

## Item No. 1

### Application Reference Number P/17/2070/2

<b>Application Type:</b>	Full	<b>Date Valid:</b>	13 <sup>th</sup> October 2017
<b>Applicant:</b>	Mr Phillip Crawley		
<b>Proposal:</b>	Construction of 2 no. free range egg laying units and 1 no. worker's dwelling (Accompanied by Environmental Impact Statement).		
<b>Location:</b>	Land on the West side Rempstone Road Hoton Leicestershire		
<b>Parish:</b>	Hoton	<b>Ward:</b>	The Wolds
<b>Case Officer:</b>	Lewis Marshall	<b>Tel No:</b>	01509 634691

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This item has been called in to Plans Committee as in the opinion of the Head of Planning and Regeneration the application is potentially controversial and of significant public interest.

### Description of the Application

The application site is a parcel of agricultural arable land measuring 34 hectares to the west of Rempstone Road within the Parish of Hoton and located in countryside in planning policy terms. The topography is sloping in a northerly direction towards the Kings Brook and then rises again towards the village of Rempstone located within the borough of Rushcliffe. The northern site boundary (the Kings Brook) is the borough boundary between Charnwood and Rushcliffe. A public right of way runs through the site along the southern edge of the Kings Brook (H100). A further public right of way connects to H100 from H90 from the south. There is a group of egg laying units at Seagrave Road in Sileby, where the main egg packing operation takes place, and a further group at Paudy Lane Walton on the Wolds and a group at Six Hills.

The area around the site is predominantly used for agriculture. The nearest residential property within Rempstone is located approximately 700m to the north west. The nearest residential dwellings within Hoton are located approximately 500m south from the nearest proposed free range unit.

The site's north western corner abuts the boundary of the parkland associated with Stanford Hall, which is located approximately 500m from Stanford Hall itself (DNRC) a grade II\* Listed building. Rempstone Hall and Rempstone Church, grade II Listed buildings are located approximately 900m to the north.

This application is for the erection of two free range poultry units to accommodate 64,000 birds on land to the west of Rempstone Road. This is in excess of the 60,000 trigger for an Environmental Impact Statement, (EIS) to be required and accordingly an EIA has been submitted with the application in order to assess the cumulative impacts of the proposal.

The proposed buildings extend to 2800 sq m each. The 2 No. free range egg units are both identical structures which measure 140m x 20m with an eaves height of 3.6m and a ridge height of 6.3m. Each proposed free range egg unit is served by 4 No. circular feed silos which are each 7.6m in height. The proposed buildings are of steel frame construction, with the external cladding being tongue and groove timber weatherboard for the walls, profile sheeting for the roof in juniper green.

Each free range egg unit is subdivided into two bird housing sections, together with a central area for egg packing and storage. The central packing area includes an automated egg packer and an egg storage area. Egg conveyors will lead from the bird areas and link into the egg packer within the collection and service area of each building. The bird housing areas include a multi-tier system, which includes rows of tiered perches, which are situated over manure belts. The bird areas include automated chain feeders and non-drip drinkers.

Landscape planting mitigation has been designed into the scheme through extensive areas of additional tree planting to provide for screening of the proposed building and enhancement of the ranging area. It is also proposed to gap up and increase the height of the hedgerows along Rempstone Road.

An agricultural workers dwelling is proposed close to the sites frontage with Rempstone Road. This is in the form of a brick built 1.5 storey dwelling with detached garage. The need for an agricultural workers dwelling on grounds of operational and functional need is accepted.

The Environmental Impact Statement discusses Odour, Flies, Waste and Vermin, Ammonia Deposition and Ecological Impacts, Flood Risk, Drainage and Protection of the Water Environment, Highways and Transportation Impacts, Landscape and Heritage Impacts. It concludes that none of these considerations would have a material impact on the environment or residential amenity. The site would fall under the control of the Environment Agency under the Environmental Permitting Regime. The Environmental Permitting Regulations (England and Wales) 2016 require regulators to control certain activities which could harm the environment or human health.

The driving force behind the proposal is a shift in consumer demand towards the free range egg production market. UK Supermarkets have pledged not to stock colony produced eggs beyond 2025. As a result of this shift in demand, Sunrise Poultry Farms Ltd are seeking to expand their free range egg production in order to replace their existing colony cage production.

## **Development Plan Policies**

### Charnwood Local Plan 2011-2028 Core Strategy

The Core Strategy is less than five years old, is positively worded and consistent with the aims and objectives of the NPPF. The policies within the Core strategy are therefore considered to carry full weight.

CS1 – Development Strategy sets out the development strategy and directions of growth for the Borough.

CS2 – High Quality Design requires new developments to respect and enhance the character of the area, protect the amenity of people who live and work nearby and function well and add to the quality of the area.

CS6 – Employment and Economic Development supports development that will promote growth, job opportunities and prosperity.

CS10 – Rural Economic Development supports the sustainable growth and expansion of businesses in rural areas both through the conversion of existing buildings and well-designed new buildings provided that the scale and character of the development is designed and operated so as to cause no detriment to the character and appearance of the countryside.

CS11 – Landscape and Countryside supports and protects the character of the landscape and countryside by requiring new development to protect landscape character by taking account of relevant local Landscape character Assessments and supports rural economic development, or residential development that has a strong relationship with the operational requirements of agriculture.

CS12 - Green Infrastructure states that we will protect and enhance our green infrastructure assets for their community, economic and environmental values.

CS13 – Biodiversity and Geodiversity supports development that protects, enhances, restores or recreates bio-diversity.

CS16 – Sustainable Construction and Energy encourages sustainable design and construction and the provision of renewable energy including supporting developments that reduce waste, provide for the suitable storage of waste and allow convenient waste collections.

CS25 – Presumption in favour of sustainable development. This policy reflects the NPPF and reinforces the positive approach the Council will take in respect of sustainable development.

#### Borough of Charnwood Local Plan

The saved policies of the Local Plan (2004) are more than five years old and therefore do not carry full weight. However, it is considered that those saved policies are still considered to be consistent with the aims and objectives of the NPPF and the more recently adopted core strategy and therefore carry significant weight.

Policy EV/1 deals with all new developments and states that the amenity of adjacent residential properties should be protected particularly in terms of privacy and light.

Policy CT/1 is concerned with the principle of development in the countryside and confirms that development essential to the long term operation of agriculture is acceptable in principle where there would be no significant adverse environmental impact.

