

COMMITTEE REPORT

Date: 16 August 2018 **Ward:** Rural West York
Team: Major and **Parish:** Parish Of Rufforth With
 Commercial Team Knapton

Reference: 16/01813/FULM
Application at: Land At Grid Reference 458205 449925 West Of Bradley
 Lane Rufforth York
For: Erection of poultry farm comprising 6 no poultry sheds with
 ancillary buildings, access road and landscaped
 embankments (resubmission)
By: H Barker And Son Ltd
Application Type: Major Full Application (13 weeks)
Target Date: 17 August 2018
Recommendation: Refuse

1.0 PROPOSAL

- 1.1 Land at OS grid reference 458205 449925 comprises a substantial area of presently arable land with woodland to the south west lying within the Green Belt to the south of Rufforth village. Planning permission is sought for the development of a 7,900 sq metre (approx) intensive poultry farm on the site to handle an operational stocking capacity of 144,000 chickens employing 2.5 staff. The proposal falls within Schedule 1 to the 2011 Town and Country Planning (Environmental Impact Assessment) Regulations (which applied at the date of submission) and as such is accompanied by a formal Environmental Impact Assessment. Rufforth Airfield lies directly to the east of the application site and a candidate SINC or Site of Interest for Nature Conservation lies to the south west. The proposal represents a revised re-submission of an earlier proposal that was previously withdrawn.
- 1.2 The proposal has been substantially amended since submission to address concerns in respect of the scale and landscape impact of the proposal. The scheme has been reduced in size from six to three units and the associated landscaping reconfigured. A revised EIA prepared in accordance with Schedule 1 of the 2017 Town and Country Planning (Environmental Impact Assessment) Regulations has at the same time been submitted taking account of the amended scheme. It is considered that the revised EIA meets the requirements of the EIA Regulations.

2.0 POLICY CONTEXT

See also section 4 below for further details.

- 2.1 Publication Draft City of York Local Plan (2018) Policies:-
GB1 Development in Green Belt.

2.2 City of York draft Local Plan adopted for Development Control Purposes (2005) Policies:

CGP15A
Development and Flood Risk

CYGB1
Development within the Green Belt

CYGP1
Design

CYGP4A
Sustainability

CYGP9
Landscaping

CYNE1
Trees, woodlands, hedgerows

CYNE5A
Local Nature Conservation Sites

3.0 CONSULTATIONS

INTERNAL:-

3.1 Public Protection draw attention to the site being subject to the Environment Agency permitting regulations and raise no objection to the proposal subject to any permission being conditioned to require the submission and approval of a CEMP.

3.2 Strategic Flood Risk Management raise no objection to the proposal.

3.3 Highway Network Management raise no objection to the proposal.

3.4 Design, Conservation and Sustainable Development(Archaeology) raise no objection to the proposal subject to the undertaking of a full archaeological evaluation prior to the commencement of the development.

3.5 Design, Conservation and Sustainable Development(Landscape) raise no objection in principle to the proposal but expressed concern in relation to the impact of the proposal upon the open character of the surrounding landscape particularly during the months of the year when surrounding trees and other vegetation are not in full leaf. The amended layout and landscape scheme are broadly supported.

3.6 Design, Conservation and Sustainable Development(Ecology) raise no objection to the proposal subject to any permission being conditioned to secure appropriate species mitigation.

EXTERNAL:-

3.7 Askham Richard Parish Council object to the proposal on the grounds of impact from HGVs travelling from the site on the amenity of local residents. If the scheme is approved they seek that a lorry routing agreement be established by Section 106 Agreement attached to any permission.

3.8 Rufforth with Knapton Parish Council object to the proposal on the grounds of impact of heavy traffic on unsuitable rural roads, impact upon the local surface water drainage network and associated flood risk, potential nitrate pollution to surrounding farm land, impact upon the safe and effective operation of the Civil Aviation activity at Rufforth Airfield, impact upon the residential amenity of neighbouring properties by virtue of noise and odour release and impact upon the deliverability of the Rufforth Neighbourhood Plan.

3.9 The Campaign to Protect Rural England objects to the proposal on the grounds that together with its associated landscaped bund it would adversely impact upon the openness of the Green Belt, and by virtue of its scale, layout and relatively remote location it would not amount to sustainable development.

