

Item A

**Land approx 100m North West of
no. 70 Curragh Road Dungiven
BT47 4QJ**

**B/2014/0270/F
Full Application**

27th May 2015

<u>No:</u>	B/2014/0270/F	<u>Ward:</u> Upper Glenshane
<u>App Type:</u>	Full Application	
<u>Address:</u>	Land approx 100m North West of no. 70 Curragh Road Dungiven	
<u>Proposal:</u>	Proposed new poultry unit for up to 34,000 birds, meal silos, concrete apron and new access onto Curragh Road, Dungiven.	
<u>Officer:</u>	Martin McErlain ext: 7182	
<u>Con Area:</u>	N/A	<u>Valid Date:</u> 13 November 2014
<u>Listed Building Grade:</u>	N/A	
<u>Agent:</u>	R. Robinson and Sons 59 High Street, Ballymoney BT53 6BG	
<u>Applicant:</u>	Mr S McLaughlin	
<u>Objections:</u> 0	<u>Petitions of Objection:</u> 0	
<u>Support:</u> 0	<u>Petitions of Support:</u> 0	

**Drawings are available to view on the Planning Portal-
www.planningni.gov.uk**

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the conditions and informatives set out in section 10.

2 SITE LOCATION & DESCRIPTION & CHARACTER OF AREA

- 2.1 The site is located approximately 140m north of the Curragh Road, approximately 2m east of Dungiven. The site is to the rear of an existing farm yard, with agricultural buildings and two dwellings connected with the farm. The site rises from south to north, and contains mature vegetation along the southern and western boundaries. The eastern boundary contains mature hedgerow whilst the north-eastern boundary is open as the site is part of a larger field.

- 2.2 The site is located within the rural area and outside any settlement limit as defined by the draft Northern Area Plan. The surrounding area to the north and east is extremely rural with little or no residential development beyond Gelvin Road.

3 RELEVANT HISTORY

None

4 THE APPLICATION

- 4.1 Full Planning permission is sought to construct a new poultry unit for up to 34,000 birds, meal silos, concrete apron and new access onto Curragh Road, Dungiven.

5 PUBLICITY & CONSULTATIONS

External:

- 5.1 **Neighbours:** None

Internal:

- 5.2 **Transport NI:** Amendments to the original submission have been cleared with no objection subject to conditions.

Environmental Health: After clarification was provided on distance to receptors EHO have no concerns with the proposal.

DARDNI – have confirmed farm business ID and that applicant claims single farm payments.

NIEA WMU – requested additional information in relation to litter. The applicant has demonstrated a viable outlet for this.

Lough Agency - no objection.

NIEA NH – No objection subject to condition being attached to any approval.

6 MATERIAL CONSIDERATIONS

- 6.1 Article 45 of the Planning Act (Northern Ireland) 2011 states that, “where an application is made for planning permission, the council or, as the case may be, the Department, in dealing with the application, must have regard to the local development plan,

so far as material to the application, and to any other material considerations.”

6.2 The development plan is:

- Limavady Area Plan 1984 - 1999
- Draft Northern Area Plan 2016

6.3 The Regional Development Strategy (RDS) is a material consideration.

6.4 Due weight should be given to the relevant policies in the development plan.

6.5 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

PPS 1 General Principles

PPS 2 Natural Heritage

PPS 3 Access, Movement and Parking

PPS21 Sustainable Development in the Countryside

8 CONSIDERATIONS & ASSESSMENT

8.1 PPS 1 operates a general presumption in favour of development unless there is demonstrable harm to interests of acknowledged importance.

8.2 The main considerations in the determination of this application relate to: the principle of the development in this location; visual integration, impact on neighbouring residential properties and, impact on natural or built heritage.

Principle of development

8.3 Policy CTY 1 of PPS 21 sets out the range of types of development which, in principle, are considered to be

acceptable in the countryside and that will contribute to the aims of sustainable development. One of the types of development is agricultural and forestry development in accordance with Policy CTY 12.

8.4 Policy CTY 12 states that planning permission will be granted for development on an active and established agricultural and forestry holding where it is demonstrated that:

a) It is necessary for the efficient use of the agricultural holding. DARD have confirmed that the farm business id number has been active and established for the required period and that the business claims a single farm payment. In addition the proposal is an investment opportunity for the existing farm business and part of Moy Park's expansion programme in line with the Agri-Food Strategy. The proposal supports the needs of the existing farm business.

b) It is appropriate to the location in terms of character and scale.

The proposed shed is located to the side of the existing farm yard and buildings. It is considered that buildings of this type are common in the rural area.

c) It visually integrates into the local landscape and additional landscaping is provided as necessary.

