation with a floor space area greater than 500m<sup>2</sup>. The proposal therefore must be screened under Schedule 2 of the EIA (Scotland) Regulations 2017.

On 20th August 2020 (Planning Reference EIA/SCREEN/20/11) the Council adopted a screening opinion that an Environmental Impact Assessment was required and a subsequent Scoping Opinion dated 19th July 2021 setting out the matters to be considered in the Environmental Statement including Landscape and Visual, Ecology, Noise, Air Quality, Odour, Drainage and Flood Risk and Pollution Prevention and Environmental Management.

An Environmental Impact Assessment (EIA) was submitted to the Council on 25th February 2022 and has been duly advertised and consulted on.

A revised EIA was submitted on the 9th August 2022 to include an updated Chapter 9 following comments from SEPA. The revised EIA has been duly advertised and consulted on.

The submitted EIA contains chapters on the method and approach to preparing the EIA, the planning policy context, Design & Mitigation, Ecology, Air Quality, Odour, Noise Impact Assessment, Drainage Strategy and Flood Risk Assessment, and Pollution Prevention & Environmental Management Pollution Prevention & Environmental Management.

The EIA is based on a proposal for the erection of a single 32,000 capacity free-range hen shed as an extension of existing farming operations at Howden Farm, Gifford, EH41

4JS. The new agricultural unit is proposed to the south of the existing free-range hen shed located west of Howden Wood.

As required by Regulation 5(5)(b) of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, to ensure the completeness and quality of the EIA, the applicant has submitted with the EIA a statement outlining the relevant expertise or qualifications of the project team that has contributed to the EIA.

Based on this submitted statement, it can be reasonably concluded that the authors are suitably qualified.

Regulation 4(2) and 4(3)(a) to (d) require that an EIA must identify, describe and assess in an appropriate manner, in light of the circumstances relating to the proposed development, the direct and indirect significant effects of the proposed development on the factors and the interaction between those factors, and the factors are – (a) population and human health; (b) biodiversity; (c) land, soil, water, air and climate; and (d) materials assets, cultural heritage and the landscape.

In line with the Scoping Opinion, the EIA has considered the likely significant effects from construction and operation of the proposed development on Landscape and Visual, Ecology, Noise, Air Quality, Odour, Drainage and Flood Risk and Pollution Prevention and Environmental Management.

The EIA finds that:

Landscape and Visual – Visualisations have been produced and suggested mitigation measures implemented into the design of this development provide an appropriate level of screening from the outset, with impacts reduced to negligible once the landscaping has matured. The creation of the earth bund will provide a boundary around the development, allowing it to be viewed as a single operation. Proposed landscape planting will minimise the visual impact of the development to receptors south of the site, whilst also providing shelter for the hens within the free ranging area.

Ecology – Impacts to sensitive ecological features, both flora and fauna are deemed unlikely as a result of the extension of onsite operations;

Noise – Sharps Redmore have carried an assessment of the potential noise impact from the proposed use including:

- Noise from ventilation fans
- Noise from delivery and collection vehicles on the access road
- Noise from waste belt

Against agreed methods of assessment the report objectively demonstrates that the proposal will not give rise to significant adverse noise impacts, which is the test under PAN 1/2011.

It is therefore concluded that the proposals can proceed in terms of noise;

Air Quality

\* An air quality impact assessment using modelling data has been conducted using figures from the proposed and existing sheds for residential dwellings and designated habitats in the vicinity. The AQIA report is presented in Appendix 9.1 of the EIR report.

\* In relation to human health impacts for the pollutants of concern, it is concluded that there are no significant impacts due to air pollution at any relevant exposure location.

\* In relation to impacts at designated nature conservation sites, screening thresholds are marginally breached for the cumulative or in-combination ammonia concentration at

Papana Water (4.2%), Traprain Law (4.3%) and Danskin Loch (4.9%).

\* Given the marginal nature of the screening breaches by evaluation against the lower critical level of 1 ug NH<sub>3</sub>/m<sup>3</sup> for the cumulative assessment and that it is for the point on the site boundary closest to the farm, it will be unlikely that damage will occur to the designated features at the Danskin Loch, Papana Water, and Traprain Law SSSIs.

\* The predicted spatial variation in pollutant concentrations across the proposed impact area and designated habitats using contour plots are presented in Appendices 9.4 – 9.6 of the AQIA report.

