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Branch Chair  
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**Authority:** Hambleton District Council

**Type of consultation:** Planning Application

**Full details of application/consultation:** 21//00794/FUL - Erection of 3 No. free range egg units with associated hardstandings, access road, attenuation ponds and landscaping

**At land at:** Land East of Pillrigg Lane Track and South East Of Moor Lane, Thornton Le Beans, North Yorkshire

**Type of response:** Objection

**1Date of Submission:** 8<sup>th</sup> May 2021

All responses or queries relating to this submission should be directed to the Secretary for the Trustees at the contact details shown above on this frontispiece.

All CPRE North Yorkshire comments are prepared by the charity using professional planners whose research and recommendations form the basis of this response in line with national CPRE policies.

External planning consultant used in this response:



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## Comment

CPRE North Yorkshire ('CPRENY') welcomes the opportunity to comment on this application for 3 new free-range egg units with associated hardstandings, access road, attenuation ponds and landscaping submitted by Ian Pick Associates Ltd on behalf of Mr Tweddle of Fairholme Farming Ltd ('the applicant').

CPRENY object to the proposal at this location due to highway safety impacts, detrimental impact on users of the bridleway and nearby Public Rights of Way and its scale and positioning within the open countryside.

## Planning Analysis

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application should be determined in accordance with the development plan unless material planning considerations indicate otherwise. The planning system should contribute to achieving sustainable development. The National Planning Policy Framework ('NPPF') (2019) aims to deliver sustainable development through the implementation of its policies. Paragraph 11 states that for decision making this means:

- c) *'approving development proposals that accord with an up-to-date development plan without delay; or*
- d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>7</sup>, granting permission unless:*
  - I. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
  - II. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'*

Paragraph 213 of the NPPF clarifies that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Weight should be given to them according to their consistency with the NPPF. (The closer the policies in the plan to the policies in the Framework, the greater the weight that should be attributed).

The Development Plan relevant to this application consists of three documents:

- Core Strategy DPD (April 2007);
- Development Policies DPD (February 2008); and,
- Allocations DPD (December 2010).

Hambleton District Council ('HDC') have recently submitted their emerging Local Plan to the Secretary of State and an independent examination took place earlier this year with the Inspector's proposed Main Modifications expected shortly. Due to the late stage of plan preparation, due weight can be attributed to the emerging policies in accordance with paragraph 48 of the revised NPPF.

The application is for three identical free-range egg laying units measuring 10.13m in height by 264m in length by 54m at its widest. The units will house a central service area for egg packing and storage, food bins and manure pelleting. They will be constructed from an internal steel frame, clad in polyester coated profile sheeting for the walls and rooves, painted in olive green with black ventilation chimneys. Each unit will be capable of accommodating 64,000 birds (192,000 on site in total) segregated into four 'housing areas' holding 16,000 birds each in line with the appropriate welfare standards. The units are all automated and all processes will take place 'indoors' to minimise emissions.

The application comprises a site of 96Ha of ranging area to be converted from arable usage to grassland for

the hens. The applicant also proposes to plant 5% of the site area with native trees in accordance with RSPCA welfare standards which equates to 5Ha.

The birds will be brought to site at 16 weeks and be on site for a period of 70 weeks, prior to the commencement of an intensive cleaning process for biosecurity reasons before the introduction of the next rotation of stock.

The applicant proposes to access the units from Moor Lane to the north of the application site via the existing Green Lane Track. All three units are to be spaced out across the application site rather than positioned adjacent to each other, therefore, each unit has its own access track and hardstanding area all to be accessed from the same track as can be seen on the proposed site plan. Moor Lane is an unmarked single-carriageway road which measures approximately 4m in width and forms the main route through the nearest residential village of Thornton-le-Beans to the A165 main route between Thirsk and Northallerton.

The applicant has described the preferred route to access/egress the site as being from the A19 along Allerton Wath Road which is an unmarked single carriageway measuring approximately 6m in width. The road adjoins Moors Lane and the proposed site access.

Manual for Streets ('MfT') (from page 79) gives some guidance on required carriageway widths but this is predominantly aimed at an urban setting at straight road alignments, however, the introduction sets out that some elements of the guidance can be utilised on rural roads. It suggests two HGVs can pass at 5.5m but this would not be at all an easy manoeuvre. CPRE therefore has concerns regarding highway safety along the proposed 2 choices of access to the site.

For HS2 a design approach statement was developed in consultation with Local Authorities. HS2 Rural Road Design Criteria (Appendix 15) sought to more appropriately address the issues of new and existing rural roads. It suggests:

*'Rural road widths for diversions should generally match the existing, subject to a minimum of 5.5 metres (the minimum for two cars to pass in safety at low speed). This minimum width shall be increased to 6.0 metres for lengths with occasional use by buses or heavy goods vehicles and 6.8 metres for roads where buses or heavy goods vehicles are likely to pass each other on a regular basis. The need for any increased lane width at bends shall be determined on a case by case basis using vehicle tracking design tools.'* (Para A 6.3 – A 6.4)

It goes on to say:

*'However, on higher speed roads with regular pedestrian, cyclist or equestrian use, it may be preferable to provide a wider verge on one or both sides of the road with a parallel path (or paths, as appropriate to the level of demand) comprising an unbound surface separated from the carriageway by a grass verge.'* (A 7.5)

While the MfT guidance has not been universally adopted and is primarily aimed at newly designed roads, however, it provides a useful comparison, suggesting that a width below 6m without paths or wide verges, is unlikely to be adequate for routes where HGVs, are likely to meet some other HGVs (whatever their size). The roads surrounding the application site are typical rural roads, gently undulating and with curvature, in some cases – blind bends.