Policy CT/2 states that where development is acceptable in principle it will be permitted where it would not harm the character and appearance of the countryside.

## **Other material considerations**

### The National Planning Policy Framework (2019)

The National Planning Policy Framework (chapter 7) sets out a presumption in favour of sustainable development. The framework identifies the economic and social roles of the planning system, both to build a strong responsive economy by ensuring land (and presumably buildings) are available in the right place at the right time, and supporting the health of the community by ensuring housing for present needs that has a high quality built environment, which encompasses social and cultural well-being. One of the principles of planning is to seek a good standard of amenity for all existing and future occupants of land and buildings. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

### Environmental Impact Assessment (EIA) Regulations 2017

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 provide for the submission of an Environmental Statement for certain types of development. The regulations prescribe the types of development for which EIA is mandatory (Schedule 1 Development). Regulation 17a provides for mandatory EIA with all proposals which exceed 60,000 laying hens.

### Town and Country Planning (Listed Building and Conservations areas) Act 1990

Requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas and special regard shall be had for preserving Listed building s and their settings.

### Leading in Design SPD

The adopted Leading in Design Supplementary Planning Document is a working document intended to encourage, promote and inspire higher design standards in development throughout Charnwood.

### Landscape Character Appraisal

The Borough of Charnwood Landscape Character Assessment was prepared in July 2012. The purpose of the report was to assess the baseline study of the landscape character, at a sub-regional level that gives a further understanding of the landscape resource. The document 'provides a structured evaluation of the landscape of the borough including a landscape strategy with guidelines for the protection, conservation and enhancement of the character of the landscape, which will inform development management decisions and development of plans for the future of the Borough'.

### The Leicestershire Highways Design Guide (2018)

This is a guide for use by developers and published by Leicestershire County Council, the local highway authority, and provides information to developers and local planning authorities to assist in the design of road layouts in new development. The purpose of the guidance is to help achieve development that provides for the safe and free movement of

all road users, including cars, lorries, pedestrians, cyclists and public transport. Design elements are encouraged which provide road layouts which meet the needs of all users and restrain vehicle dominance, create an environment that is safe for all road users and in which people are encouraged to walk, cycle and use public transport and feel safe doing so; as well as to help create quality developments in which to live, work and play. The document also sets out the quantum of off-street car parking required to be provided in new housing development.

### National Planning Practice Guidance (PPG)

The National Planning Practice Guidance (PPG) reinforces and provides additional guidance on the policy requirements of the Framework and provides extensive guidance on design and other planning objectives that can be achieved through getting good design. These include the consideration of local character, landscaping setting, safe, connected and efficient streets, crime prevention, security measures, access and inclusion, efficient use of natural resources and cohesive and vibrant neighbourhoods.

### **Relevant Planning History**

None relevant to this site. However, several applications for similar scale free range and barn egg chicken sheds have been approved within the locality as below:

P/97/0172/2 - Land (9.3ha) South-east of Black Lane

P/04/0081/2 - The Poultry Farm, 32 Black Lane

P/07/0482/2 - Land adjacent Big Lane, Seagrave

P/10/2236/2 - Land adjacent Big Lane, Seagrave

P/14/0707/2 - Land off Paudy Lane Seagrave

P/16/2800/2 - Land at Black Lane, Walton On The Wolds, Leicestershire

### **Responses of Statutory Consultees**

Leicestershire County Council as Highway Authority raises no objection and advises that, in its view, the residual cumulative impacts of development can be mitigated and are not considered severe in accordance with the National Planning Policy Framework (NPPF), subject to a number of planning conditions be attached to any permission granted.

Leicestershire County Council as Lead Local Flood Authority (LLFA) raises no objection and advises the Local Planning Authority that the proposals are considered acceptable to the LLFA and advise a number of planning conditions be attached to any permission granted.

The Environment Agency raises no objection to the proposals and confirms the operation of the proposed use would be controlled by the Environmental Permitting Regulations (England and Wales) 2016. The permit would cover the following matters:

- Management – including general management, accident management, energy efficiency, efficient use of raw materials and waste recovery.

- Operations - including permitted activities and operating techniques (including the use of poultry feed, housing design and management, slurry spreading and manure management planning).
- Emissions - to water, air and land including to groundwater and diffuse emissions, transfers off site, odour, noise and vibration, monitoring.
- Information - records, reporting and notifications.

Charnwood Borough Council Environmental Protection confirms that the activity will require an application for a permit under the Environmental Permitting Regulations (England & Wales) Regulations 2016 to the Environment Agency. If the application is successful, appropriate conditions will be included in the permit to ensure that the site is operated in such a manner as to prevent or minimise the risk of pollution of the environment, including odour, flies and vermin.

Natural England raises no objection and considers that the proposed development will not have significant adverse impacts on statutorily protected sites or landscapes.

Historic England did not wish to offer any comments. They suggest that the Local Planning Authority seek the views of its specialist conservation and archaeological advisers, as relevant.

Leicestershire County Council Public Rights of Way advises that the development would have a significant impact on the public rights of way and the character of the countryside they run through. They note that footpath H90 would be enclosed by wire netting fences on both sides to a width of 3 metres, but there is no detail on how the surface will be treated to ensure it is sustainable. Nor is there any detail on how H100 will be accommodated next to or on the access road, or of how the development will look from the footpath. It is suggested that these issues are addressed in the Rights of Way management plan condition as recommended.

Nottinghamshire County Council Area Rights of Way (Rushcliffe) advises that according to the site location plans submitted, there are no public rights of way affected by the proposal as land south of Kings Brook is within the Leicestershire border.

### **Other Comments Received**

Cllr. Bokor has raised an objection to the proposal and has reiterated the concerns raised by residents on the following grounds:

- The development would be in the open countryside
- There are a number of existing egg laying units in the area which have caused problems in the past such as odour and fly infestation
- The development would cause major traffic issues on country roads
- It is not considered any amount of planning conditions mitigate these problems.

Hoton Parish Council objects to the application on the following grounds:

- New development in the open countryside
- Loss of amenity to the adjacent public right of way
- Harm to the character of the countryside

- Impact on listed buildings and approach to Hoton Conservation area
- Concern that the proposed access has limited visibility
- Conditions are suggested should planning permission be granted.