Odour - The potential modelled odour impacts of the proposed development from odour emissions associated with poultry and poultry manure onsite are not likely to cause nuisance or impairment. An updated OMP to include the proposed hen shed is attached (Appendix 10.2 of the AQIA report) and will be submitted to SEPA as part of the PPC permit required for the poultry operations onsite. This plan will work towards minimising odour impacts associated with the operations at Howden Farm;

Drainage and Flood Risk – The assessment has demonstrated that the proposed development will be safe from flooding and that a suitable drainage system can be provided to serve the new poultry building without increasing flood risk in the area. For the reasons above it is considered that the proposed development is acceptable and should not be refused on the grounds of flood risk or drainage.

Pollution Prevention and Environmental Management – Through the adoption and implementation of best practice methods during the construction phase, with all onsite agricultural practices monitored and regulated by SEPA throughout the operational life of the poultry site, the risk of pollution will be managed and dealt with appropriately.

The Environmental Impact Assessment (EIA) concludes that subject to the relevant mitigation the proposed development would not have any significant effects.

Historic Environment Scotland have also commented on the EIA to state that sufficient information is provided in the EIA Report for them to come to a conclusion as to the level of impact on heritage assets covered by their interests. They have concluded that the development proposal does not raise issues of national significance sufficient to warrant an objection for their historic environment interests. They have also confirmed that they have no comments following the submission of the revised EIA.

Transport Scotland has also commented on the EIA and the revised EIA and have confirmed that they no longer respond to EIA consultations in a statutory capacity.

## **PLANNING ASSESSMENT**

What is proposed in this planning application is for a poultry shed with associated development which is an agricultural use that accords with the definition of agriculture given in Section 277 of the Town and Country Planning (Scotland) Act 1997.

In that the proposed poultry shed development is for agricultural use to expand the operation of an existing farming enterprise at Howden Farm the principle of this proposed development in the countryside at Howden Farm has an operational requirement for its proposed location. On this consideration the proposed development, in principle, complies with Policy DC1 of the adopted East Lothian Local Development Plan 2018.

Policy DC1 of the adopted East Lothian Local Development Plan 2018 requires that, where acceptable in principle, development should thereafter be compatible with other policies of the adopted East Lothian Local Development Plan including impact on its



surroundings, landscape impact, having no significant adverse impact on nearby uses and suitable access is or can be made available.

The application site would still be an agricultural use of this agricultural land and therefore would not result in the loss of this agricultural use. The proposed poultry shed, silo and egg packing building would be a new build elements in the landscape of the area.

The proposed poultry building and associated structures would be large modern agricultural buildings set in the context of a local landscape of agricultural fields and buildings. They would not be significantly higher or of such a larger footprint to be different to other large modern agricultural buildings located elsewhere in East Lothian. There would be some views of the buildings from the B6368 public road to the north and east, as well as from the unclassified road to the south. However the proposed landscaped bund which is to be formed between the public roads and the existing and proposed sheds, together with the high hedgerows on the sides of the roads would provide some screening of the the proposed building from public views from those roads. In such a setting, and seen against the backdrop of Howden Wood the proposed poultry shed would not, either individually or cumulatively with the adjacent poultry shed, be visually imposing in its landscape setting. Furthermore, the proposed new buildings together with the adjacent buildings would be sited a sufficient distance away from, and separated from the other poultry sheds located on other parts of Howden Farm by Howden Wood to ensure they would not have a visual relationship with those other poultry buildings. Therefore the proposed new poultry shed would not cumulatively with those other poultry sheds have a harmful impact on the landscape character of the area.

As so positioned and designed the proposed poultry shed, egg packing store and feed bins would be seen as part of the existing agricultural business operating at Howden Farm. They would be structures functionally and visually related to that existing poultry farm operation at Howden Farm. By virtue of this, and in the context of their landscape setting and by their size, height, materials and proposed colours they would not be untypical for their countryside location and would not be harmfully incongruous or obtrusive features. They would not be out of keeping with the nearby buildings and would therefore not be visually harmful to the character and appearance of this part of the East Lothian countryside.

On matters of landscape and visual impact, the **Council's Landscape Projects Officer** has been consulted on the planning application. They have advised that the application relates to buildings associated works with the existing poultry business. They are satisfied that if the perimeter bund approved by planning permissions 19/01200/P & 21/01235/P is formed this would provide screening and softening of the buildings within their landscape setting.

With regard to the timing of the bund's construction and tree planting, the Landscape Policy Officer states that this should ideally be carried out in tandem with the shed construction and no later than the planting season following the commencement of the development, in which would be this October through to March 2023 at the latest. This can be made a condition of any grant of planning permission.

Subject to the imposition of the aforementioned planning control for the formation and landscaping of the bund the proposed poultry shed, egg packing building, silos and hardstanding would not be inappropriate to their agricultural landscape setting and would not be harmfully out of keeping with their surroundings. They would not be inconsistent with Policies DP1 and DP2 of the adopted East Lothian Local Development Plan 2018.

