

**Application Number:** DM/2021/00622

**Proposal:** Retention of the 4 small fans and removal and replacement of the 6 larger fans

**Address:** Atherstone, B4347 Turners Wood To Porthygaelod Farm, St Maughan's, Monmouthshire, NP25 5QF

**Applicant:** Michael Rees

**Plans:** FC063-6E - , MRE-PL01 - , Hydor - HV Wall Mounted Belt Drive Fan (Installation and Maintenance Instructions for HV1250) - , Hydor - HV Wall Mounted Belt Drive Fan (Specifications for HV1250) - , Acoustic Note M2135 provided by Matrix - 14.02.2023, Acoustics Report M2135/R01a - 10.01.2022, Location Plan

**RECOMMENDATION: Approve**

Case Officer: David Wong  
Date Valid: 05.05.2021

**This application is presented to Planning Committee as there are more than four local objections**

**1.0 APPLICATION DETAILS**

1.1 Proposal Description

Atherstone Farm is an existing, well-established business near St Maughan's, situated north-west of Monmouth. This application was initially a retrospective planning application for the retention of an earth bund and ten extraction fans on the north-facing gable wall of an existing poultry shed at the Farm. However, following discussions, it was decided that instead of retaining all of the extraction fans as built, it is now proposed to remove the six larger fans and replace them with a quieter range fan to address a noise complaint from the nearby properties. This scheme is supported by an acoustic report that evidences that the revised proposal would reduce the fan operational noise to an acceptable level. The fan unit itself (the replacement fans) will sit inside the shed and the external fan openings will be encased with a louvre casing.

**2.0 RELEVANT PLANNING HISTORY (if any)**

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DM/2021/00622	Retention of the 4 small fans and removal and replacement of the 6 larger fans.	Pending Determination	
DM/2022/00039	Steel framed machinery shed.	Acceptable	17.01.2022
DC/2005/01388	Extension to existing free range egg poultry unit	Approved	21.06.2006

DC/2015/00080	Erection of a free range egg laying unit with associated feed bins and hardstandings.	Approved	20.05.2015
DC/2016/00066	Proposed single storey rear extension.	Approved	04.02.2016

### **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

#### **Strategic Policies**

S10 LDP Rural Enterprise  
S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S17 LDP Place Making and Design

#### **Development Management Policies**

DES1 LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection  
NE1 LDP Nature Conservation and Development  
RE5 LDP Intensive Livestock/Free Range Poultry Units  
LC1 LDP New Built Development in the Open Countryside

### **4.0 NATIONAL PLANNING POLICY**

#### **Future Wales - the national plan 2040**

Future Wales is the national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. Future Wales - the national plan 2040 is the national development framework and it is the highest tier plan, setting the direction for development in Wales to 2040. It is a framework which will be built on by Strategic Development Plans at a regional level and Local Development Plans. Planning decisions at every level of the planning system in Wales must be taken in accordance with the development plan as a whole.

#### **Planning Policy Wales (PPW) Edition 11**

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty.

A well-functioning planning system is fundamental for sustainable development and achieving sustainable places. PPW promotes action at all levels of the planning process which is conducive to maximising its contribution to the well-being of Wales and its communities.

### **5.0 REPRESENTATIONS**

#### 5.1 Consultation Replies

**Whitecastle Community Council** - The Council approves the development provided it can be established that the proposals control noise levels.

**Natural Resources Wales (NRW)** - We have no objection to the proposed development. The application as submitted is unlikely to increase the amount of phosphorus entering the catchment. Therefore, we are satisfied that the proposal is not likely to have a significant effect on the River Wye SAC.

**MCC Environmental Health** - Based on the revised information, it is considered that whilst noise from the 10 fans in question is likely to be audible at nearby noise sensitive properties from time to time it will be at a reduced level. I am therefore not in a position to substantiate an objection to the application.

SEWBRc Search Results - No significant ecological record identified within the shed.

## 5.2 Neighbour Notification

Three letters received neither objecting to or supporting the Planning Application.

More than five objections received (summary of key points below):

Intensive factory farming should not be welcomed in Monmouthshire.

Intensive poultry farming is extremely damaging for the environment.

We are not objecting to the chicken farm itself or the right of the owners to conduct their business but we are very concerned these large extractor fans, even with a bund, are causing unnecessary avoidable noise and environmental pollution.

The bund that was constructed did not reduce noise levels and may have worsened them, by directing the sound upwards.

The application approval should require proper assessment and implementation of effective measures.

Ammonia emission levels will have increased because of the extractor fans and rising.

The application will adversely affect biodiversity.

There will be significant noise and pollution which will affect the local area detrimentally.

The council to confirm that the proposed work conforms to the industry advice of DEFRA.