Rempstone Parish Council objects to the application on the following grounds:

- Increased traffic and risk of accidents
- Visual impact, particularly from Stanford Hall
- Odour and noise would travel downwind towards Rempstone
- Risk of Avian Flu spreading to the wider area
- Surface water polluting Kings Brook
- Vermin and insects in the summer
- Errors on application form
- Impact on the enjoyment of using the public right of way
- Existing environmental issues at other sites operated by the applicant
- Impact on human health, particularly respiratory conditions caused by poultry dust
- Impact on wildlife associated with Kings Brook.

The Defense and National Rehabilitation Centre Stanford Hall DNRC made the following comments in respect of the application:

- There is no objection to the principle of the application given that it proposes an agricultural use on agricultural land.
- Whilst the principle of the proposed use is in itself not of concern, there is the risk that unless the poultry unit is properly planned, constructed, managed and maintained that it could have a significant impact on the DNRC and its residents by virtue of noise, odour, vermin, flies. Accordingly, it is requested that equipment used to mitigate any potential impacts is secured by way of a planning condition.
- Requests that planting be included to the north of the proposed units to better screen the development from
- Requests that the grain silos be of an appropriate colour to reduce prominence in the landscape and be devoid of any advertising.

Rushcliffe Borough Council made the following comments in respect of the application:

- Request that regard be had for the setting of heritage assets
- States that it is important that any impacts upon the landscape character and the visual amenities of the area are mitigated through the use of planting to reinforce existing boundaries.
- Suitable screening should be secured to ensure there would only be low to moderate visual impacts upon receptors, including the public right of way within Rushcliffe to the north
- The impacts of the proposal upon ecology should be carefully assessed.
- In terms of the living conditions of nearby dwellings, the closest residential property within Rushcliffe is Sutcliffe Cottage, which is located approximately 0.7km to the north east of the application site, beyond which is the village of Rempstone. Residential properties in Rempstone village and the surrounding area, plus the Defence and National Rehabilitation Centre at Stanford Hall, could be affected by odour and/or noise. The prevailing wind in this area comes from the South West

direction and would affect primarily Rempstone Village. The impacts upon these sensitive receptors should be carefully assessed.

Campaign to Protect Rural England (Charnwood) objects to the application raising the following concerns:

- Impact on and loss of the open countryside
- Highway safety due to large vehicles and existing congestion on the A60
- Permission for unessential workers dwelling will lead to further dwellings on the site
- Existing residential accommodation available to rent or buy nearby.

Loughborough & District Group of the Ramblers Association advises that the positioning of the development alongside footpath H100 and the section of H90 running east/west would be visually prominent, disrupting the view to the rolling hills to the south. This would be detrimental to the enjoyment of users. A hard bound surface to the footpath is requested should the application be approved.

Leicestershire Footpath Association objects to the application stating that the development is inappropriate and out of character with the surrounding countryside. It will have a significant impact for walkers using footpaths H86 and H90 The visual impact from bridleway H88, which runs at a higher level along the southern boundary of the site, will also be significant, marring what are currently purely rural views.

There have been 206 letters from 137 different people/addresses through the course of the application that have been received, the concerns raised are summarised below:

- Development in the open countryside contrary to local policy
- Impact on landscape
- Impact on Heritage Assets
- Potential for noise
- Potential for odour
- Gas pollution
- Impact on wildlife of Kings Brook
- Pollution of ground and local watercourses
- Impact on the enjoyment of and access to the public footpath
- Impact on highway capacity of A60 and A6006
- Impact on highway safety due to speed and narrowness of A60
- Impact on highway safety due to limited visibility
- Increased risk of avian influenza
- Impact on the residents recovering at DNRC
- Risk of flies and vermin
- Increased noise and pollution from vehicle movements
- Unnecessary agricultural workers dwelling
- Noise during construction
- Will set precedent for further development of the site
- Animal welfare and cruelty
- No benefits to local people
- Loss of property value



- Other locations are more suitable away from residential areas
- Impact on trade to local public houses
- Impact on potential for housing development in the area
- Increased risk of crime in the area
- Increased light pollution
- Increased risk of flooding
- Lack of detail in submitted application

## **Consideration of the Planning Issues**

The main issues to be considered in the determination of this application are:

- Principle of development
- Design and the Impact on the character of the landscape and countryside
- Environmental impact in terms of odour, flies, noise and ammonia
- The Impact on Residential Amenity
- Impact on Ecology
- Impact on Heritage assets
- Highway Safety
- Other Matters

### The Principle of the Development

The starting point for decision making on all planning applications is that they must be made in accordance with the Development Plan unless material considerations indicate otherwise. Policies in the adopted Core Strategy and the saved policies in the Borough of Charnwood Local Plan are therefore the starting point for consideration.

Policy CT/1 supports small scale new development essential to the efficient long term operation of agriculture. Policy CS10 of the Core Strategy (2015) supports the sustainable growth of and expansion of businesses in rural areas and supports farm diversification whereby farming remains the dominant element of the business. Section 336 of the Town and Country Planning Act 1990 defines 'agriculture' as including: "the breeding and keeping of livestock (including any creature kept for the production of food.....". The keeping of poultry for egg production accordingly falls under the definition of agriculture.

It is understood, from the applicant, that the new buildings are required to help fulfil increasing space standards, demanded under changes to regulations, relating to poultry keeping. Most of the farm's buildings were at one time battery units, allowing a greater number of hens to be kept in a smaller space. This is no longer acceptable in terms of egg production and the farm has been undergoing a switch to free range units. This has necessitated a batch of planning applications for new poultry buildings over recent years. In order for the farm to remain commercially viable, in the long term, it is accepted that there is a need for some new buildings and that this current application is part of achieving that strategy.

The proposal is appropriate in scale for the function it provides, its agricultural use, and essential for the long term efficiency of the farm business, accordingly it is considered to

comply with CT/1, and CS10 providing it does not have a significant adverse environmental impact. This is discussed below under headings relating to the specific areas of potential impact.

In terms of the agricultural workers dwelling, the application site is within the countryside where new residential development is permitted only in exceptional circumstances. These include economic/residential development which has a strong relationship with the operational requirements of agriculture, horticulture, forestry and other land based industries. This proposal would provide a permanent base from which the applicant can operate the units. The functional need for an on-site dwelling has been demonstrated through the information accompanying the application and confirmed by the independent appraisal. Revised budget information has also been independently assessed and provides evidence to demonstrate that the proposal is economically sustainable.