3.10 Natural England raise no objection to the proposal as amended.

3.11 The Environment Agency raise no objection to the proposal which is subject to the Environmental Permitting Regime.

3.12 Yorkshire Water Services raise no objection to the proposal.

3.13 The Ainsty(2008) IDB raise no objection to the proposal.

3.14 The Hutton Wandlesey Estate support the proposal on the grounds that it would reduce surface water run-off into the nearby river catchment.

3.15 York Gliding Club object to the proposal on the grounds of conflict with paragraph 104 f) of the NPPF, safety impact upon aircraft taking off and landing from the nearby airfield runway arising from the location of the proposed building complex and its associated landscaped bund and an increased risk of bird strike arising from the nature and location of the associated landscape planting.

3.16 The Yorkshire Wildlife Trust were consulted with regard to the proposal on 11th August 2016. Views will be reported orally at the meeting

3.17. The National Planning Casework Unit were consulted with regard to the proposal on 11th August 2016. Views will be reported orally at the meeting.

3.18 Harrogate Borough Council wish to make no observations in respect of the proposal

3.19 The York Astronomical Society raise no objection to the proposal subject the lighting of the application site being strictly regulated by condition.

3.20 Chesterfield Poultry support the proposal on the grounds that it would create a secure supply of locally produced chicken to their manufacturing plant.

3.21 The NFU support the proposal on the grounds that it would help secure the viability of the farming industry in Yorkshire and would help to secure a source of low priced chicken meat for the wider market.

3.22 Julian Sturdy MP writing on behalf of constituents raises concerns in respect of the proposal in relation to the impact of heavy traffic from the site upon neighbouring unsuitable rural roads, impact upon the safe operation of Rufforth Airfield, impact of odours from the site upon the residential amenity of neighbouring properties and impact upon the open character and purposes of designation of the York Green Belt.

3.23 Animal Aid object to the proposal on the grounds of impact upon the local surface water drainage system, possible nitrate pollution arising from the waste from the proposed farm, the impact of additional traffic upon unsuitable rural roads, serious concerns in respect of the standards of animal welfare at the proposed farm, concern in respect of standards at the destination processing plant and concern in respect of the impact of the meat from the farm on human health. Further concerns have also been expressed in relation to the robustness of the animal health inspection regime for the farm.

3.24 A 6,764 signature e-petition has been submitted on behalf of PETA (People for the Ethical Treatment of Animals) objecting to the proposal on the grounds of :-

- * Impact upon the openness of the York Green Belt;
- * Impact from pollution on the local environment;
- * Impact upon the local surface water drainage system and consequent increase in flood risk;
- * Impact upon the residential amenity of neighbouring properties;
- * Impact of heavy traffic upon unsuitable rural roads;
- * Impact of the proposed intensive husbandry methods upon the health and welfare of the farm animals.

3.25 7,697 letters of objection have been received in respect of the proposal and two letters of support. The following is a summary of the letters of support:-

- * Support for the assistance the development of the site would give to local construction businesses.

* Support for the lack of harm afforded the residential amenity of neighbouring properties from the applicant's existing farming operations.

3.26 The following is a summary of the letters of objection:-

- * Serious concern in respect of animal welfare practises at the applicant's other farming operations;
- * Concern in respect of the impact of pollution from the proposed farm on human health;
- * Concern in respect of the impact of the proposal upon the residential amenity of neighbouring properties by virtue of smell, noise and light pollution;
- * Concern at the impact of the proposal upon the local surface water drainage network;
- * Concern at the impact of additional traffic movements on unsuitable local roads;
- * Concern at the lack of positive benefits to the local economy arising from the proposal;
- * Concern at the impact of the proposal upon the open character and purposes of designation of the York Green Belt;
- * Concern at the impact upon private water supplies in the surrounding area;
- * Concern at the lack of adequate consideration of alternative sites;
- * Concern at the impact of the proposal upon the safety of aircraft taking off and landing at Rufforth Airfield;
- * Concern at the impact upon the habitat and biodiversity provided by the adjacent candidate SINC

3.27 The revised scheme has been the subject of a further re-consultation exercise which has generated an additional 4,112 letters of objection and 1 letter of support. The following is a summary of the letters of objection:-

