

Perth and Kinross Council  
Planning & Development Management Committee – 13 March 2019  
Report of Handling by Interim Development Quality Manager (Report No. 19/71)

**PROPOSAL:** Erection of a free range egg production unit and associated works

**LOCATION:** Land 800 metres south west of East Ardler Farm, Main Street,  
Ardler

Ref. No: 18/01908/FLL  
Ward No: P2 - Strathmore

**Summary**

This report recommends approval of the application as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

**BACKGROUND AND DESCRIPTION OF PROPOSAL**

- 1 Full planning consent is sought for the erection of an agricultural building which will house a free range egg laying unit which is proposed to accommodate 32,000 free range laying hens at land owned by Ardler Farms, Ardler Blairgowrie. The proposed building is to be sited in an existing arable field approximately 700m east of the existing farm buildings. The site extends to approximately 1.85 hectares and the building is proposed to be 175.5m x16.9m with a height of 6.2m. The building is proposed to be clad in composite panels coloured in Juniper Green. The supporting statement indicates that the building will house two separate flocks of 16,000 free range laying hens with a central packing room.
- 2 The site sits against a backdrop of mature woodland which is located to the south of the site. Access is proposed from the public road in the south west corner of the site. An access track will serve the building and a turning area for vehicles is proposed to the immediate south of the building. An area for a Sustainable Urban Drainage System (SUDS) is marked in the north east corner of the site.
- 3 The proposed building will operate on a 72 week production cycle with birds purchased at point of lay (16-17 weeks) and will remain in the shed producing eggs until the end of their economic egg laying life at approximately 72 weeks old, whilst also being able to access the external range area adjacent to the building.
- 4 The bird housing area is proposed to include tiered perches which are located over manure belts. The manure belts will allow manure to be removed from the building either once or twice a week directly into lorries or farm trailers for removal from the site in order to limit odour and to be utilised as fertilizer on the remainder of East Ardler Farm.

- 5 The nest boxes for birds will be located adjacent to the perch areas and angled towards an egg conveyor which leads to the packing area mentioned above. There is a computer controlled mechanical ventilation system proposed.
- 6 There will be lighting within the building on a time-switch providing lighting 14 hours per day. There is also a ventilation system proposed within the building with roof inlet vents and fans.
- 7 Further clarification was sought from the applicant on the extent of external range area associated with the building and a plan has now been provided to demonstrate this. "Pop" holes are indicated on the north west elevation of the building to provide access for the birds to an external range area. The range area extends into the existing agricultural fields to the north of the building. This area is outwith the planning application boundary but is solely for grazing of the birds similar to a fenced area where sheep or cattle may be kept. As such the range area does not require formal planning consent as no change of use is occurring.

## **ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**

- 8 Directive 2011/92/EU (as amended) requires the 'competent authority' (in this case Perth and Kinross Council) when giving a planning permission for particular large scale projects to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed for certain types of project before 'development consent' can be given.
- 9 This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. The EIA Report helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision.
- 10 Due to the scale and type of the proposal it was required to be screened as to whether the proposal is an Environmental Impact Assessment (EIA) development under the EIA 2017 regulations. A screening opinion of the application determined that the proposal was not EIA development (17/00293/SCRN). The proposal qualifies as schedule 2 development as the floor space exceeds 500 square metres, however it is concluded that, having taken account of the characteristics of the potential impact of the development, in terms of extent, magnitude, complexity, probability, duration, frequency and reversibility that it is unlikely to have a significant effect on the environment and therefore a detailed study through an EIA is not required.

## **NATIONAL POLICY AND GUIDANCE**

- 11 The Scottish Government expresses its planning policies through The National Planning Frameworks, the Scottish Planning Policy (SPP), Planning

Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

### **National Planning Framework**

- 12 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Under the Planning etc. (Scotland) Act 2006 this is now a statutory document and material consideration in any planning application. The document provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

### **Scottish Planning Policy 2014**

- 13 The Scottish Planning Policy (SPP) was published in June 2014 and sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- The preparation of development plans;
- The design of development, from initial concept through to delivery; and
- The determination of planning applications and appeals.

- 14 The following sections of the SPP will be of particular importance in the assessment of this proposal:

- Sustainability : paragraphs 24 – 35

### **Planning Advice Notes**

- 15 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:

- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 75 Planning for Transport

### **National Roads Development Guide 2014**

- 16 This document supports Designing Streets and expands on its principles and is considered to be the technical advice that should be followed in designing and approving of all streets including parking provision.

## **DEVELOPMENT PLAN**

- 17 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

### **TAYPlan Strategic Development Plan 2016-2036**

- 18 TAYPlan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:
- 19 *“By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”*
- 20 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.

### **Policy 2: Shaping Better Quality Places**

- 21 Seeks to deliver distinctive places by ensuring that the arrangement, layout, design, density and mix of development are shaped through incorporating and enhancing natural and historic assets, natural processes, the multiple roles of infrastructure and networks, and local design context.
- 22 Proposals should demonstrate that they contribute to infrastructure that supports active and healthy communities and incorporate design which is adaptable and resilient to a changing climate. There is also an emphasis on resource efficiency which should be achieved through renewable energy generation, high quality design and providing solutions for waste management.

### **Policy 3: Managing TAYplan’s Assets**

- 23 Seeks to identify and safeguard at least 5 years supply of employment land within principle settlements to support the growth of the economy and a diverse range of industrial requirements.

### **Policy 6: Developer Contributions**

- 24 Seeks to ensure suitable infrastructure is in place to facilitate new development. Developer contributions shall be sought to mitigate any adverse impact on infrastructure, services and amenities brought about by development. This may include contributions towards schools, the delivery of affordable housing, transport infrastructure and facilities (including road, rail, walking, cycling and public transport), green infrastructure and other

community facilities in accordance with the Scottish Government Circular 3/2012: Planning Obligations and Good Neighbour Agreements.