The proposed poultry shed would be sufficiently sited so that it would not detrimentally impact on levels of daylight or sunlight to surrounding residential properties. Similarly, given the separation distance of the proposed poultry shed from surrounding residential properties, the proposal would not lead to a detrimental increase on overlooking or loss of privacy of surrounding properties.

In terms of nuisance odours, Paragraph 13.14 of the Scottish Government publication the Scottish Executive Code of Good Practice, Prevention of Environmental Pollution from Agricultural Activity states that; "When designing new buildings, consider their siting in relation to residential accommodation, and avoid sites within 400m of such developments. Where possible, sites downwind of residential areas should be chosen."

With regard to this Government guidance the material consideration is whether or not the siting of the proposed chicken sheds development less than 400 metres from the nearest residential properties in the locality would result in odour emissions having a harmful impact on the amenity of residents of those properties.

The nearest residential property is less than 400 metres from the application site. However the Government guidance goes not prohibit such development, only that consideration is given to the impact of development on nearby residential properties.

In respect of amenity, the **Council's Senior Environmental Protection Officer** has been consulted on the proposal. They have responded to state that the Pollution Prevention and Control (Scotland) Regulations 2012 (PPC Regulations) apply to a wide range of industries, including large agricultural installations used for the intensive rearing of poultry that exceed 40,000 places. Although the development is for a single 32,000 capacity hen shed, the cumulative operating capacity onsite exceeds this threshold and as such, the site will be controlled under the PPC Regulations regulated by the Scottish Environmental Protection Agency (SEPA). They have, however, perused the various technical assessments of Air Quality, Odour and Noise impacts upon sensitive receptors and have stated:

With regards to air quality that for the purposes of Local Air Quality Management review and assessment the applicant has considered impacts upon sensitive receptors due to PM10 arising from the proposed development in addition to cumulative impacts with existing operations having regard to Air Quality Objectives specified in Air Quality (Scotland) Regulations 2000, the Air Quality (Scotland) Amendment Regulations 2002 and the Air Quality (Scotland) Amendment Regulations 2016. The assessment concludes that odours arising from the proposed development are unlikely to result in any significant impact upon sensitive receptors.

The Council's Senior Environmental Protection Officer also confirmed that an Odour Assessment forms part of the Air Quality Impact Assessment and concludes that odour emissions are unlikely to result in significant impacts upon sensitive receptors and would not be contrary to Policy NH12 of the adopted East Lothian Local Development Plan 2018.

However, as stated above, odour emissions will be regulated by SEPA through conditions attached to a PPC permit for the site and will include a requirement that an Odour Management Plan be submitted as part of the Permit Application.

With regards to noise, the Council's Senior Environmental Protection Officer states that noise management is integrated throughout the Standard Farming Installation Rules<sup>40</sup> as part of the Pollution Prevention and Control (Scotland) Regulations. The proposal will

trigger the requirement of a PPC Permit, issued and regulated by SEPA, as the introduction of the additional hen shed will increase the cumulative capacity of onsite livestock operations above the stated threshold of 40,000 places for hens. As part of this guidance, all sites are required to prepare and maintain a noise management plan prior to the commencement of operations. They also confirm that the cumulative noise impacts associated with the existing and proposed development at Howden Farm have been assessed against the following design criteria and found to comply at all sensitive receptors:

\* The Rating Level, LArTr, of noise associated with the operation of the existing and proposed poultry buildings, including noise from associated plant/equipment, when measured 3.5m from the façade of any neighbouring residential property, shall be no more than 5dB (A) above the background noise level, LA90,T. All measurements to be made in accordance with BS 4142: 2014 "Methods for Rating and Assessing Industrial and Commercial Sound"

\* Noise arising from any plant or equipment associated with the existing and proposed poultry building shall not exceed Noise Rating Curve NR 20 at any Octave Band Frequency when measured within any neighbouring residential property assuming windows open at least 50mm.

Subject to the imposition of planning controls ensuring that the operation of the buildings is in accordance with the noise management plan the proposals would not be contrary to Policy NH13 of the adopted East Lothian Development Plan 2018.

No details are given of lighting for the site. The applicant has submitted a 'Light Pollution Management Plan'. The **Council's Environmental Protection Manager** has made no comments on the matter of light pollution. However as this is a rural location where light spill from the site could have a detrimental impact on the character of the area a condition should be attached requiring details of any lighting to be submitted and approved before installation.