- * Serious concern in respect of animal welfare practises at the applicant's other farming operations;
- * Continued concern in respect of the impact of pollution from the proposed farm on human health;
- * Continued concern in respect of the impact of the proposal upon the residential amenity of neighbouring properties by virtue of smell, noise and light pollution;
- * Concern that the amended proposal fails to address the inappropriate industrial scale of the proposed development;
- * Continued concern at the impact of additional traffic movements on unsuitable local roads;
- * Continued concern at the lack of positive benefits to the local economy arising from the proposal;
- * Concern at the impact of the proposal upon the open character and purposes of designation of the York Green Belt;
- * Concern at the continuing impact of the proposal upon the safety of aircraft taking off and landing at Rufforth Airfield

4.0 APPRAISAL

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

- * Impact upon the open character and purposes of designation of the York Green Belt;
- * Consideration of Alternative Locations;
- * Issues of Odour, Noise and Light Pollution;
- * Impact upon the Adjacent Candidate SINC;
- * Impact upon Local Aviation Activities;
- * Impact upon the Operation of the York Observatory;
- * Impact of Additional Traffic upon the Local Highway Network;
- * Animal Welfare Issues;
- * Impact upon the Local Pattern of Surface Water Drainage.

PLANNING POLICY CONTEXT:-

Development Plan

4.2 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for York comprises the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt. These are policies YH9(C) and Y1 (C1 and C2) which relate to York's Green Belt and the key diagram insofar as it illustrates general extent of the Green Belt. The policies state that the detailed inner and the rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

Local Plan

4.3 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF as revised in July 2018, although the weight that can be afforded to them is very limited

4.4 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF as revised in July 2018, the relevant 2018 Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the

less significant the unresolved objections, the greater the weight that may be given); and

- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications.

4.5 The revised National Planning Policy Framework (NPPF) was published on 24 July 2018 and its planning policies are now material to the determination of planning applications. It is against the NPPF and the saved RSS policies relating to the general extent of the York Green Belt that this proposal should principally be addressed.

4.6 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development, unless specific policies in the NPPF indicate development should be restricted.

4.7 GREEN BELT:- The site lies within the general extent of the Green Belt and as such Central Government Planning Policies in respect of the Green Belt apply. Central Government Planning Policy as outlined in paragraphs 133 to 147 of the National Planning Policy Framework identifies Green Belts as being characterised by their openness and permanence. New built development is automatically taken to be inappropriate and therefore harmful to the Green Belt unless it comes within one of a number of excepted categories. All other development is inappropriate development and in the Green Belt and may only be permitted if very special circumstances exist. Substantial weight is to be given to any harm to the Green Belt and "very special circumstances" will not exist unless potential harm to the Green Belt and any other harm is clearly outweighed by other considerations. Policy GB1 of the 2018 Draft Plan is relevant and sets a firm policy presumption against inappropriate development within the Green Belt.

4.8 AMENITY ISSUES: - Central Government Planning Policy as outlined in paragraph 127 f) of the National Planning Policy Framework "Core Principles" states that Local Planning Authorities should ensure that developments provide and safeguard a high standard of amenity for all new and existing occupiers of land and buildings.

4.9 RURAL ECONOMY: - Central Government Planning Policy as outlined in paragraph 83 of the National Planning Policy Framework states that planning decisions should enable the development and diversification of agricultural and other land based rural businesses as well as supporting sustainable rural leisure developments which benefit rural communities and respect the character of the countryside.

4.10 HABITAT AND BIODIVERSITY: - Central Government Planning Policy as outlined in paragraph 175 of the National Planning Policy Framework indicates that Local Planning Authorities should seek to conserve or enhance biodiversity by ensuring that planning permission is not granted for development that would result in the loss of irreplaceable habitats.

4.11 SURFACE WATER DRAINAGE AND FLOOD RISK:-Central Government Planning Policy as outlined in paragraph 163 of the National Planning Policy Framework indicates that when determining planning applications Local Planning Authorities should ensure that flood risk is not increased elsewhere.