On this basis, the principle of an agricultural workers dwelling is acceptable as it would accord with relevant and up to date development plan policies: CS10 and CS25 of the Core Strategy and saved Policies CT/1 and CT/2 of the adopted Local Plan as well as the NPPF.

A condition limiting the occupation of the dwelling where it is only in association with the egg laying units will ensure that the dwelling remains associated with the application site/ local area. A condition is recommended which requires that the dwelling is occupied only in association with the agricultural use.

#### Design and the Impact on the Character of the Landscape and Countryside

Local plan policies CT/2 and CS11 requires new development to protect landscape character and the rural tranquillity of the countryside. Policy CS10 in addition to CS11 and CT/2 also supports rural economic development, particularly agricultural diversification providing that it does not have a detrimental impact on the character and appearance of the countryside. Policy CS2 and EV/1 require a good standard of design that responds positively to its context.

The site falls within The Wolds landscape character area. This is a relatively contained area which forms the north easterly part of the borough. The local landscape can be considered to be a medium to large scale rolling landscape with some exposed ridges. There is a combination of open countryside, sheltered valleys and some extensive views with some woodland cover. The settlement of Hoton is visually contained within its landscape context. The landscape directly north of The Wolds falls within Rushcliffe Borough Council and the Melton and Rushcliffe Landscape Sensitivity Study August 2014. Within this, the study area to the north falls within the Landscape Character Unit (LCU) 17: Nottinghamshire Wolds: East Leake Rolling Farmland. The two areas are considered to have similar landscape characteristics.

The application is supported by a Landscape and Visual Impact Assessment. Officers concur with its findings that the visual envelope is limited and there would be limited to no visibility from within Hoton including the Wymeswold Road to the east which has vantage looking across fields and Rempstone. The greatest visual effects will be on receptors within the site itself, and particularly those using the public rights of way. However, it is considered and accepted that most of the mitigation measures will reduce visual impacts over time and the style and scale of the buildings proposed are of an agricultural form and therefore not

out of character within the setting of the public rights of way or the wider countryside landscape.

The proposed development will be located at the lowest point of the site on flat areas of land close to the northern boundary which is currently screened by existing trees and hedgerows along the Kings Brook. It is considered that the proposed units and dwelling would have a degree of visual impact, particularly from within the site and to users of Rempstone Road. However, due to its location within a valley, the topography of the area, the use of existing and proposed landscaping, and the sensitive choice of material and colour to the external finishes, it is considered the proposal would not cause unacceptable harm to the character and appearance of the countryside landscape to an extent that would sustain a reason to refuse the application and therefore broadly complies with policies CT/2 and CS11.

### Impact on the Public Rights of Way

The application site contains a number of public rights of way within and adjacent to its boundaries. Policy CS12 states that we will protect and enhance our green infrastructure assets for their community, economic and environmental values.

The Public Rights of Way Access Officer consulted as part of the application states that the development would have a significant impact on the public rights of way and the character of the countryside they run through. Objections have been received from local residents and walking groups on grounds that the development would reduce the enjoyment of walking this section of the public right(s) of way.

Whilst it is accepted that the proposal would most significantly impact on users of the public right(s) of way, the impacts would be localised to the site and the site boundaries due to the topography of the landscape which surrounds the site. Overtime, mitigating landscaping would reduce the impact on the landscape and use of the public rights of way within and adjacent to the site. Furthermore, the proposal is for an agricultural use on agricultural land, and the presence of agricultural buildings within this setting would not appear wholly out of character or harmful to the countryside. The Public Rights of Way Officer has recommended a number of conditions should planning permission be granted which shall ensure the public right of way remains accessible during construction and thereafter in perpetuity. It is considered, on balance that the proposal would not cause such significant harm to the character of the countryside, that a reason to refuse the application on such grounds could be substantiated. The proposal is considered to broadly comply with Policies CS11 and CS12 in this regard.

### Environmental impact in terms of odour, flies, noise and ammonia

#### *Odour*

The closest residences not associated with the proposed poultry units are located at Hoton, the closest of which are approximately 500m to the south on the northern edge of the village of Hoton. The nearest dwelling within Rempstone is located approximately 700m to the north west. The edge of the settlement of Rempstone is located approximately 900m to the north and north west. Stanford Hall (DNRC) is also located approximately 500m to the north east.

Within the Environmental Impact Statement, (EIS), the main odour emissions are identified as being from the end extraction fans and the roaming areas. Twenty-nine discrete receptors have been defined at a selection of nearby residences and commercial properties. Odours from poultry houses are usually placed in the moderately offensive category. Therefore, for this study, the Environment Agency's benchmark for moderately offensive odours, a 98<sup>th</sup> percentile hourly mean of 3.0 ou<sup>F</sup>/m<sup>3</sup> over a one year period, is used to assess the impact of odour emissions.

Odour emission rates from the proposed poultry houses have been assessed and quantified based upon an emissions model that takes into account the likely internal odour concentrations and ventilation rates of the poultry houses. The odour emission rates obtained have then been used as inputs to an atmospheric dispersion model which calculates odour exposure levels in the surrounding area.

The modelling predicts that, at all nearby residences and commercial premises surrounding the site of the proposed poultry houses, the odour exposure would be below the Environment Agency's benchmark for moderately offensive odours which arise from intensive farming units.

It is noted, however, that the EIS fails to recognise the presence of the proposed agricultural workers dwelling which potentially lies within the above threshold zone of the odour emission zone. Whilst this has been taken into consideration it must be balanced against the fact that this is proposed to be a manager's dwelling which has been located deliberately close to the proposed use to provide supervision. Accordingly there is a reasonable expectation, on behalf of occupiers, that some impact from the units could be expected.

A number of local residents have raised the issue that odour problems are caused not just by the units themselves but due to the practice of transporting waste uncovered in dirty trailers and because of poor management of the waste at the receiving farm. There is no documented evidence of this which could be used to support a refusal of planning permission and no data has been provided to suggest that it is an ongoing issue. If the problems are occurring it is likely that this is not consistently the case but that there are sometimes instances of it which are giving rise to concern. A condition requiring all vehicles transporting waste from the unit to be securely covered would be difficult to enforce and would not effectively deal with intermittent bad practice. It would also duplicate other controls outside the planning system and is considered unnecessary in this respect.