The first Roseacre Woods Inspector reached a similar view at Para 12.473 of her report (about road width where she comments on particular passing points): *'The MfS Figure 6.18 shows typical dimensions for a lorry as being 2.5m wide with 0.25m for each wing mirror giving a total width of 3m when wing mirrors are taken into account. Mr Ojiel's scenario would require there to be no protruding wing mirrors or for one wing mirror for each passing vehicle to overhang the hedgerows. It would certainly be a tight squeeze and a manoeuvre that would require great care and a very slow speed. Whilst it might be theoretically possible for two HGVs to*

*pass at a width of 6m, I do not consider that passing places A, B and C should be regarded as providing adequate space for two HGVs to pass each other safely.'*

The NPPF requires, at paragraph 108b, that 'safe and suitable' access to the site can be achieved for all users. Therefore, the applicant must satisfy those tests to secure planning permission. CPRENY believe that whilst an approximate 36 HGV movements per week (7 per day) with a 'peak movement day' of 48 vehicular movements at the end and start of each flock cycle, alongside 24 movements per day for staff vehicles, may not be considered significant in terms of capacity, on a rural narrow road which already serves a rural community and other farm vehicles, the actual increase in HGV movements is actually a large increase. Just because large agricultural vehicles may already use this road, does not mean that an increase in these large vehicles is appropriate as they may cause an increase in highway safety issues.

In considering the importance of this issue it is also worth noting that the effective width of rural roads, particularly for large vehicles, may be further impacted by how straight the road is, the condition of the kerb, as well as any overgrowing vegetation. In villages, such as Thornton-le-Beans, it may be reduced further by parked vehicles.

In the case of this proposal, and taking account of the bends in the road, CPRENY believe a consistent road width of at least 6m is required to ensure two HGVs could pass safely. Mitigation measures to achieve that width have not been pursued as part of this application, and if they were, might well create other safety issues, such as encouraging speeding and removing safe space for vulnerable users. The verges along the two routes are narrow, with no roadside footway with mature hedging to either side. CPRENY would not support the removal of such vegetation which is so important for biodiversity and are concerned that verge damage would occur should wide loads be forced to mount verges in order to safely pass.

CPRENY consider the alternative proposed route through Thornton-le-Beans to be wholly unacceptable due to its particularly narrow road width and route through the centre of the village. Whilst the preferred route is stated by the applicant to be wider, CPRENY still have significant concerns regarding highway safety and with no information provided by the applicant to illustrate suitable road widths along the entire routes, CPRENY have no choice but to object in the belief that the access does not pass the 'safe' test.

The applicant seems to have focused his highways report on capacity as opposed to highway safety which is an important element of national planning policy as set out above.

There are a number of Public Rights of Way (PROWs) in the vicinity of the site including a well-used public bridleway which runs along the access road. There is also a public footpath which runs from the site access and along the northern boundary of the site. National Cycle Route (NCR) 71 is located approximately 850m east of the site access at the end of Moor Lane. NCR 71 is part of the popular 'coast 2 coast' route. It is understood from CPRENY members that the existing bridleway is popular with walkers and horse riders. Should the level of vehicle movements proposed utilise the route to access the three units, it is likely that horses could get 'spooked' and an accident ensue.

The 'suitable' part of the NPPF test refers to a number of relevant factors including whether people would be deterred from using the bridleways or footpaths. It is acknowledged that there are a number of PROWs in the immediate vicinity, however, this is an area of long-range scenic views and as such is a popular route for walkers, horse-riders and cyclists – all of whom should be considered by the application and appropriate mitigation put in place. CPRENY cannot find mention of these users within the submitted documents and it is therefore assumed that the usage of PROWs and the bridleway has not been assessed.

The construction of 3x 10m height buildings and at such length in relatively close proximity to each other, alongside regular vehicular movements throughout the day (although the applicant has not provided anticipated timings for these) will be seen within the landscape from a variety of viewpoints, including the

PROWs and bridleway and NCR. This will dramatically alter the landscape for these users and could easily deter users from any such PROWs not just those immediately surrounding the site especially when considered with highway safety matters. It is therefore thought that the proposals fail the 'suitable' test and as such the proposal should be refused.

As stated above, the site is popular for walkers and 'other road users' due to its long range open scenic views. As such, the proposals should conform to policies DP30 and DP33 in particular of the Development Policies DPD. The applicant has proposed tree planting as part of the planning proposal and attenuation ponds, alongside areas of meadow planting and conversion to grassland. CPRENY recognise that these areas will (eventually) provide a net gain for biodiversity when compared to arable land. However, it will take many years for these trees to reach maturity and provide any mitigation for the size of buildings proposed and as such the units will continue to be viewed for some time. As such the visual impact on the landscape is considered to be significant.

It is not understood why the meadow planting is proposed in such a small area adjacent to each unit. It is considered that it would be of benefit to plant the rest of the site, not used by the chickens in order to encourage, bees, birds and other animals to the site.

### **Conclusion**

CPRENY welcome the opportunity to comment on this proposal for three egg-laying units and associated development at Thornton-le-Beans.

CPRENY are supportive of agricultural practises and understand the need to adapt to changing markets. However, as a result of considering the information submitted in support of this proposal it is thought that the location is not suitable for the scale and size of the proposals. CPRENY has significant concerns regarding highway safety impacts and the suitability of the road widths for the proposed number of vehicle users.

Furthermore, CPRENY believe that the applicant has not adequately considered safe and suitable access to the site for all potential users including walkers, horse riders and cyclists on adjacent and the impact on users of the nearby PROWs and bridleways as required by the NPPF.

The site is located in an area with long range, high quality views and the proposed mitigation screening (planting) is not considered to be sufficient to screen the scale of buildings proposed.

Should any further information be submitted in support of the proposals, CPRENY reserve the right to comment further.