Given the positioning of the proposed shed to the rear of the existing farm, it will visually integrate into the local landscape. The ancillary building is small in scale and is considered acceptable. Also, given the fact that this site is approximately 140m from the road, along with the retention of the existing vegetation and additional planting proposed, it is considered the development will integrate visually.

d) It will not have an adverse impact on the natural or built heritage.

NIEA have undertaken a Habitats Regulations Assessment and have requested additional information which has been cleared with NIEA.

e) It will not result in a detrimental impact on the amenity of residential dwellings outside the holding.

The nearest residential property is approximately 200m from the site. NIEA IPRI, the body responsible for the investigation of

any noise or odour complaint (as this proposal is for an installation of more than 40,000 birds in total), had no objection to the proposal. It was considered that this proposal will not have a detrimental impact on the amenity of nearby residential dwellings. Environmental Health are content with the proposal.

In the case where a new building is proposed the following points should be met: There are no suitable existing buildings and the buildings need to be a particular size and shape. The design and materials of the building are sympathetic to the locality and is located to cluster with the existing farm buildings. The poultry houses are of a simple design and buildings of this style are characteristic of the rural area.

The proposal meets all of the above criteria and therefore complies with Policy CTY 12.

- 8.5 Policy CTY 13 allows for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.
As mentioned above under point c) the proposal will visually integrate into the surrounding landscape and is an appropriate design.
- 8.6 Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. Given the new poultry shed will sit to the rear of the existing farm it will not cause a detrimental change to the rural character of this area.
- 8.7 Policy AMP3 of PPS3 deals with access to public roads. TransportNI have been consulted and offered no objection subject to conditions.
- 8.8 Policy NH1 of PPS 2 deals with European and Ramsar sites and Policy NH 3 deals with Site of Nature Conservation Importance - national.
NIEA Natural Heritage were consulted on the proposal and given the proximity of the site to the River Roe and Tributaries Special Area of Conservation (SPA)/Area of Special Scientific Interest (ASSI) as well as the Carn/Glenshane ASSI/SAC, were required to carry out a Habitats Regulations Assessment.

Following submission of the Air Quality Impact Assessment NIEA were able to undertake a Habitats Regulations Assessment (HRA) Stage 1: Test of Likely Significance (Screening) on this proposal.

This has concluded that there will be no likely significant effects on the selection features of Smulgedon ASSI, Castle River ASSI, Carn/Glenshane Pass ASSI/SAC, Ballymacallion ASSI, Banagher Glen ASSI/SAC, Altmover Glen ASSI and River Roe and Tributaries ASSI/SAC. Therefore given the outcome of this assessment the proposal is in compliance with policies NH1 and NH 3 of PPS 2. Additionally given the nature and scale of the proposal the proposal should not cause any harm to any protected species as per Policy NH 2 of PPS 2.

Other Matters

- 8.9 Information about litter utilisation was submitted stating ‘ This litter will be utilised according to Moy Park’s Litter Utilisation Strategy in which they have identified renewable energy generation with EPR Fife as the nominated outlet for this material. Litter will be cleared from the site when the birds are removed and immediately transported to the relevant end user.

9 CONCLUSION

- 9.1 The proposed development is considered acceptable in this location having regard to the area plan and other material considerations. The development is an appropriate use of the land and is acceptable in terms of its layout and appearance. All other matters can be secured by planning condition. Approval is recommended.

10 CONDITIONS/ INFORMATIVES

10.1 Regulatory Conditions:

1. As required by Section 61 the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

2. The number of bird places shall be limited to 34,000 (broilers).

Reason: To ensure there are no adverse impacts on the selection features of Lough Neagh ASSI and Lough Neagh and Lough Beg SPA, Rea's Wood and Farr's Bay SAC and Shane's Castle ASSI.

3. The existing boundary vegetation as indicated on Drawing No. 02/1 date stamped received 8th December 2014 shall be permanently retained, unless it is necessary to be removed to prevent danger to the public in which case a full explanation shall be given to the Planning Authority in writing. The proposed planting as indicated on the same drawing shall be undertaken during the first available planting season after construction of the building for its permitted use.

Reason: In the interest of visual amenity and to ensure the development integrates into the countryside.

4. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Planning Authority, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Department gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

5. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing

No.02 Rev 01 bearing the date stamp 8th December 2014, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

6. The access gradient to the building hereby permitted shall not exceed 4% (1 in 25) over the first 20 m outside the road boundary.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

10.2 Informatives:

1. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.
4. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Planning authority or other statutory authority.
5. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc. deposited on the

road as a result of the development, must be removed immediately by the operator/contractor.