4.12 ENVIRONMENTAL IMPACT ASSESSMENT: - The 2017 Town and Country Planning (Environmental Impact Assessment) Regulations through Schedules 1 and 2 identify clear categories of development including waste management facilities which are likely to have significant non-local environmental effects. Schedule 3 and the accompanying Circular gives clear guidance as to how those effects can be assessed and mitigated against. The current proposal falls within Schedule 1 by virtue of the physical size of the building complex and the number of chickens to be processed when the operation is at full capacity .The applicant has produced a detailed Environmental Impact Assessment in respect of the proposal and it is felt to comply with the requirements of the Regulations.

IMPACT UPON THE OPEN CHARACTER AND PURPOSES OF DESIGNATION OF THE YORK GREEN BELT:-

4.13 The proposal as amended is for the erection of an intensive poultry farming unit within six sheds covering 7,900 sq metres with ancillary facilities to handle 144,000 chickens when operating at full capacity. The application site lies within the York Green Belt and is presently undeveloped comprising an arable field. Paragraph 145 of the National Planning Policy Framework indicates that all new built development within the Green Belt is automatically inappropriate and therefore harmful to its character unless it comes within one of a number of categories specifically identified as being not inappropriate. These include buildings to be constructed for the purposes of agriculture and forestry. As the proposal falls within the agricultural exemption in paragraph 145, it is in principle appropriate development in the Green Belt and a building of this kind is not to be regarded as harmful either to the openness of the Green Belt or to the purposes of including land in the Green Belt. Therefore the impact of the building on openness and purposes of designation of the Green Belt is not at issue in relation to the building element of the proposal.

4.14 In order to be effectively fitted into its location significant landscaping is proposed with some bunding together with reinforcement of the existing hedge planting at the northern and eastern edges of the site. The site as it stands is an open arable field with middle to long distance views of the partially wooded

landscape to the south west which contributes significantly to its openness and character. Engineering operations fall within the scope of the exceptions to inappropriate development in paragraph 146 of the NPPF providing they do not harm the openness or purposes of Green Belt designation. Concern was previously expressed in terms of the visual impact of the proposal and the impact of the nature and extent of the engineering works on the openness of the Green Belt. The amended scheme involves a reduction in size of the order of 50% in terms of the building size with a requirement for less in the way of landscaped bunding. The revised landscape scheme involves the reinforcement of existing hedgerow boundary planting and the planting of additional tree and shrub planting at the north east and south west of the site. It is felt that previous concerns in terms of the impact of the proposed bunding and associated planting on the openness of the Green Belt together with the visual impact of the proposal itself on the surrounding countryside have been successfully resolved giving no rise to harm to the openness of the Green Belt. Five purposes of designation of the Green Belt are identified in paragraph 134 of the NPPF. Of particular relevance in the current context is the safeguarding of open countryside from encroachment. The amended landscaping scheme envisages a lesser element of bunding with more naturalistic planting in terms of both layout and species used. It is felt that it would effectively enable the development to blend in with its surroundings and not give rise to conflict with the purposes of designation of the Green Belt. As such, the proposal is considered to be appropriate development in Green Belt terms and as such, very special circumstances are not required to justify it.

CONSIDERATION OF ALTERNATIVE LOCATIONS:-

4.15 The requirements of the 2017 Town and Country Planning (Environmental Impact Assessment) Regulations include a need to consider alternative sites in respect of relevant EIA development. A series of alternative sites both inside and outside of the Green Belt are also considered and discounted. An otherwise suitable site is considered at Gateforth near Selby but discounted on the grounds of being within 800 metres of an area of ancient woodland which would be vulnerable to ammonia pollution from the site and within 100 metres of an open air recreational use, Selby Golf Club. However, in examining the impact of the current proposal upon the adjacent candidate SINC the submitted application details indicate that the risk of harm to the habitat through ammonia pollution is negligible and at the same time the current proposal is also in close proximity to a predominantly open air recreation use, York Gliding Club. The possibility of expansion of the applicant's existing poultry operations at Riccall and Melbourne outside of the Green Belt and at Bilbrough is also considered but specifically discounted on the grounds of proximity to residential property despite being more sustainable than the creation of an entirely new operation as envisaged with the current proposal. The applicant has also sought to highlight the lack of noise and odour pollution complaints arising from the Bilbrough and Melbourne sites within the submitted application details. It is felt that there is a degree of contradiction between the material contained within the

alternative sites exercise and the other submitted documentation in respect of the application site and that it should therefore be afforded little material weight.