The findings of the EIS are not disputed by the Council's Environmental Health Officer. It is also recognised that the EA permit, which would now be required, provides additional controls over the way the use operates and including waste management. Accordingly it is not considered that the proposal would give rise to unacceptable levels of odour.

It is therefore considered that the proposal would not result in unacceptable adverse impact on amenity of residential properties within the sites locality and therefore does not conflict with policies CS2 and EV/1 in respect of residential amenity.

### *Flies*

Flies have been a source of nuisance at some of the older Walton on the Wolds buildings and those at the main site at Sileby in the past. The main cause of flies is manure which, if

untreated and left in situ, provides an ideal breeding ground, particularly in warmer weather. It is understood that previous problems resulted from poor management of manure. Older units operate a layered manure disposal system where hens are kept on a gridded floor with waste and manure falling through beneath them. The layers of waste are then periodically treated with larvicide to kill fly maggots. Within this system the waste is only cleared out between bird life cycles when the shed is cleared resulting in large amounts of manure to be monitored and managed.

The proposed sheds would be cleaned via a belt cleaning system which would regularly remove manure (twice weekly) so that it can be transported from site and disposed of elsewhere. This type of system seldom gives rise to fly nuisance as the manure is not on site long enough for fly eggs to hatch. It is understood the manure would be taken in covered trailers to any number of receiving farms where it is stored until spread as fertiliser. It is treated with larvicide in storage, at the receiving farm, if necessary.

Environmental Health Officers support the belt cleaning method and actively encourage its installation within new units. The EA permit would also require this type of system as a best available technique (BAT).

Concerns have been raised by residents that the proposal would lead to an increase in other types of vermin. Modern poultry units are required by the Environmental Permitting Regime to have a formal contract arrangement in place with a pest control contractor to prevent infestation from vermin. The buildings are proposed to operate sealed feed storage and feed lines. No external storage of feed is allowed, and hence the potential to attract vermin is minimised.

It is not considered that the proposal itself will give rise to fly nuisance or exacerbate existing problems as stated by objectors providing a belt clean system is used and the fly management plan used across the farms is employed. It is therefore considered that the proposal would not result in unacceptable adverse impact on amenity of residential properties within the sites locality and therefore does not conflict with policies CS2 and EV/1 in respect of residential amenity. Suitably worded conditions will be imposed that require the applicant to submit and adhere to a management plan.

### *Noise*

Noise was scoped out of the submitted EIS. The submitted EIS states that the proposed development involves limited noise generation, with the main potential sources being the operation of the ventilation fans, HGV movements and the filling of feed bins. This is accepted by the Environmental Protection Officer. Noise has been scoped out of the full assessment. Noise generation from modern poultry buildings has essentially been designed out. The buildings are insulated which attenuates any noise created by the birds themselves. The buildings operate with a power ventilation system consisting of ridge fans and inlet vents in the side of the building. The ventilations fans are located within the building, suspended a 300mm below the ridge. Above the fans is an insulated chimney which is of cylindrical design. The chimney protrudes above the ridge of the building. Locating the fans within the building, and the presence of the insulated chimney sufficiently attenuates the noise generated by the fans to ensure it is not audible from any sensitive receptor points beyond the site boundaries. The site is remote from neighbours, being more than 500m from the proposed buildings to the closest dwelling unconnected with the farm. This level of

separation is more than sufficient to protect residential amenity. The Environment Agency Environmental Permitting Guidance requires detailed noise assessment if there is a receptor within 400m of the proposed development.

Deliveries to the proposed site will be scheduled during the normal working day and secured by planning condition. Noise from ventilation fans may, on occasion, become noticeable when walking along the public rights of way; however, the fan capacity of the building has been calculated to ensure optimum ventilation. At times when the fan noise is most likely to be heard, i.e. at night time, it is likely that the fans will not be in full operation due to decreased night time temperatures.

The biggest source of noise would be from the fans which cool the units, HGV movements and the filling of feed bins. The EIS concludes that noise should be scoped out as there are no protected dwellings within 400m, which is an advisory separation distance between intensive livestock installations and residential property. As a result no noise survey has been produced. For similar installations where noise surveys have been provided they have not demonstrated that noise is a material impact.

It is not considered that the proposal would give rise to a noise nuisance that would justify refusal of planning permission and therefore does not conflict with policies CS2 or EV/1. However, it is recommended that a condition restricting delivery times within noise sensitive hours should be imposed.

### *Ammonia*

Ammonia emission rates from the proposed poultry houses have been assessed and quantified based upon the Environment Agency's standard ammonia emission factors. The ammonia emission rates have then been used as inputs to an atmospheric dispersion and deposition model which calculates ammonia exposure levels and nitrogen and acid deposition rates in the surrounding area and the impact of this on designated sites. There are six areas designated as Local Wildlife Sites (LWSs) within 2 km of the site of the proposed poultry houses. There are also three Sites of Special Scientific Interest (SSSIs) within 5 km. There are no internationally designated sites within 10 km of the site of the proposed poultry houses. For the proposal it has been concluded that predicted cumulative levels would be below that of 20% critical level for an SSSI and 100% for non-statutory wildlife sites. Based on this it is not considered that ammonia levels would have an adverse environmental impact sufficient to justify refusing planning permission on ecological or amenity grounds.

### Residential Amenity and Lighting

The proposal does not involve any permanent or fixed lighting sources, only security lights on a timer for when night time access is necessary. Therefore there will be negligible impact in terms of lighting and therefore lighting is scoped out of the full assessment. A condition that requires details of any external lighting to be submitted and approved is recommended.

The Environment Agency and the Local Authority Environmental Protection team have raised no objection to the application and have suggested suitable conditions.

In addition to the considerations above in terms of noise, flies, odour and ammonia, Policy CS2 and EV/1 also require that regard be had for the amenity of residents in terms of privacy and light. The site is remote from any residential dwellings that would be affected in terms of privacy or light. Accordingly, it is considered the proposal complies with policies CS2 and EV/1 in respect of residential amenity.

### Impact on Heritage Assets

The application site is considered to be located within the setting of a number of designated heritage assets. These include the setting of Grade II\* Listed Stanford Hall and its associated Grade II Listed park and garden and the Grade II Listed Rempstone Hall and Rempstone Church. Whilst these assets are outside of the Charnwood Borough boundary, nonetheless, they are material considerations and an assessment of any impact on their significance should be undertaken. It is not considered that due to the topography of the landscape and proximity to the site, that the Hoton Village conservation area and its setting is affected by the proposed development.