SEPA has also responded to consultation on the application including the revised EIA. They state that they have been involved in negotiations with the applicant and have confirmed that they are content with the work that has been done, at least in terms of giving comfort for the planning application, and confirm that SEPA has no objection to this planning application 22/00239/P.

They however requested, that the:

- \* The Air Quality Impact Assessment, as accepted by SEPA on 20 July 2022;
- \* Drainage Strategy, as accepted by SEPA on 01 July 2022; and
- \* Nitrate Vulnerable Zone

be submitted to East Lothian Council in support of the planning application in order that they form part of any planning permission given. These documents were subsequently submitted.

As requested by SEPA, Cogeo revised the AQIA to v 1.2 in July 2022 and the EIA was revised to v 1.1 in August 2022. SEPA confirm that both these revisions agree and acknowledge that screening thresholds were marginally breached for the cumulative or in-combination ammonia concentration at Papana Water (4.2%), Traprain Law (4.3%) and Danskine Loch (4.9%). However overall, SEPA confirm that the breach is marginal and these findings are consistent with SEPA Ecology's assessment that the proposal will not have a significant impact on the sensitive ecological receptors screened. Therefore

SEPA have confirmed that they have no objection to this application on the grounds of pollution or emissions.

However, they have advised that they cannot, at this stage, guarantee the appropriate consents will be issued by them as they need the fuller and more detailed information which should be provided in an application for PPC. A copy of their response has been sent to the agent for the of the applicant. SEPA again advise that they are still at the pre-application stage with this application for PPC. They confirm that the AQIA has been agreed and accepted.

On those matters of amenity and subject to the above controls, the proposed development would not, through impacts of odour emissions and noise be harmful to the amenity of the occupants of nearby residential properties and is consistent with Policies NH12, NH13 and DP2 of the adopted East Lothian Local Development Plan 2018.

SEPA also confirmed that they raise no objection to the application on the grounds of flood risk. Therefore the proposals are not contrary to Policy NH11 of the adopted East Lothian Local Development Plan 2018.

The **Council's Roads Service** raises no objection to the proposed development. They have stated that there will be limited demand for on-site parking and that the site as configured, will accommodate operational parking and turning requirements. They also confirm that the 'Site Plan' – drg.no. COG2167/APP/019/e – indicates an extended area of hardstanding that will be sufficient for vehicles to manoeuvre in and return to the adjoining classified road in a forward gear. They have however requested that conditions be imposed on any grant of planning permission to ensure (i) the required visibility splay of 2.5 metres by 160 metres shall be provided and maintained on each side of the proposed access and that there shall be no obstruction to visibility above a height of 1.05 metres measured from the adjacent carriageway level within the area defined, and (ii) that the first 15 metres of the access is hard formed and that a turning area shall be provided and maintained, free of parked vehicles or other obstructions. Subject to the imposition of these planning controls the proposed development is consistent with Policy T2 of the adopted ELLDP.

The application site lies to the south west of the area of Ancient Woodland known as Howden Wood. The application however does not propose the felling of any of these trees. As such the proposal would not detrimentally impact upon these trees and is not contrary to Policy NH8 of the adopted East Lothian Local Development Plan 2018.

Howden Wood is designated as a Local Biodiversity Site.

Nature Scot has been consulted on this application, They have responded to state that the Air Quality Impact Assessment (Cogeo Ltd, 2022) concludes that there are no anticipated significant impacts from air pollution on any of the SSSIs identified within the 10km screening distance (and Traprain Law, at 10.6k). They also state that according to their records, none of these SSSIs is under particular pressure from air pollution so they can accept this conclusion. This is on the assumption that SEPA is content with the technical accuracy of the report and can confirm the adequacy and validity of the air emission data. They have also commented on the revised EIA to state that they acknowledge that the additional calculations included show that the potential Process Contribution (PC) to Papana Water, Traprain Law and Danskine Loch SSSIs are just above 4%, meaning it is above the critical load threshold for further assessment. However, since it is explained that these are upper estimates and their previous advice noted that none of these SSSIs are under existing pressure from air pollution, Nature Scot confirm that there are no anticipated significant impacts on any of the designated

features associated with these sites. They do not object to the application.

The Council' Biodiversity Officer has also been consulted on the application. They have stated that they have had some discussion with the environmental consultant during the EIA process and prior to submission of the planning application. Their main concerns related to the proximity of the shed and the ranging area to two Local Biodiversity Sites – Howden Wood (an area of Ancient Woodland), and Gifford Railway (an important wildlife corridor), but as the hens would not have access to the woodland areas, and that no fragmentation of the woodland habitat would occur they are satisfied that the proposal is unlikely to impact on protected or priority species which may use adjacent areas.

