

Perth and Kinross Council
Development Control Committee – 18 November 2009
Recommendation by Development Quality Manager

Erection of poultry shed at Hillocks Of Gourdie Farm, Blairgowrie, PH10 6RF

Ref No: 09/01423/FLL
 Ward No: N5 -Strathtay

Summary

This report recommends approval of this application which lies within the Lunan Valley Catchment area and involves the erection of a new free range poultry building where the agreed mitigation measures to reduce phosphorous loading to the lochs system include the planting of 6.44ha of ash coppices within four pockets of land nearby, to be delivered through a Section 75 Agreement.

BACKGROUND AND DESCRIPTION

1. The site extends to 2.3ha and is largely flat ground immediately to the north east of the present farm building group at Hillocks of Gourdie. The site is separated from the nearby hamlet of Craigie which is about 180m away to the north by woodland and falling contours. The site itself is well contained within the landscape and is more closely associated with the adjacent working farm rather than with Craigie which enjoys effective separation from the site.
2. The proposal involves the erection of a new poultry building at Hillocks of Gourdie Farm close to the small hamlet of Craigie within the Lunan Valley Catchment Area. The proposed building is of a low profile form measuring roughly 85.5m long by 15.5m wide and is intended to accommodate about 16,000 free range laying hens. It is also intended to erect a separate storage building to be used in association with the poultry building for storing feed and equipment within the same site and is the subject of a separate application (ref: 09/01426/FLL). Both proposals involve the formation of a new access track to serve the development from the existing farm road.

NATIONAL GUIDANCE AND POLICY

3. The Prevention of Environmental Pollution from Agricultural Activity Code of Good Practice published by the Scottish Office indicates that when designing new intensive livestock buildings consideration should be given to their siting in relation to residential housing. Sites within 400m of such developments should be avoided.
4. The **Scottish Planning Policy (SPP)** replaces National Planning Policy Guideline (NPPG) 15: *Rural Development* issued in 1999. The SPP draws on recent research funded by the Executive on the evaluation of NPPG 15. The research report identified broad support for a national planning policy focusing on sustainable rural development. It laid particular emphasis on the need for a more aspirational planning vision for rural Scotland. For the purposes of this SPP, rural Scotland means the countryside and settlements of 3000

population or less, although the guidance will have wider relevance as the links between rural areas, small towns and urban areas are also important. This SPP encourages a more supportive attitude towards 'appropriate' development whilst acknowledging and valuing the enormous diversity of rural Scotland.

SPP2 Economic Development

- 5 The planning system should provide strong support for economic development, both new and expanding businesses, where it is consistent with other national and local policies, in particular the promotion of social justice and sustainable development.

DEVELOPMENT PLAN

Perth and Kinross Structure Plan 2003

Environment and Resources Policy 1

6. The Council will seek to safeguard the long term diversity and sustainability of species and natural and semi-natural habitats in Perth and Kinross. The Tayside LBAP will be a material consideration in the identification of land allocations in Local Plans and in the assessment of development proposals. Where there is a potential adverse effect upon local biodiversity an ecological appraisal will be sought and considered before the proposal is determined. Criteria for the assessment of proposals will be developed.

Environment and Resources Policy 2

7. The protection and conservation of wildlife, habitats and other natural features will be supported. Development affecting areas designated as being of international or national importance will only be permitted where it can be demonstrated that:
 - the objectives of designation and the overall integrity of the area will not be damaged.
 - there are no alternative solutions.
 - there are imperative reasons of overriding public interest including social or economic considerations.
8. Local Plans will identify those areas of local importance and prepare policies to ensure their management, protection and enhancement.

The Eastern Area Local Plan 1998

9. The site lies within the landward area as identified in the Local Plan where the principal relevant policies of the Plan are summarised:
10. Policy 38 'General Policies' sets out the general development criteria for all developments in the landward area.