6. All construction plant and materials shall be stored within the curtilage of the site.
7. It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.
8. Notwithstanding the terms and conditions of the Department of Environment's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Regional Development's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the TransportNI Section Engineer whose address is County Hall, Castlerock Road, Coleraine, BT51 3HS. A monetary deposit will be required to cover works on the public road.
9. The applicant should also be reminded of their responsibilities under the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations (SSAFO) (Northern Ireland) 2003 and The Nitrates Action Programme (NAP) Regulations (Northern Ireland) 2010.

The applicant is informed that they have a legal obligation under Part II of 'The Water (Northern Ireland) Order (1999)' to obtain the consent of the Department prior to discharging effluent into a waterway or underground stratum for commercial, industrial or domestic premises. This includes any discharge intended to be made from the proposed drainage system as detailed in the application for planning permission.

The applicant is informed that it is an offence under Part II, Article 7 of 'The Water (Northern Ireland) Order (1999)' to knowingly or otherwise discharge or deposit any poisonous, noxious or polluting matter so that it enters a waterway or water contained in any underground strata. The penalty if found guilty of an offence

under this Article is imprisonment for a term not exceeding 2 years or to a fine or to both.

10. NIEA WMU would like to highlight the following to the applicant under the SAFFO and NAP Regulations:

- It is noted that a tank will be installed to collect washings from the poultry house. For washings to be considered as dirty water and therefore, subject to the measures relating to dirty water under the NAP Regulations, the applicant must ensure the following:
 - o The washings must have a Biochemical Oxygen Demand (BOD) no greater than 2000 mg/litre, total nitrogen concentration less than 0.3 kg/m³ and less than 1% dry matter (as specified in the NAP Regulations).
 - o If the farm unit is subject to an IPPC permit, it will need to be demonstrated that wash water collection and storage facilities qualify as “best available techniques” (BAT). Construction of storage tanks to the British Standard BS5502 would qualify as BAT – other techniques are not excluded, but it will need to be demonstrated that they qualify as BAT i.e. that they provide a similar or better specification.
- If these conditions cannot be met, the washings would be considered as slurry under the above Regulations. The tank installed for collection of washings would then have to comply with the SSAFO Regulations and any disposal of the collected washings comply with the measures relating to slurry in the NAP Regulations.
- Any construction (or substantial alteration) of silage, slurry or agricultural fuel oil storage, completed after 1 December 2003, must comply with the SSAFO Regulations. As well as design, construction and storage capacity standards, the SSAFO Regulations require that any new (or substantially altered) silage,

slurry and agricultural fuel oil stores are located at least 10m from any waterway.

- It should also be noted that under the SSAFO Regulations (Regulation 11) NIEA WMU (Agricultural Regulations Team) must be notified of new (or substantially altered) silage, slurry and agricultural fuel oil stores, at least 28 days before they are brought into use. When NIEA WMU has been notified, an inspection may be carried out.
- The applicant should be fully aware that if, subsequently, it is found that silage, slurry or agricultural fuel oil is being stored in facilities (built after 1 December 2003) that do not comply with the SSAFO Regulations, enforcement action may be taken.
- The applicant should be aware of the requirements of the NAP Regulations, which are now operational and cover all of Northern Ireland.
- In particular the applicant must demonstrate provision of sufficient storage capacity for the poultry manure produced on the holding to meet the requirements of the NAP Regulations.
- Should a diverter for the yard be installed it should be fitted prior to the tank to ensure effluent from the tank is not washed through the diverter and to the waterway.
- Prior to the use of a tank diverter being directed to the waterway the tank should be fully power-washed clean and the effluent spread to land. It is not sufficient to empty a tank of dirty water/slurry and divert the effluent to a waterway. Failure to manage a diverter system may lead to NIEA WMU requesting removal of the diverter.

- Under the NAP Regulations any run-off meeting the definition of slurry must be collected in a slurry tank. Run-off meeting the definition of dirty water as described above must be collected with the slurry or in a separate dirty water tank. Only clean water should be disposed of to a soakaway or waterway.
- We would also advise that adequate roof guttering to direct clean roof water to storm drainage, would help minimise the volume of dirty water produced at the site.

The applicant should view the following link containing SSAFO information and a Notification form:

http://www.ni-environment.gov.uk/waterhome/agri_regs/agri_regs_ssafo.htm

11. NIEA WMU recommends that all proposed developments should connect to a mains sewer, where available, and providing that the sewer and associated Waste Water Treatment Works (WWTW) can take the additional load. Northern Ireland Water Limited (NIW) can advise if this is possible.

If it is not possible to connect the proposed development to the mains sewer then discharge consent under the terms of the Water (NI) Order 1999 (as amended) will be required for the discharge of sewage effluent from the proposed development. However the applicant should be aware that there is no guarantee that discharge consent will be granted, as a number of site specific factors need to be taken into account in assessing the suitability of the proposed means of sewage effluent disposal.

