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Branch Chair
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Authority: Hambleton District Council

Type of consultation: Planning Consultation

Full details of application/consultation: 22/00139/FUL - Revised Application for construction of 2 No. free range egg units with associated hardstandings, feed bins, access roads, attenuation ponds and landscaping (amended scheme of 21/00794/FUL)

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

Type of response: Objection

Date of Submission: 12th April 2022

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 and East 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:



KVA Planning Consultancy
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Comment

CPRE North and East Yorkshire ('CPRENEY') 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').

CPRE North Yorkshire objected in May 2021 to the previous application on this site (ref: 21//00794/FUL) which was subsequently withdrawn by the applicant. CPRE North Yorkshire has now merged with CPRE East Yorkshire to become CPRENEY.

It is considered that the revised scheme does little to remove concerns raised previously, therefore, CPRENEY continues to 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') (2021) 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, 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.'*

Since the withdrawal of the previous application, the NPPF has been revised and the new Local Plan has been adopted (Feb 22) by Hambleton District Council ('the Council'). As such, full weight can be attributed to the policies contained within the Local Plan ('LP') for the determination of this proposal. The new LP replaces all the policies within the previous development plan.

The application is for two identical free-range egg laying units measuring 7.99m 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 (128,000 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.

Each free-range egg unit will be served by an access road and hardstanding area for parking and turning, together with 8 No. feed bins, painted in olive green. The central working area includes egg packing and storage areas, staff facilities, and area for manure pelleting.

The application comprises a site of 64Ha 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 3.2Ha. – Of course, this will be dependent on advice on avian influenza as at present birds have to be under cover for purposes of disease control.

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.

Both 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.

To summarise, changes from the previous proposals include:

- A reduction in the number of proposed free range egg units from 3 to 2.
- The addition of a new access road to Allerton Wath Road.
- A change in the design of the free-range egg units, including a reduction in overall height of the development from 10.13m to 7.99m.
- The addition of a living green sedum roof to the east facing roof elevation.
- The addition of roof mounted solar panels.
- The addition of Inno + air scrubbers to the design to filter ammonia and odour emissions.

The applicant proposes to create a new access on Allerton Wath Road and describes the road within the revised Transport Assessment as follows '*Allerton Wath Road is an unmarked single carriageway road. The width of Allerton Wath Road varies between approximately 4.0m and 6.5m. The road measures approximately 4.5m at the location of the proposed access. Allerton Wath Road is subject to the national speed limit of 60mph and gives access to the A19.*' The TS states that the new road will be of sufficient width to allow the safe passage of HGVs on the site itself and this of course is welcomed.

However, CPRENEY are concerned that the applicant has not provided a full assessment of the suitability of Allerton Wath Road for this type of vehicle and the access to the A19 including turnings at Knayton for southward connections.

Manual for Streets ('MfT') (from page 79) gives some guidance on required carriageway widths, whilst this is predominantly aimed at an urban setting at straight road alignments, the introduction sets out that some elements of the guidance can be utilised on rural roads. It suggests two cars can pass safely at low speed at 5.5m. For larger vehicles and buses, 6m is the minimum width considered for safe passage (including wing mirrors). The applicant has considered MfT briefly within the Statement but has not addressed the variance in road width as set out in the quote above stating the road width '*varies between approximately 4.0m and 6.5m.*'

While the MfT guidance has not been universally adopted and is primarily aimed at newly designed roads, 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 or frequency). The roads surrounding the application site are typical rural roads, gently undulating and with curvature, in some cases – blind bends. CPRENEY, therefore, still has concerns regarding highway safety along the proposed choice of site access.

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. 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 110b, 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. CPRENEY believe that whilst the proposed vehicular movements per day for the operation and 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. Furthermore, Allerton Wath Road passes a number of rural businesses including caravan and camping sites which would further increase the potential highway safety concerns.

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 the case of this proposal, and taking account of the bends in the road, CPRENEY believe a consistent road width of at least 6m is required to ensure two HGVs could pass safely along the entire route. 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. CPRENEY 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.

CPRENEY still have significant concerns regarding highway safety and with no information provided by the applicant to illustrate suitable road widths along the entire routes, CPRENEY 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. Furthermore, despite the updated Transport Assessment being dated March 2022, the policy assessment has not been updated to take into account the fact that the new Local Plan was adopted in February 2022 and still refers to the previous Local Plan from 2007.

The applicant undertook an Automatic Traffic Count on Allerton Wath Road in November 2021 which has formed the basis for the applicant's assessment of transport speeds for proposed visibility splays. CPRENEY consider that a new ATC should be required to be undertaken during a peak season which would encompass a Bank Holiday or school holiday period traffic when traffic in the location is significantly increased alongside an uptick in agricultural vehicular movements of varying sizes.

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 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 CPRENEY

members that the existing bridleway is popular with walkers and horse riders. Should the level of vehicle movements proposed access the site, 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. CPRENEY 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. Apart from mention that there are such routes, no specific attention has been paid to the users. Notwithstanding the above, the roads in the area are single track typical rural lanes and are well used by cyclists, pedestrians and dog-walkers on a daily basis. The updated Highway Code directs primacy to vulnerable road users suggesting that a 2m passing width should be adopted by vehicles when overtaking pedestrians or cyclists. It is not sure how this would occur in practise at this location safely on elements of the access road.

It is recognised that the overall number and height of the units has been reduced by the new proposals. The construction of 2x 7.99m 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 of the NPPD and also policies IC2 and IC3 and as such the proposal should be refused.

The applicant has proposed tree planting as part of the planning proposal and attenuation ponds, alongside areas of meadow planting and conversion to grassland. CPRENEY 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. The applicant has proposed to paint the units and feed bins olive green and place a sedum roof on the buildings. This is welcomed and it is recognised will aid assimilation into the landscape, however, is still considered that the units will be viewable for a significant period of time.

Conclusion

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

CPRENEY 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. CPRENEY has significant concerns regarding highway safety impacts and the suitability of the road widths for the proposed number of vehicle users, despite the newly proposed access road.

Furthermore, CPRENEY believe that the applicant has not adequately considered safe and suitable access to the site for all potential users and ensure scope for conflicts between pedestrians, horse riders and cyclists and vehicles is minimised – both within the scheme and with neighbouring areas as required by the NPPF and Local Plan.

The site is located in an area with long range, high quality views and the proposed mitigation screening

(planting) and green coloured buildings are not considered to be sufficient to screen the scale of buildings proposed at this location despite their reduction in number and height.

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