11. Policy 40 'Agricultural Diversification' lists criteria where additional employment is encouraged in the landward area.
12. Policy 45 Lunan Valley Catchment Area
13. The Council will protect and seek to enhance the nature conservation and landscape interests of the area identified on Proposals Map A. There will be a presumption against built development within the area, except for renovations or alterations to existing buildings and developments necessary for operational need which can be shown by the developer to have no adverse impact on the environmental assets of the area or likely to result in an unacceptable increase in traffic volumes. Recreational pursuits like power water sports, likely to cause disturbance in and around sites of nature conservation interest, will be discouraged.

Draft Eastern Area Local Plan Review 2005

14. Members will be aware that on the 30 January 2008 the Council's Enterprise and Infrastructure Committee took the decision not to progress this plan to a finalised stage, therefore although the contents of the Draft Plan should be noted, I consider the weighting which is given to its policies and proposals should be limited at this point in time.

OTHER KEY POLICIES

15. There are no other relevant policies which apply.

SITE HISTORY

16. Planning consent was granted for two poultry buildings at this same site under PK97/0205. The buildings were intended for broiler hen production and all manure was to be stored and removed from site with no contaminants entering the ground watercourses. SNH did not object to this application. A subsequent application under 08/01909/FUL was refused consent by the Development Control Committee on 18 March 2009 as contrary to Policy 45 in the Eastern Area Local Plan 1998 due to increased phosphorous loading to the lochs system in the interests of protecting nature conservation interests. SNH had lodged an objection to the application in support of this refusal.

CONSULTATIONS

17. Scottish Natural Heritage - SNH are prepared to withdraw their objection providing the agreed mitigation measures involving the planting of 6.44ha of coppices is formalised through a Section 75 Agreement.
18. Scottish Environment Protection Agency – No comments.
19. Transport Planning – No objections.

20. Head Of Environmental And Consumer Services - No objections subject to conditions to protect against any possible noise or odour issues.
21. Perth And Kinross Area Archaeologist - No archaeological interests.
22. Scottish Water - No objections.

REPRESENTATIONS

23. None.

24 ADDITIONAL STATEMENTS

Environmental Statement:	Not required
Screening Opinion:	Not required
Environmental Impact Assessment:	Not required
Appropriate Assessment	Completed
Design Statement or Design and Access Statement	Not required
Report on Impact or Potential Impact i.e. Flood Assessment	Not required

APPRAISAL

Policy

25. The site lies within the landward area where general Policy 38 seeks to encourage new agricultural developments on sites which have a good landscape framework capable of absorbing and screening development. The site comprises a flat area of waste ground contained between the existing farm buildings and an area of woodland where it could be described as a well contained site within the landscape in line with the objectives of Policy 38. In addition, Policy 40 encourages farm diversification where it generates additional employment, is compatible with amenity and does not conflict with other Local Plan policies. The site also lies within the Lunan Valley Catchment Area where Policy 45 operates a presumption against developments which would have an adverse impact on the natural heritage designated interests of the area as follows:
 - Dunkeld/Blairgowrie Lochs SAC.
 - European Protected Species: Slender naiad.
 - Lochs Clunie and Marlee SSSI.
26. The main nature conservation concern is the leeching of phosphorous into the ground and surface sources which result in the nutrient enrichment of the loch system. SNH did not object to an earlier application back in 1997 which was for broiler hen production where all the resultant manure was to be removed from the site with no effluent entering the watercourses and hence no phosphorous issue. However, the previous proposal 08/01909/FUL involved free range hens where it was estimated that as much as 10% of manure would be deposited outwith the building raising a phosphorous issue and attracting an objection from SNH on grounds of adverse nature conservation

impact contrary to Policy 45. The present application follows extensive discussions with SNH and is based on new research which demonstrates that only 2.59% of birds venture outside the building and that the reduced level of phosphorous leeching into the ground could be compensated by agreed levels of coppice planting which absorbs phosphorous from the ground. SNH are now prepared to withdraw their objection on this basis.