Paragraph 190 of the National Planning Policy Framework states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.

In the case of determining planning applications, Section 66 of the Town and Country Planning (Listed building and Conservation areas) Act 1990 requires that special regard shall be had for preserving and enhancing Listed Buildings and their settings.

The EIA is supported by a Heritage Impact Assessment. This considered the impact on designated heritage assets and concludes that there would be limited adverse impact. Officers agree with the findings of the Heritage Impact Assessment and conclude that the proposal would preserve the setting of heritage assets and their significance. There would be less than substantial harm to the significance of heritage assets, namely Stanford Hall and its registered park and garden, Rempstone Hall and Rempstone Church. The limited harm identified would be considered as less than substantial and would be outweighed by the public benefits, which in this case are considered to be the economic benefits of supporting a local business in expanding and diversifying to meet market demands and the creation and protection of local jobs. The proposal would also support local food production. The proposal is therefore considered to comply with paragraphs 190-196 of the NPPF.

The proposal would serve to preserve the setting of designated heritage assets, an objective considered to be desirable within section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, and the proposal is therefore considered positively in relation to the duty under that section of the 1990 Act.

### Ecology

Policy CS13 seeks to conserve and enhance the natural environment with regard to biodiversity and ecological habitats.

The proposal is offset by the provision of an extensive area of tree planting around the proposed building which provides for additional foraging habitat. The Councils Senior

Ecologist raises no objection and states that the proposal, by virtue of the amount of proposed planting which provides a means to avoid a biodiversity net loss. This is subject to additional planting further north to absorb additional run off generated by the hard surfaced areas which will reduce the potential for contaminated run off falling into Kings Brook. It is also suggested that that exact details of fencing along Rempstone road be agreed to ensure that the hedgerow has sufficient space to grow and augment. Exact details of planting and fencing will be required by planning conditions prior to the use commencing, which shall be retained and maintained in perpetuity.

It is considered that the proposal accords with policy CS13 in respect of biodiversity and ecology.

### Highway Safety

Paragraph 109 of the NPPF states that; new development should only be resisted on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe.

The Applicant has advised the proposals would generate two HGV deliveries for food each week along with three for the collection of eggs. In addition there will be two tractor movements each week to remove manure from the site. There would be three members of staff on site each day, along with a manager visiting the site. The applicant has also indicated that the dwelling on the site could generate between six – eight vehicle movements per day, however as this is to be occupied by a member of staff the number of trips is likely to be reduced. Every 15 months the number of HGV movements would increase by an average of two additional daily movements in order to remove the existing birds and bring new birds in. This would be undertaken over a five week period.

Overall the Applicant advises the use of the site is likely to generate approximately 16 car movements and two HGV movements per day. It is considered that this relatively low number of vehicular movements can be accommodated on the wider highway network.

The Applicant has confirmed the visibility splays to be 2.4 metres by 184 metres looking to the south and 2.4 x 154 metres looking north from the site access. The visibility splay to the north is measured to the centre line of the carriageway as opposed to a one metre offset distance from the kerb. This splay is six metres short of the distance required within the Leicestershire Highways Design Guide (LHDG) The Applicant has submitted a speed survey in order to justify the substandard visibility splay for an access on a road of this type.

The results of the speed survey show that the 85<sup>th</sup> percentile speeds are 53.2 mph at the proposed access. Whilst the visibility splay is six metres short of the 160 metres required within the LHDG, the Local Highway Authority consider that due to the bend in the road drivers are unlikely to be approaching the site access in excess of the recorded 85<sup>th</sup> percentile southbound speed of 53.2mph, which was recorded at the proposed site access.

Overall, given the site specific circumstances outlined above, and the low volume of traffic that would be generated by the use, the Local Highway Authority do not consider the proposals would lead to a 'severe' impact in accordance with the NPPF. Therefore, subject to the imposition of conditions recommended by the Local Highway Authority, the Local Planning Authority does not consider this development will have a severe impact on the



highway in accordance with Paragraph 109 of the NPPF and therefore a reason for refusal on such grounds could not be sustained.

### Other matters

Concern has been raised with regards to local properties losing value should the proposal be approved. Loss of property value is not a material planning consideration and cannot be taken into account in the determination of the planning application.

Some residents have claimed that the proposal if approved would prejudice future development for housing in the area. The area is located in the countryside and there are no existing national or local policies that would support largescale housing development within the locality of the site.

Some residents have claimed that there are more suitable sites available for this type of development and that it will set a precedent for further development on this site and within neighboring fields. The local planning authority can only consider the application that is submitted, which includes the quantum of development and the site's location. A balanced judgment is required as to whether unacceptable harm would arise should it be located on the proposed site. Officers consider the site to be appropriate for the use proposed. Furthermore, should further applications be submitted in the future, these would have to be considered on their individual merits and within the policy context at that time.

Concerns have been raised regarding noise during construction. Given the distance from residential properties, and the fact that construction would take place during normal working hours, it is not considered that disturbance during construction is a material consideration in this case. In any event, it is recommended that a construction management plan be required by condition, which shall include hours of construction to be agreed with the local planning authority.

The Lead Local Flood Authority have confirmed that the site is within flood zone 1, being at low risk of fluvial flooding. However the northern boundary of the site borders flood zone 3, being at high risk of flooding. Leicestershire County Council as Lead Local Flood Authority (LLFA) advises the Local Planning Authority (LPA) that the proposals are considered acceptable and advise permission be granted subject to conditions.

### **Conclusion**

Decisions on applications need to be made in accordance with the adopted development plan policies unless material considerations indicate otherwise.

The method of assessment contained in the Environmental Statement and other environmental information is considered sound and robust. The potential significant adverse environmental effects have been appropriately addressed and can be adequately mitigated, subject to the recommended planning conditions and other pollution control regimes.