Noise from the fans is intrusive 24 hrs a day to those living above the farm, worse in hot weather when open windows are needed.

Since installing the fans chicken numbers have gone up from 32,000 to a declared level of 39,999.

The limit requiring environmental permitting is 40,000.

Ammonia is a recognised pollutant from intensive farms.

These fans were put in during 2018 without permission or measures to mitigate noise and environmental pollution.

The fans are noisy and have affected our lives adversely.

DEFRA advises fans like these should be equipped with noise reducing baffles and filters to reduce the risk of pollution to the surrounding area.

The partial bund without baffles has not been effective to reduce noise level.

It is important that appropriate noise and pollution impact assessments are done.

Retrospective application is wrong and granting such permission sets a bad precedent.

The mathematical modelling used on the noise assessment can be inaccurate.

The noise from the fans is a problem because they run day and night in a naturally quiet location and the greatest problem is during the quiet time in the evenings and at night.

It is suggested that the replacement fans will reduce the noise output by 7db. The council officers' professional expertise must ensure this is the case.

More than 5 support letters received (summary of key points below):

Noise is not an issue from the site.

The only time there is a smell of chicken waste is when the farmers use it to fertilize their fields.

Dust emission from the fans is not noticeable.

The larger fans are in accordance with a healthy environment for the animals kept within, and should be seen as a good example of animal husbandry.

The site is surrounded by a considerable number of trees which in itself is a well-accepted means of baffling noise.

The fields surrounding the barns are abundant with wildflowers and not noticeably affected at all by any pollution from the barns.

The owners have brought their 25-acre ancient woodland back into sustainable management, with the priorities being biodiversity, soil regeneration and a diverse native replanting schedule. They have also planted over 150 trees next to the barn.

UK agriculture has some of the highest animal welfare standards in the world and this is something as UK consumers we should be proud of.

We regularly run and ride horses past the farm and have never noticed any smells or noise coming from the farm and fans, in any direction within the vicinity.

A substantial amount of money has been invested into the business to comply with animal welfare and environmental issues.

The ancient wood, which is now part of the land that makes up Atherstone Farm, is being professionally managed.

The noise of the fans is minimal even on the B4347 road adjacent to sheds and is inaudible if holding a conversation.

Fans are a key part of ventilation systems used to regulate temperature and airflow to ensure that the internal environment of the shed is appropriate for laying hens.

### 5.3 Other Representations

The Campaign for the Protection of Rural Wales - objection. We are concerned by the level of noise pollution from the fans which have been installed in the poultry unit. The fans are very noisy and can be clearly heard by residents in nearby properties. On many days, and particularly on calm days, the noise levels would be a nuisance. The fans are in action 24/7. This is likely to be a nuisance to anyone living nearby. CPRW would like to ask the council to assess noise levels on site and in the local area.

Local Member, Councillor Chandler - The fans are clearly audible from the nearest property. The residents reported that the noise level varies according to the weather and the amount of leaf cover in the trees, and that at the time of my visit the noise was not at the levels often experienced. The residents clearly have a number of concerns about this retrospective application. They believe that a bund is not an adequate noise mitigation measure and suggest the applicant comes back with a more effective solution. A swift resolution is needed.

## **6.1 EVALUATION**

### **6.2 Principle of Development**

6.2.1 This free-range egg production shed is long-established and there is no change of use of the land. Planning permission for this unit was originally granted in 2003 and the building was later extended in 2006. It is understood that to conform with Best Available Techniques (BAT) for poultry farming, the internal configuration of the shed was altered in 2018 with added external extraction fans to improve the ventilation of the shed. The added fans are the subject of this planning application. Therefore, from a planning perspective, this application is seeking whether or not the ventilation system of the shed is acceptable. There is no policy objection in principle subject to detailed planning considerations.

### **6.3 Design/ Visual Amenity**

6.3.1 Initially, this was a retrospective planning application for the retention of an earth bund and ten extraction fans on the north-facing gable wall of an existing poultry shed at the farm. An acoustic report with mitigation was submitted in support of the initial scheme. However, that proposed mitigation could not achieve the required level of noise reduction; the application was then revised.

6.3.2 It was then decided that the six existing, larger fans in Row 2 were the main cause of excess noise. Thus, the applicant's acoustic consultant advised the replacement of those fans with a

quieter range, whilst retaining the four smaller fans at Row 3. The external appearance of the replacement fans will be the same as those of the previously approved fans in Row 1; the fan mechanism will be concealed inside the shed. On the outside of the shed, a louvre casing will cover each of the fan openings.