An application form for consent to discharge sewage effluent under the Water (NI) Order 1999 (as amended) can be obtained by contacting NIEA WMU at the above address, or by visiting our web site at:-

http://www.ni-environment.gov.uk/water-home/regulation_of_discharges_industrial/industrial_and_private_sewage_2.htm

All wastewater treatment systems and soakaways must be located in such a position that they cannot affect surface or ground waters and cannot cause a nuisance to any nearby residential properties.

NIEA WMU recommends that no development should take place on-site until the method of sewage disposal has been either agreed in writing with Northern Ireland Water or a consent to discharge has been granted.

12. Care will need to be taken to ensure that polluting discharges do not occur during the works phase. The applicant and contractors involved in the development of this proposal should ensure only clean surface water is discharged to the water environment.

NIEA WMU would encourage the use of SUDS (Sustainable Drainage System) techniques during the construction phase to deal with site drainage. If it is not possible to adequately manage construction phase site drainage using SUDS features, consent to discharge under the terms of the Water (NI) Order 1999 (as amended) will then be required.

An application form for consent to discharge site drainage under the Water (NI) Order 1999 (as amended) can be obtained by contacting NIEA WMU at the above address, or by visiting our web site at:

http://www.ni-environment.gov.uk/water-home/regulation_of_discharges_industrial/industrial_and_private_sewage_2.htm

13. The applicant should comply with all the relevant Pollution Prevention Guidelines (PPGs) in order to minimise the impact of the project on the environment, paying particular attention to:

PPG 01 - General guide to pollution prevention

PPG 02 - Above ground oil storage

PPG 04 - Disposal of sewage where no foul sewer is available

PPG 05 - Works in, near or liable to affect watercourses

PPG 06 - Working at demolition and construction sites

These PPGs can be accessed by visiting the NetRegs website at:

<http://search.netregs.org.uk/search?w=pollution%20prevention%20guidelines>

Any 'waterway' as defined by the 'Water (NI) Order 1999 (as amended)' will pose a constraint to the construction project. Consideration must be given at preliminary planning and design stages to ensure that impact on the receiving water environment during any testing, construction and operational phases are minimised.

Mitigation measures to address water quality concerns have not been covered at this stage. NIEA WMU has made comments below relating to considerations which should be made. The perceived risks to any waterway during the construction and operational phase are from oil, hydrocarbons, fuel, suspended solids, concrete, cement and grout.

NIEA WMU Pollution Prevention Team must be consulted about any work to be conducted in; near or liable to affect any waterway in order to agree a method statement with the contractors prior to the commencement of any works. This should reflect all mitigation measures identified to prevent pollution of the water environment during the construction operational / maintenance phase of the project. Such measures must be in place prior to the commencement of any works and should be incorporated in method statements.

The appointed contractors will be required to comply with the Control Of Pollution (Oil Storage) Regulations (NI) 2010 (as amended). A key requirement of the Regulations is that oil storage containers (including temporary storage) must have a secondary containment system (a bund, which is an outer wall or enclosure designed to contain the contents of an inner tank, or a drip tray) to ensure that any leaking oil is contained and does not enter the aquatic environment. Guidance on how the Regulations will apply to your development can be found at: www.netregs.org.uk

The applicant should be informed that it is an offence under the Water (NI) Order 1999 (as amended) to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata. Conviction of such an offence may incur a fine of up to £20,000 and / or three months imprisonment.

The applicant should ensure that measures are in place to prevent pollution of surface or ground water as a result of the activities on site, both during site clearance, construction and thereafter.

14. The Loughs Agency requests that all storm water from the development site should not be discharged to nearby watercourses unless first passed through pollution interception and flow attenuation measures. Storm water can carry pollutants into watercourses and high volume discharges can alter the prevailing hydrological regime, both of which can impact on fisheries interests, in order to prevent pollution of watercourses
15. Loughs Agency request that work methods and materials must not impinge upon any nearby watercourses. The use of cement/concrete on site will require careful management. While they are versatile building materials, they are also highly toxic to aquatic life and therefore must be kept out of all drains and watercourses, in order to prevent pollution of watercourses.
16. The applicant should demonstrate best environmental practice when working close to watercourses. The potential for deleterious matter

to enter a watercourse is of primary concern. Impacts on the aquatic environment such as a decrease in water quality can cause a significant impact upon various life history stages of fish species.

Loughs Agency request that the proposed agricultural shed must be constructed in accordance with the requirements of the Department of Agriculture and Rural Development.

The applicant should also be aware that it is an offence under section 41 of the Foyle Fisheries Act (1952) to cause pollution which is detrimental to fisheries interests.