The Environmental Impact Statement discusses Odour, Flies, Waste and Vermin, Ammonia Deposition and Ecological Impacts. Flood Risk, Drainage and Protection of the Water Environment. Highways and Transportation Impacts. Landscape and Heritage Impacts. It concludes that none of these considerations would result in significant adverse effect on

health or the environment. It is accepted that the proposal would have a significant effect on the landscape, but this is limited to the use and enjoyment of the Public Rights of Way within the site. However, this impact would be localised to areas within and immediately adjacent to the site, and limited to those using footpath H90 along the northern edge of the site. Furthermore, significant planting of trees within the site, between the proposed egg laying units and the Public Rights of Way would reduce this impact overtime, and would mitigate the impacts to an acceptable level.

The proposal accords with the advice given in the NPPF relating to sustainable growth of the rural economy. In addition to CS10 of the Core Strategy It is considered that as the proposal is suitable in terms of scale, essential for the long term operation of agriculture and, (providing correct management procedures are followed), without an adverse environmental impact that it complies with the principles of CT/1. There would be no unacceptable or significant material harm to the character or appearance of the countryside in the long term and accordingly compliance with CT/2 is achieved. The EIA reveals that there would not be a threat to the health or general amenity of nearby residents or ecology meaning that the proposal meets CS2 and CS13. There is nothing to suggest that the proposal would lead to unsafe operation of the road network and accords with the NPPF in this regard.

Accordingly it is recommended having regard to the above considerations that planning permission is granted conditionally.

#### **RECOMMENDATION:**

Grant Conditionally

1. The development, hereby permitted, shall be begun not later than 3 years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out and the use operated only in accordance with the details and specifications included in the submitted application and as shown on the drawings below:

Approved Drawings

1794/1f – Site layout and Location Plan

1794/3i – Site plan Building 1

1794/2 – Floor plans and elevation Building 1

1794/6d – Site plan Building 2

1794/5 – Floor plans and elevations Building 2

1794/9b – Ranging area fencing

1794/8 – Floor Plans and Elevations for dwelling

IPA22222 - Soft Landscape Specification

IPA22222 - 11A Landscape Proposals

Environmental Statement (ES) (Dated January 2019 Prepared By Ian Pick)

ES Appendix 1 – Location Plan

ES Appendix 2 – Odour Impact Assessment

ES Appendix 3 – Ecological Appraisal

ES Appendix 4 – Ammonia Impact Assessment

ES Appendix 5 – Flood Risk and Surface Water Management Report

ES Appendix 6 – Highways Report

ES Appendix 7 – Landscape and Visual Impact Assessment

REASON: For clarity and the avoidance of doubt and to define the terms of the permission

3. Only those materials and finishes specified in the application shall be used in carrying out the development hereby permitted.

REASON: To make sure that the appearance of the completed development is satisfactory in accordance with Policies CS2 and CS11.

4. The hedge located on the eastern boundary of the application site shall be retained and maintained at a height no lower than 5 metres. Any part of these hedges removed, dying, being severely damaged or becoming seriously diseased shall be replaced, with hedge plants of such size and species as previously agreed in writing by the local planning authority, within one year of the date of any such loss.

REASON: The hedge is an important feature in the area and its retention is necessary to help screen the new development and prevent undue overlooking of adjoining dwellings.

5. No development, including site works, shall begin until the hedgerows located on the boundaries of the application site have been protected, in a manner previously agreed in writing by the local planning authority. The hedge shall be protected in the agreed manner for the duration of building operations on the application site.

REASON: The hedgerows are an important feature in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site in accordance with policies CS2 and CS11.

6. The landscaping scheme shall be fully completed, in accordance with the approved details (Soft Landscape Specification by ACD Environmental and Drawing no. 11A Landscape Proposals both dated December 2018) in the first planting and seeding seasons following the issue of this decision or in accordance with a programme previously agreed in writing by the local planning authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

REASON: To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings in accordance with Policy CS2 and CS11 of the Core Strategy.

7. Notwithstanding what is shown on the approved plans, within three months of commencement of development, exact details of the location, scale, appearance and material of all boundary treatments and fencing shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out and maintained in the approved form.

REASON: To ensure the satisfactory appearance of the development in accordance with policies CS2 and CS11.

8. No use of the building shall take place until a written plan detailing the frequency and method of manure handling and removal, and a Fly Monitoring and Management plan has been submitted to and approved in writing by the Local Planning Authority. The approved plans shall thereafter be implemented while the unit is in use.  
REASON: To ensure that manure is removed from site and fly levels do not reach a level where they are harmful to the amenity of nearby residents.
9. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Redfern Kirton Design drawing 1794/3 Rev H have been implemented in full.  
REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2018).
10. The development hereby permitted shall not be occupied until such time as the existing gates to the vehicular access have been permanently removed. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 20 metres of the highway boundary, nor shall any be erected within a distance of 20 metres of the highway boundary unless hung to open away from the highway.  
REASON: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (2018).
11. The new vehicular access hereby permitted shall not be used for a period of more than one month from being first brought into use unless the existing vehicular access on Rempstone Road that becomes redundant as a result of this proposal have been closed permanently and reinstated in accordance with details first submitted to and agreed in writing by the Local Planning Authority.  
REASON: In the interests of highway and pedestrian safety in accordance with the National Planning Policy Framework (2018).
12. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.  
REASON: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.
13. No development shall commence on site until a Public Right of Way management plan has been submitted to and approved in writing by the Local Planning Authority.

Such a plan shall include details of temporary diversion, fencing, surfacing, signing and a time table for provision.

REASON: to ensure the Public Right of Way is safe and available during the period of construction.

14. The Public Footpaths should comprise widths of 3m if enclosed and 2 metres if not enclosed in accordance with the County Council's Guidance Notes for Developers.

REASON: to provide an all-weather route in the interests of amenity, safety and security of users of the Public Right(s) of Way.

15. No trees or shrubs should be planted within 1 metre of the edge of the Public Rights of Way. Any trees or shrubs planted alongside a Public Right of Way should be non-invasive species.

REASON: to prevent overgrowth of the path in the interests of amenity, safety and security of users of the Public Rights of Way.

16. Prior to construction, changes to existing boundary treatments running alongside the Public Rights of Way, must be approved by the Local Planning Authority following consultation with the Highway Authority.

REASON: in the interests of amenity, desirability, safety and security of users of the Public Rights of Way.

17. Prior to the completion of the development, a signing and waymarking scheme in respect of the Public Right(s) of Way, should be formulated by the developer and approved by the Local Planning Authority following consultation with the Highway Authority.

REASON: to ensure the path is easy to follow through the development in the interests of amenity, safety and security of users of the Public Right(s) of Way.