6.3.3 It is considered that the appearance of the replacement fans is visually acceptable in this instance. It has a functional design and is not considered to be an alien feature for such poultry units. The shed is visible from the public realm but is partially screened by existing vegetation along the boundary of the fields. In addition, due to the topography of the land, glimpses of the fans can be seen but this is unlikely to cause a significant adverse visual impact upon this part of the open countryside, and would be in accordance with the terms of LDP Policy DES1.

### **6.3 Impact on Amenity**

6.3.1 There are neighbour objections, highlighting that there is an on-going noise issue from the existing fans and that the mathematical modelling used on the noise assessment may be inaccurate. The Council's Environmental Health Department was consulted to ensure that the noise issue is appropriately addressed. Under the initial scheme (i.e. the retention of the fans), it was proposed to build an external housing for the fans. However, from an Environmental Health and noise pollution perspective, that mitigation could not achieve the desirable standard to address the noise issue. Therefore, the applicants were advised to provide an alternative solution to address the issue.

6.3.2 Under the latest revised scheme, it is now proposing to address the source of the noise issue by replacing the larger extraction fans contained in Row 2) with quieter fans. A revised acoustic report was submitted for consideration and based on the submitted information, the advice given by the Council's Environmental Health Department is that the resulting fans are likely to be audible at nearby noise sensitive properties from time to time but will be at a reduced level. Therefore, they are not in a position to substantiate an objection to the application. However, to ensure that the fans are installed, managed and maintained in accordance with the manufacturer's instructions, the applicants will be required to submit written confirmation by an appropriately qualified acoustic consultant to verify that the noise levels are achieved within three months of the installation; this can be secured via an appropriately worded planning condition.

6.3.3 It has come to light that the earth bund that was initially constructed to try to mitigate the noise from the gable end fans has recently been removed, which has led to more recent concerns about an increase in the level of noise audible at nearby dwellings. It is understood that that earth bund was initially constructed to provide temporary noise mitigate until a permanent solution is found. In any case, a condition will be imposed to ensure that the noise level is achieved as stated noise levels at the nearest dwellings detailed in Acoustic Note M2135 (Feb 2023). Therefore, it is considered that the application is in accordance with LDP Policy EP1.

### **6.4 The Rural Economy**

6.4.1 Planning Policy Wales 11 (PPW11) acknowledges that the rural countryside provides an economic and environmental base for agriculture and tourism to thrive. In addition, it sets out that planning authorities should adopt a constructive approach towards agricultural development proposals, especially those which are designed to meet the needs of changing farming practices or are necessary to achieve compliance with new environmental, hygiene or welfare legislation. In this instance, the proposed extraction fans are required to meet Best Available Techniques for poultry farming and therefore as per PPW11 the application is supported.

6.4.2 The currently adopted LDP is supportive of the rural economy and it recognises that intensive free-range poultry units have become an increasing feature of Monmouthshire's agricultural economy. It advises that careful siting and landscaping of such units can keep such impacts to a practicable minimum. This application is related to an existing free-range egg production unit. The shed is visible from the public realm but is partially screened by existing vegetation along the boundary of the fields. In addition, due to the topography of the land, glimpses of the fans can be seen but this is unlikely to cause a significant adverse visual impact

upon this part of the open countryside. In addition, the latest revised acoustic information shows that the replacement of the six larger fans will achieve acceptable levels of noise emission. Therefore, the application is in accordance with both National and Local planning policy.

6.4.3 There is local concern that by allowing this application, it would set a bad precedent for the installation/carrying out of unauthorised works on intensive farming units in Monmouthshire. However, each case must be treated on its own merits, and in this instance, the applicant is seeking to address the source of the noise concern, and the option proposed is considered to be acceptable from both a Planning and Environmental Health perspective.

## **6.5 Phosphates**

6.5.1 Under the Habitats Regulations, where a plan or project is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, and where it is not directly connected with or necessary to the management of the site previously (designated pursuant to EU retained law) the competent authority must carry out an appropriate assessment of the implication of the plan or project in view of the site's conservation objectives. Natural Resources Wales has set new phosphate standards for the river SACs in Wales. Any proposed development within the SAC catchments that might increase the amount of phosphate within the catchment could lead to additional damaging effects to the SAC features and therefore such proposals must be screened through a HRA to determine whether they are likely to have a significant effect on the SAC condition.

6.5.2 NRW was consulted and they advised that this application, per se, is unlikely to increase the amount of phosphorus entering the catchment. Therefore, they are satisfied that the proposal is not likely to have a significant effect on the River Wye SAC. From a planning perspective, there is no objection to this element and no further information is required.

## **6.6 Biodiversity**

6.6.1 There are neighbour objections setting out concerns regarding the potential impacts of this application upon the natural environment. The changing of the extraction fans from one model to another will have no physical impact upon the natural environment. This free-range egg production shed has the benefit of planning permission so no change of use of land is required. Also, no further extension of the shed is being proposed and none of the existing trees and vegetation will be removed as a result.