The Council' Biodiversity Officer does however state that the previous application for the erection of the first poultry shed at this location (Ref: 19/00330/P) included a condition for the erection of a 1.2m stock fence to prohibit access to the woodland areas in order to preserve the biodiversity of this habitat. Therefore, they suggest that this condition is also imposed on any grant of planning permission for this application. As such, pending compliance with this suggested condition, the proposal would be consistent with Policies NH3 and NH5 of the adopted East Lothian Local Development Plan.

Scottish Water has also been consulted on the application and the revised EIA and have responded to confirm that they have no objection to this planning application.

At its meeting on Tuesday 27th August 2019 the Council approved a motion declaring a Climate Emergency. Thereafter, at its meeting on Tuesday 3rd September 2019 the Council's Planning Committee decided that a condition requiring a developer to submit for the approval of the Planning Authority a report on the actions to be taken to reduce the carbon emissions from the building and from the completed development should be imposed on relevant applications for planning permission. Such a condition should be imposed on a grant of planning permission for this proposed development.

## **RECOMMENDATION:**

That planning permission be granted subject to the undernoted conditions:

- 1 The development hereby approved shall begin before the expiration of 3 years from the date of this permission.

Reason:

Pursuant to Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.

- 2 The area to be used for poultry free range roaming in association with the use of poultry shed hereby approved shall be solely limited to the free range area shown on the approved plan 'Appendix 5.8 - Supplementary Plan - Range Area' docketed to this planning permission.

A 1.2 metres high stock proof fencing around the range area shall be erected prior to the use of the shed hereby approved and retained and maintained for the duration of the operation of the poultry shed.

Reason:

In order to conserve the biodiversity of Howden Wood ancient woodland.

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992, or any subsequent Order amending, revoking or re

enacting that Order, no external lighting shall be installed on site without the details first being submitted to and approved in writing by the Planning Authority.

Thereafter, the lighting shall be installed as approved.

Reason:

To control the lighting on site in the interests of protecting the character of the rural area from light pollution.

- 4 Prior to the occupation of the poultry shed hereby approved a visibility splay of 2.5 metres by 160 metres shall be provided and maintained on each side of the proposed access onto the B6368 public road. There shall be no obstruction to visibility above a height of 1.05 metres measured from the adjacent carriageway level within the area defined below:-

a) A line 2.5 metres long measured along the access road from the nearside edge of the main road carriageway.

b) A line 160 metres long measured along the nearside edge of the main road carriageway from the centre of the access road in both directions.

c) A straight line joining the termination of the above two lines.

Reason:

To ensure there are sufficient sightlines for drivers of vehicles egressing from the site in the interest of road safety.

- 5 Prior to the shed hereby approved being brought into use, a turning area shall be provided and shall thereafter be maintained free of parked vehicles or other obstructions as shown stamped approved drawing 'Appendix 5.2 - Site Plan drawing No. COG2167/APP/019/e' dated 09.03.22 docketed to this permission.

Reason:

To ensure vehicles can enter the site and egress onto the main public road in forward gear, in the interest of road safety.

- 6 The first 15 metres of the access road hereby approved, as measured from the southern edge of the B6368 road, shall be hard formed for its full width.

Reason:

To prevent loose material entering the public road in the interests of road safety.

- 7 The Rating Level, LA<sub>rTr</sub>, of noise associated with the operation of the existing and proposed poultry buildings, including noise from associated plant/equipment, when measured 3.5m from the façade of any neighbouring residential property, shall be no more than 5dB (A) above the background noise level, LA<sub>90,T</sub>. All measurements to be made in accordance with BS 4142: 2014 "Methods for Rating and Assessing Industrial and Commercial Sound"

Noise arising from any plant or equipment associated with the existing and proposed poultry building shall not exceed Noise Rating Curve NR 20 at any Octave Band Frequency when measured within any neighbouring residential property assuming windows open at least 50mm.

Reason:

To safeguard the residential amenity of neighbouring residential properties.

- 8 By no later than the planting season following the commencement of development of this poultry shed hereby approved, which would be October 2022 through to March 2023 the bund and planting all as approved by planning permission 21/01235/P shall be completed in accordance with the drawings docketed to that planning permission and to the satisfaction of the Planning Authority.

Reason:

In order to ensure the implementation of a landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area.

- 9 Prior to the commencement of development, a report on the actions to be taken to reduce the Carbon Emissions from the build and from the completed development shall be submitted to and approved in writing by the Planning Authority. This shall include the provision of renewable technology for the new building, where feasible and appropriate in design terms. The details shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the report so approved.

Reason:

To minimise the environmental impact of the development.