18. No deliveries shall be taken at or dispatched from the site outside the hours of 07.00 to 22.00 nor at any time on Sundays, Bank or Public Holidays unless otherwise first agreed in writing by the local planning authority.

REASON: To safeguard the living conditions of the occupiers of dwellings in the locality.

19. No unit clearance operations shall be undertaken at or from the site outside the hours of 07.00 to 22.00 nor at any time on Sundays, Bank or Public Holidays.

REASON: To protect the living conditions of the occupiers of nearby dwellings

20. No external lighting, other than emergency and low level lighting, shall be installed or erected except in accordance with details that have first been submitted to and approved in writing by the local planning authority.

REASON: To ensure any external lighting does not result in excessive light spillage or glare which would be harmful to the character of the countryside.

21. There shall be no retail sales from the site as an ancillary activity to the use of the building.

REASON: To minimise traffic generated by the development, in the interests of highway safety

22. No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority.  
REASON: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.
23. No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by the Local Planning Authority.  
REASON: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems though the entire development construction phase.
24. No development approved by this planning permission shall take place until such time as infiltration testing has been carried out (or suitable evidence to preclude testing) to confirm or otherwise, the suitability of the site for the use of infiltration as a drainage element, has been submitted to and approved in writing by the Local Planning Authority.  
REASON: To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy.
25. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.  
REASON: The application site is located in an area where new dwellings are not normally permitted. This grant of permission has been given solely to meet a special agricultural need.
26. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Amendment)(No.2)(England) Order 2008 or any order revoking or re-enacting that Order, with or without modifications, no enlargement, improvement or other alteration of the dwelling, including conversion of the garage to living accommodation, shall be carried out and no building, enclosure or other structure shall be erected within its curtilage.  
REASON: The dwelling is located in open countryside and the carrying out of development of this type may create difficulties in terms of impact on the character of the countryside. Additionally the enlargement of the dwelling may result in it being too large to be suitable for an agricultural worker.

The following advice notes will be attached to a decision

- 1 Planning permission has been granted for this development because the Council has determined that, although representations have been received against the proposal, the degree of harm that might be caused to one or more of the issues arising under the submitted Environmental Statement, including (but not exclusively) harm to the character of the countryside, residential amenity and impact on the Heritage Assets are insufficient to warrant the refusal of planning permission when balanced against the mitigating measures

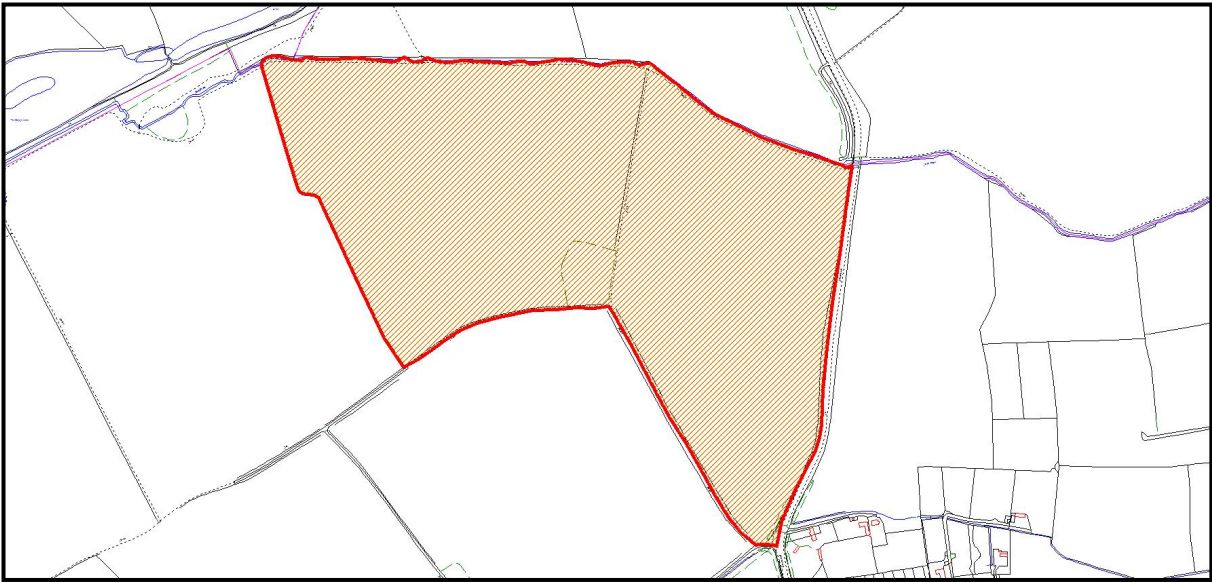
included as part of the application, and when assessed against the wider benefits of this application.

2. Please note that this permission does not confer any consent under the Environmental Permitting Regulations (England and Wales) 2010. You will require a separate permit under the provisions of this legislation.
3. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>
4. A Public Right of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
5. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
6. Any works to highway trees will require separate consent from Leicestershire County Council as Local Highway Authority (telephone 0116 305 0001). Where trees are proposed to be removed, appropriate replacements will be sought at the cost of the applicant.
7. The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations.
8. Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details, pipe protection details (e.g. trash screens), and full modelled scenarios for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change storm events.
9. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and

protection. Details regarding the protection of any proposed infiltration areas should also be provided.

10. The results of infiltration testing should conform to BRE Digest 365 Soakaway Design. The LLFA would accept the proposal of an alternative drainage strategy that could be used should infiltration results support an alternative approach.
11. Public Rights of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
12. If there are any Public Rights of Way which the applicant considers impracticable to retain on their existing lines, a separate application for diversion is required. It should be submitted under the Town and Country Planning Act 1990 to the Local Planning Authority. The applicant is not entitled to carry out any works directly affecting the legal line of a Public Right of Way until a Diversion Order has been confirmed and become operative.
13. Public Rights of Way must not be further enclosed in any way without undertaking discussions with the County Council's Safe and Sustainable Travel Team (0116) 305 0001.
14. If the developer requires a Right of Way to be temporarily diverted or closed, for a period of up to six months, to enable construction works to take place, an application should be made to [roadclosures@leics.gov.uk](mailto:roadclosures@leics.gov.uk) at least 8 weeks before the temporary diversion / closure is required.
15. Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.
16. No new gates, stiles, fences or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.





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