POLLUTION ISSUES:-

4.16 ODOUR: - Intensive poultry units carry a risk of pollution from ammonia which is present within the associated manure and which research from continental Europe has indicated can be harmful to a range of habitats if uncontrolled. The application site lies within 60 metres of a candidate SINC notified as of significance as a grassland habitat and approximately 500 metres from an area of priority woodland identified by Natural England. The application has been accompanied by an ammonia modelling report which has at the same time been the subject of a successful application to the Environment Agency for an Environmental Permit for the proposed operation. The EA has examined potential impacts upon the Askham Bog SSSI to the south east and also Grange Wood an area of registered Ancient Woodland in the immediate vicinity and found the risk of harmful impact to be minimal.

4.17 LIGHT:- The applicant in respect of the application details as initially submitted indicated the usage of wall mounted sodium lights with a relatively high level output at the site. Subsequently and in the light of concerns expressed by neighbouring residential properties and by the York Astronomical Society the applicant has agreed to the usage of lower intensity LED lights and to have controls placed upon times of operation by condition to any planning permission. The submitted documentation in respect of the revised application is clear that any issue in terms of lighting would be intensively managed and would not give rise to any material harm to the amenity of the surrounding area.

4.18 NOISE:-The mode of operation of the proposal ensures that the poultry would be confined within the building and any noise arising directly from the farm operation would be the subject to the operation of the Environmental Permit from the Environment Agency. Noise may also occur through traffic exiting and leaving the site when new chickens are brought to be fattened and when taken away for processing. However in view of the frequency of such occurrences and their duration it is felt that any material harm would be modest.

IMPACT UPON THE ADJACENT CANDIDATE SINC:-

4.19 Paragraph 175 of the National Planning Policy Framework indicates that in determining planning applications Local Planning Authorities should aim to conserve and enhance biodiversity by ensuring that if significant harm arising from a development can not be avoided or at least mitigated against or compensated for then planning permission should be refused. The current application site is 1.2 kilometres from an area of ancient woodland at Grange Wood to the east of Rufforth Airfield and 2.9 kilometres from Askham Bog a SSSI to the south east. A candidate SINC notified on the basis of being a rare grassland habitat lies directly to the south

west. Detailed ammonia modelling of the proposal when fully operational has been undertaken in order to fulfil the relevant requirements of the Environmental Permit required for the development by the EIA. This clearly demonstrates that the development can be undertaken without material harm to the ecological and biodiversity value of the neighbouring habitat.

IMPACT UPON LOCAL AVIATION ACTIVITIES:-

4.20 Paragraph 104 f) of the National Planning Policy Framework indicates that the safeguarding of the use of airfields for both leisure and business purposes should be afforded significant weight by Local Planning Authorities. At the same time a plethora of appeal decisions have established the need to ensure the safety of small scale civilian airfields as a material consideration to be afforded significant material weight. Serious concern has once again been expressed in terms of the impact of the proposal upon the safe operation of Rufforth Airfield in respect of the activities of York Gliding Club. The proposed development as amended would be partially aligned on a secondary runway aligned north east south west used by the Club for take off manoeuvres involving a towing aircraft. If a towing or other aircraft were to develop a mechanical problem whilst taking off it requires a clear area in order to perform an emergency landing a short distance away. The relevant CAA technical guidance indicates that such an area should ideally be in a direct alignment with the take off run way which in the current case would be within close proximity to the footprint of the proposed complex of buildings. The applicants own aviation report acknowledges this and recommends that the airfield operator alter their operational practise including warning potential users and discourage the use of certain types of aircraft.

4.21 Usage of the adjacent run-way is to an extent weather dependent with short term changes in wind direction necessitating its usage in preference to the longer north west /south east runway within the site with aircraft both singly and towing gliders using it for take off and landing manoeuvres. The proposed building complex envisages the erection of a substantial building complex set within an area of landscaping of appreciable height when mature .Whilst not blocking the centre line of the runway as previously , the close proximity of the buildings at a critical point in take off and landing would present a significant safety hazard with pilots particularly of towing aircraft having to undertake difficult operations within a confined space. The hazard would be particularly accentuated by the nature of the proposed landscaping which gives rise to the need for a particularly intensive form of management so as to minimise risk. A particular risk of air turbulence has been highlighted within the take off and descent path into the runway arising from the construction of the complex and its associated landscaping. It can be seen that the proposal would give rise to significant material harm in terms of usage of the adjacent airfield contrary to paragraph 104f) of the NPPF even not allowing for potential impact from bird strike.