Visual Impact

27. The site is flat and is well located between the present farm building group and an area of woodland and a low profile building would not be visually intrusive. It also occupies higher ground in relation to the nearest housing in Craigie and is naturally screened from it by deciduous woodland which provides an effective screen. The new access track is internal to the farm and does not raise a visual amenity issue either.

Residential amenity

28. Although the building does lie within the 400m 'cordon sanitaire' it is effectively separated by levels and trees which provide an effective foil. The Council's Pollution Control staff have spoken at length with the applicant who has confirmed that the building has been moved as far as possible from housing, it is restricted to free range egg laying poultry, it will be subject to a regular cleaning system and building construction is designed to limit noise emissions. The applicant already manages a similar operation nearby about 300m immediately to the south east of the site on the opposite side of the public road without generating excessive noise, odour or dust and has not be the cause of any local complaints. No objections have been received in response to the application.

Natural Heritage

29. This proposal will not directly impact on the interests of the SAC. However, SNH considers that it is likely that the proposal will have significant indirect effects on the interests of the site, namely slender naiad, transition mires and quaking bogs and clearwater lochs. Within the Lunan valley, the phosphorus loading in Clunie and Marlee lochs has, until recently, been increasing and this has resulted in eutrophication of the lochs, leading to a deterioration in condition. This eutrophied state resulted in higher pH, phosphate and nitrate levels and increased turbidity through suspended algal growth. The combination of these factors resulted in decreased water clarity and reduced photosynthesis. This has led to some decline in the associated natural heritage interest of the site with an increase in algal blooms and, the loss of the European protected species (EPS) slender naiad from 3 of the 5 lochs that comprise the SAC.
30. Research work by the Scottish Environment Protection Agency (2004) and Edinburgh University (2005) has demonstrated that the two most significant contributions to the increased phosphorus loads to the Site are run-off from agricultural land and septic tanks. Estimates suggest that septic tanks could

be contributing between 12 and 20% of the annual phosphorus loading to Loch of Clunie. SNH introduced a catchment management scheme in 2004 to reduce phosphate pollution from farming. The cost of the scheme is £300,000. Due to continuing reductions of run-off from agricultural land, the lochs are showing some early signs of recovery. For this recovery to be maintained it is essential that any proposed development demonstrates that there would be no net increase in phosphorus loading to the loch.

31. Based on information provided by Alan Frost of Soil and Water, Scotland, SNH understood that the implications of the previous proposal for the protected sites would have been significant. Prior to the launch of the Lunan Lochs Management Scheme a Pollution Audit was undertaken on Hillocks of Gourdie Farm. The Audit estimated that 10% of the chickens went outside of the poultry shed, and whilst arrangements could be made to remove the manure from the new shed, SNH had concerns regarding the 10% deposited outside, especially as the readings from outside the existing poultry sheds were found to be high at that time. However, based on new field research carried out by the Avian Science Research Centre out of 4,000 hens seen on six range areas between 08.00-16.00 over two days during pleasant spring weather only an average of 2.59% of birds went outside. It is further calculated that based on a flock of 16,000 hens with 2.6% outside at any one time then it would be calculated that they would deposit 73kg of phosphate. This figure is further reduced when account is taken of the four weeks off the range for medication and for adverse weather reasons giving a figure of 67kg. In order to compensate for the increase in phosphorous loading it is intended to plant areas of ash coppicing which absorbs phosphorous from the ground. Research also shows that for an ash plantation of 2,500 plants per hectare to sustainably offset 72kg of phosphate an area of 6.7ha is required. The density of planting will be at 4,900 plants per hectare with coppicing commencing after a ten year establishment period with initial blocks of 0.5ha cropped annually. The material would produce a high quality firewood and the final cropping would be after a twenty year period following the first planting after which the stools would remain and the cycle would repeat itself again and again for the life of the poultry operation.
32. SNH have re-assessed this proposal in the light of the latest research and have concluded that providing the phosphorous loading mitigation measures referred to above and stated in the applicants Phosphorous Mitigation Plan are enforced through a Section 75 Agreement then SNH would remove their objection. The mitigation measures would be required for the full life of the development in perpetuity and would have to be in place before the shed is occupied. The measures would secure the long term management of the four areas of ash coppices and on this basis SNH accept that there would be no adverse impacts on the integrity of the site. It is essential to use a Section 75 as a suspensive condition alone would not provide the same robustness of a legal agreement. In the light of these various changes the proposal would be in accordance with Policy 45 and would not conflict with any nature conservation interests.