6.6.2 Some neighbours highlighted that intensive poultry farming is extremely damaging for the environment, in particular in respect of dust and ammonia emissions, and they are questioning whether or not the site and its facilities comply with the relevant regulations/requirements. Also, the neighbours have questioned the overall/maximum number of the birds on site.

The unit has planning permission and these aspects are regulated by other agencies. The proposal is to secure approval for the fans at the site only and not the units themselves. Thus, there is no substantive reason to object to the application in respect of the building's use, the stocking of birds or pollution controls which are managed by NRW and other agencies. Given the above, no significant issue of this kind is identified. However, a biodiversity enhancement scheme will be requested as part of the permission, in accordance with Policy NE1 of the LDP.

## **6.7 A response to the Representations of Third Parties and/or Community Council**

6.7.1 In terms of a response to the noise objections - please refer to Section 6.3 of the report.

6.7.2 As regards a response to the environmental objections - please refer to Section 6.6 of the report.

6.7.3 In terms of the response from Whitecastle Community Council - The community council recommends approval of the development provided it can be established that the proposal controls noise levels.

The revised acoustic information submitted has resulted in there being no objection from the Council's Environmental Health Department.

## **6.8 Well-Being of Future Generations (Wales) Act 2015**

6.8.1 The duty to improve the economic, social, environmental and cultural well-being of Wales has been considered, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WBFG Act have been taken into account and it is considered that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

## **6.9 Conclusion**

6.9.1 The resulting application will address the source of the on-going noise issue and is therefore, considered to be in accordance with relevant policies within the adopted LDP (DES1, EP1 and NE1) subject to the conditions set out below.

## **7.0 RECOMMENDATION: APPROVE**

### **Conditions:**

1 The development shall be carried out in accordance with the list of approved plans set out in the table below.

REASON: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.

2 The content of the Acoustic Note M2135 provided by Matrix dated the 14th of Feb 2023 shall be adhered to by:

- o Remove the existing middle bank of six Big Dutchman EM50 fans shown in Figure 1 of Acoustics Report M2135/R01a dated the 10th of January 2022, and
- o Install in the same positions as the removed six Big Dutchman EM50 fans, six Hydor HV 1250 fans within 6 months of the date of this decision.
- o The six Hydor HV1250 fans shall be installed and maintained in accordance with the manufacturer's instructions, (copy attached), in perpetuity.

REASON: To protect local residential amenity and to ensure compliance with LDP Policies DES1 and EP1.

3 (A) Within 3 months of the installation of the six Hydor HV 1250 fans, written confirmation from an appropriately qualified acoustic consultant, shall be submitted to the local planning authority for approval in writing to verify that the stated noise levels at the nearest dwellings detailed in Acoustic Note M2135 provided by Matrix dated the 14th of Feb 2023 are achieved. This will include verification of the noise levels at the nearest dwellings stated in Acoustic Note M2135 during the day, evening and throughout the night (11pm - 7am) with all 12 fans (100%) operating.

(B) In the event the noise levels cannot be agreed in writing with the Local Planning Authority, full details (including plans and sections) of a mitigating earth bund shall be submitted for the approval of the local planning authority in writing within one month of the date of the determination of the requirements of Part A are confirmed by the LPA. The details shall include an implementation timetable. The development shall only proceed in accordance with the approved details and timetable and shall be retained as such thereafter.

REASON: To protect local residential amenity and to ensure compliance with LDP Policies DES1 and EP1.

4 Within 3 months of the planning permission, details of Biodiversity net benefit and enhancement measures shall be submitted on plan, identifying location, positioning and specification, including an implementation timetable. The scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall only proceed in accordance with the approved plans and shall be retained as such thereafter.

REASON: To provide biodiversity net benefit and ensure compliance with PPW 11, the Environment (Wales) Act 2016 and LDP policy NE1.

## **INFORMATIVES**

1 Please note that Bats are protected under The Conservation of Habitats and Species (Amendment) Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). This protection includes bats and places used as bat roosts, whether a bat is present at the time or not. If bats are found during the course of works, all works must cease and Natural Resources Wales contacted immediately. Natural Resources Wales (NRW) (0300 065 3000).

2 All birds are protected by the Wildlife and Countryside Act 1981. The protection also covers their nests and eggs. To avoid breaking the law, do not carry out work on trees, hedgerows or buildings where birds are nesting. The nesting season for most birds is between March and September.

3 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.

4 Please be advised that it is the responsibility of the applicants to ensure that they secure all other permits/consents/licences relevant to their development/business activities.