4.22 A further issue relates to the proposed landscaping to the site and conditions it may create suitable for nesting birds with the possibility of bird strike affecting aircraft taking off and landing at the airfield. The landscaping of the scheme as revised has been redesigned so as to minimise the risk of bird strike. The ecological report submitted with the proposal further indicates the presence of only one species, the sky lark commonly associated with bird strike incidents in the general environs of the site. However the likely operation of the site when developed has not been accounted for with the complex of buildings and associated landscape planting creating appropriate conditions for breeding/foraging habitat for other species more commonly associated with bird strike such as the wood pigeon.

4.23 A detailed report has been prepared to examine the aviation safety risks arising from the amended proposal on behalf of the Local Planning Authority by Eddowes Aviation Safety. This identifies an issue of substantial harm to aviation safety from the construction of the proposal and its relationship in particular to take off manoeuvres from the adjacent runway. The report identifies a significant risk (greater than 1 in 10) based upon detailed statistical analysis of the operation of other similar leisure based airfields and glider facilities of the need to perform emergency landings within a short duration of take off or take off not following a standard pattern with aircraft “undershooting” with the potential of collision with the proposed complex or ancillary structures. As a consequence of the nature of the development and the nature of the airfield operation such incidents may result in casualties or even fatalities. The applicant has challenged the statistical basis for the conclusions adopted and also the responsibility for ensuring that such incidents do not occur. The statistical methodology adopted is however one used and adopted by the HSE in assessing risks from new development in a land use planning context. At the same time, whilst the applicant argues that the airfield should be subject to the same aviation safeguarding practises and procedures as licensed civil airfields, that generally carry commercial traffic, the nature of the operation is fundamentally different taking account of the type of aircraft in use, and such a requirement would be seen as unreasonable. Furthermore there is a significant risk that the development would itself give rise to new conditions that would impact upon how the adjacent runway is used to its detriment over and above the conventionally identified risks.

4.24 In counter to the concerns expressed the applicant has argued that the building complex and its associated landscaping would be no greater hazard to aircraft using the adjacent runway than traffic passing along Bradley Lane in the intervening area. Traffic is however an occasional moving obstruction which an experienced pilot would be able to take evasive action to avoid whereas the proposed complex is a substantial fixed permanent structure. At the same time the applicant has drawn attention to the permitted development rights in respect of erection of agricultural buildings and the potential for various regimes of husbandry within the field which may give rise to conditions prejudicial to air traffic. However the suggested alternative husbandry methods would be of a significantly lower degree of intensity than what is proposed and the permitted development rights in

terms of erection of agricultural buildings are circumscribed by rights of control appertaining to the Local Planning Authority in terms of design and location should it wish to exercise them. It is not therefore felt that the practice of alternative means of husbandry and/or the erection of an agricultural building or buildings would amount to a significantly detrimental fall back position in terms of the wider site and therefore very limited weight should be attached to the fall back position.

4.25 At the same time concern has been expressed in terms of the impact of aircraft noise upon the chickens based upon reported incidents elsewhere. This is not however felt to be a material consideration in respect of this proposal and is not therefore afforded any weight.

IMPACT UPON THE OPERATIONS OF THE YORK OBSERVATORY:-

4.26 Concern has previously been expressed in terms of the impact of the proposal upon the operations of the York Observatory some 400 metres to the east. The applicant has however been able to demonstrate that the proposed lighting and the nature of the likely emissions from the site would not give rise to any material harm to the operation of the observatory.

IMPACT OF ADDITIONAL TRAFFIC UPON THE LOCAL HIGHWAY NETWORK:-

4.27 Concern has been expressed in relation to the impact of additional traffic movements involving large Lorries accessing Bradley Lane Rufforth from the B1224 within Rufforth village and travelling through Askham Richard village heading between the site and the A64 to the south west. Access to the site via Rufforth village would give rise to conditions prejudicial to highway safety by virtue of the size of vehicle and the configuration of the junction between Bradley Lane and the B1224 Wetherby Road. Vehicle movements to the site would however be modest involving five vehicles at a time and dependent upon the chicken growth cycles. Access to the A64 to the south via Askham Richard or Angram would not give rise to the same difficulties in terms of impact upon the safe and free flow of traffic and the applicant has indicated a willingness to submit a s106 planning obligation to cover HGV movements to and from the site.