Traffic

33. The development will be served by a new access track to the existing farm road unlike the previous application which involved a new access directly onto the public road. As the latest arrangement is internal to the site our Roads Engineers have no objections.

LEGAL AGREEMENT

34. A legal agreement is required for this proposal as the mitigation measures necessary to satisfy SNH involves four areas of coppice planting which involves land owned by the applicant but outwith the red line site. The agreed Phosphorous Mitigation Plan prepared by the applicant and agreed with SNH is required in perpetuity and necessitates ongoing management and the most suitable instrument for delivering these measures is through a Section 75 Agreement. The applicant has confirmed his willingness to enter into this legal agreement and accepts that the associated legal costs would be bourn by him.

DIRECTION BY SCOTTISH MINISTERS

35. Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, regulations 30 – 32 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

CONCLUSION AND REASON FOR RECOMMENDATION

36. I am satisfied that the applicant has thoroughly researched the phosphorous issue since the previous refusal and has clearly convinced SNH that there will no net increase in phosphorous loading and hence no adverse affect on the lochs system. Clearly, with this fundamental objection removed and with the applicant agreeable to a Section 75 Agreement I see no other reason to oppose this development. In all other respects including visual impact the site is well contained already within a woodland setting and the additional areas of coppicing will only serve to reinforce this natural containment. Finally any noise concerns can be fully addressed through conditions.

RECOMMENDATION

A Approve the application subject to the following conditions:

- 1 The development shall be begun within a period of three years from the date of this consent.
- 2 The proposed development must be carried out in accordance with the approved plans herewith, unless otherwise provided for by conditions imposed on the planning consent.

- 3 All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential premises, with all windows slightly open, when measured and/or calculated and plotted on a noise rating curve chart.
- 4 The design, construction and insulation of the application premises shall be such that the escape of any noise generated by livestock therein shall be minimised to the satisfaction of the Council as Planning Authority.
- 5 Cleaning of the premises and removal of manure shall be carried out on a regular basis to the satisfaction of the Planning Authority such that the escape of odour from the operation of the premises is minimised.
- 6 The premises shall not operate for the purpose of raising broiler chickens.
- 7 The phosphate loading mitigation measures as detailed in the applicant's approved 'Phosphate Mitigation Plan' shall be in place prior to the occupation of the building all to the satisfaction of the Council as Planning Authority.
- 8 All existing trees which border the site shall be retained and protected to the satisfaction of the Council as Planning Authority and details of the proposed methods of protection during construction operations shall be submitted for approval in writing prior to the commencement of the development.

Reasons

- 1 In accordance with the terms of Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 20 of the Planning etc (Scotland) Act 2006.
- 2 To ensure that the development is carried out in accordance with the plans approved.
- 3-6 In the interests of residential amenity.
- 7 In the interests of nature conservation.
- 8 In the interests of visual amenity.

B Justification

The proposal is considered to be in accordance with the Development Plan and there are no material considerations which would justify refusal of the application.

C Procedural Notes

- 1 No consent shall be issued until the applicant has entered into a Section 75 Agreement based on the submitted 'Phosphorous Mitigation Plan' in order to satisfy nature conservation concerns and enable SNH to withdraw its objection.**

Background Papers: Nil

Planning Officer: John Culbert

Date: 3 November 2009

**Nick Brian
Development Quality Manager**



Erection of poultry shed, Hillocks of Gourdie Farm, Blairgowrie



Scale : 1:10000

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Organisation	Perth & Kinross Council
Department	Planning
Comments	
Date	22 October 2009
SLA Number	100013289