ANIMAL WELFARE ISSUES:-

4.28 Significant concern has been raised in respect of the conditions under which the intensively farmed chickens would be kept and the associated animal health inspection regime. Particular concern has been raised in respect of conditions within the proposed unit and the nature of its management. Whilst these may be clear concerns the farm operation is regulated by a separate and distinct system of control administered by DEFRA and associated agencies. These matters therefore and ethical or moral issues relating to the operation are not material to the determination of the application.

IMPACT UPON THE LOCAL PATTERN OF SURFACE WATER DRAINAGE:-

4.29 Serious concern has once again been expressed in relation to the impact of the additional hard surfacing upon the levels and rate of run off of surface water into local water courses which are running at capacity together with the possible leaching of pollutants from farm into neighbouring water courses to the detriment of animal and human health. The applicant has indicated that the contaminated surface water from the site would be collected and used as a source of fertiliser in the nearby area with uncontaminated water being collected and used for cleaning and irrigation purposes within the holding. A detailed scheme as to how this would be achieved has now been submitted and it can be clearly demonstrated that the surface water from the site can be dealt with effectively without giving rise to issues of flood risk elsewhere in the vicinity. At the same time manure from the site would be exported on a regular basis to a nearby anaerobic digester to be rendered into an inert fertiliser. The proposal is therefore felt to be acceptable in terms of its impact upon the local pattern of drainage.

5.0 CONCLUSION

5.1 Land at OS grid reference 458205 449925 comprises a substantial area of presently arable land with woodland to the south west lying within the Green Belt to the south of Rufforth village. Planning permission is sought for the development of a 7,900 sq metre (approx) intensive poultry farm on the site to handle an operational stocking capacity of 144,000 chickens employing 2.5 staff. The proposal falls within Schedule 1 to the 2017 Town and Country Planning (Environmental Impact Assessment) Regulations and as such is accompanied by a formal Environmental Impact Assessment. The application site is presently undeveloped and the proposal would result in the construction of a substantial built complex in close proximity to the Askham Richard Rufforth road and the boundary of Rufforth Airfield.

5.2 In terms of applying NPPF Green Belt policies to this proposal, the agricultural building and the engineering operation required by the landscaping bund constitute appropriate development under paragraphs 145 and 146. The scheme as amended is now felt to be acceptable in terms of its impact upon the openness of the Green Belt together with its visual impact upon the surrounding landscape.

5.3 At the same time the proposal by virtue of its scale, location and cumulative presence with the associated landscaping even when amended would give rise to significant detrimental harm to the operation of the adjacent airfield giving rise to a significant risk to the safety of aircraft and gliders taking off and landing using the adjacent runway contrary to Central Government Planning Policy as outlined in paragraph 104 f) of the National Planning Policy Framework. The proposal would therefore give rise to substantial harm which weighs heavily against the proposal in the planning balance.

The planning balance contained in paragraph 11d)ii of the NPPF applies to this application to the effect that permission should be granted unless any adverse

impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole.

On that basis it is considered that the harm to the operation of the adjacent airfield identified in paragraph 5.3 above are such that this adverse impact would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the NPPF as a whole. As a result, refusal is recommended.

6.0 RECOMMENDATION: Refuse

1 The development by virtue of its scale, dense pattern of landscaping and close physical relationship to a principal run-way of Rufforth Airfield would give rise to significant material harm to the safety of aircraft and associated gliders taking off and landing contrary to Central Government Planning Policy as outlined in paragraph 104 f) to the National Planning Policy Framework. That adverse impact would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the NPPF as a whole.

7.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in an attempt to achieve a positive outcome:

- i) The relocation of the scheme within the site to lessen impact upon the adjacent airfield.
- ii) The redesign of the landscaping in order to make it appear more naturalistic and of a lesser impact upon the open character of the Green Belt.

However, the applicant/agent was unwilling to amend the application in line with these suggestions, resulting in planning permission being refused for the reasons stated.

Contact details:

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