### **Perth and Kinross Local Development Plan 2014**

- 25 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. The LDP sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

- 26 The principal relevant policies are, in summary;

#### **Policy PM1A - Placemaking**

- 27 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaption.

#### **Policy PM1B - Placemaking**

- 28 All proposals should meet all eight of the placemaking criteria.

#### **Policy PM3 - Infrastructure Contributions**

- 29 Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

#### **Policy TA1A - Transport Standards and Accessibility Requirements**

- 30 Encouragement will be given to the retention and improvement of transport infrastructure identified in the Plan.

#### **Policy TA1B - Transport Standards and Accessibility Requirements**

- 31 Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

#### **Policy NE2A - Forestry, Woodland and Trees**

- 32 Support will be given to proposals which meet the six criteria in particular where forests, woodland and trees are protected, where woodland areas are

expanded and where new areas of woodland are delivered, securing establishment in advance of major development where practicable.

### **Policy NE2B - Forestry, Woodland and Trees**

- 33 Where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of protecting woodland resources. In exceptional circumstances where the loss of individual trees or woodland cover is unavoidable, mitigation measures will be required.

### **Policy NE3 - Biodiversity**

- 34 All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

### **Policy EP2 - New Development and Flooding**

- 35 There is a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. Built development should avoid areas at significant risk from landslip, coastal erosion and storm surges. Development should comply with the criteria set out in the policy.

### **Policy EP3B - Water, Environment and Drainage**

- 36 Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer. A private system will only be considered as a temporary measure or where there is little or no public sewerage system and it does not have an adverse effect on the natural and built environment, surrounding uses and the amenity of the area.

### **Policy EP3C - Water, Environment and Drainage**

- 37 All new developments will be required to employ Sustainable Urban Drainage Systems (SUDS) measures.

### **Policy EP3D - Water, Environment and Drainage**

- 38 Development over an existing culvert or the culverting of watercourses as part of a new development will not be supported unless there is no practical alternative. Existing culverts should be opened and redundant water engineering features removed whenever possible.

### **Policy EP5 - Nuisance from Artificial Light and Light**

- 39 Permission will not be granted for proposals where the lighting would result in obtrusive and / or intrusive effects.

### **Policy EP8 - Noise Pollution**

- 40 There is a presumption against the siting of proposals which will generate high levels of noise in the locality of noise sensitive uses, and the location of noise sensitive uses near to sources of noise generation.

### **Policy CF2 - Public Access**

- 41 Developments will not be allowed if they have an adverse impact on any core path, disused railway line, asserted right of way or other well used route, unless impacts are addressed and suitable alternative provision is made.

### **Proposed Perth and Kinross Local Development Plan 2 (LDP2)**

- 42 Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local Development Plan 2 (LDP2) was approved at the Special Council meeting on 22 November 2017.
- 43 The representations received on the Proposed LDP2 and the Council's responses to these were considered at the Special Council meeting on 29 August 2018. The unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers, later this year. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.
- 44 The Proposed LDP2 represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. It sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. However, the outcome of the Examination could potentially result in modifications to the Plan. As such, currently limited weight can be given to its content where subject of a representation, and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision.

## **SITE HISTORY**

- 45 17/00293/SCRN Proposed free-range poultry development - Decision Issued 27 April 2017 – No EIA required
- 46 [17/01806/FLL](#) Erection of a free range egg production unit and associated works Application Withdrawn 21 November 2017

## **CONSULTATIONS**

- 47 As part of the planning application process the following bodies were consulted:

### **Internal**

#### **Transport Planning**

- 48 No objection

#### **Environmental Health (Noise Odour)**

- 49 No objection subject to conditions to control odour and noise from development which are considered in more detail within the appraisal section below.

#### **Structures & Flooding**

- 50 No objection

### **External**

#### **Scottish Water**

- 51 There is sufficient capacity for development in relation to water provision but a separate application to Scottish Water will be required.

#### **Meigle and Ardler Community Council**

- 52 The Community Council have advised that they neither support nor object to the application but have wished for a condition to be applied relating to screening of the development if it is approved.

#### **Dundee Airport Ltd**

- 53 Given the position and height of the development it would have no impact on the safeguarding surfaces of Dundee Airport.



## REPRESENTATIONS

- 54 A total of 68 letters of representation have been received which includes a letter from Meigle and Ardler Community Council.
- 55 Of the 68 letters received 66 objected to the application and 2 supported the application. The following points were raised in the letters of objection:
- Visual impact/height
  - Noise pollution
  - Out of character
  - Odour
  - Traffic increase (traffic management), lack of passing places (40mph limit)
  - Walking and cycling friendly roads
  - Lack of neighbour notification
  - Controls given no Pollution Prevention and Control Regulations (PPC) from SEPA
  - Provision for poultry manure storage
  - Impact on value of property
  - Overdevelopment
  - Vermin
  - Impact on health
  - Loss of high quality arable land/prime agricultural land
  - Dust creation
  - Pollution of water courses
  - Impact on bio diversity
  - Drainage capacity
  - Landscape impact
  - Impact of chickens being outdoors
  - No market for egg production
  - Impact on tourism
  - No economic benefit
  - Overlooking
  - Contrary to Development Plan
  - Flood Risk
  - Lack of search for alternative sites
  - Impact on Special Area of Conservation (SAC)
  - Reduce public access
  - Welfare of poultry
  - Impact on village amenity
  - Light pollution

56 The following points were raised in the letters of support:

- Diversify business
- Positive impact on environment through reduction of import
- Access to local produce
- Employment generation

57 These issues are addressed in the Appraisal section of the report.

### **ADDITIONAL STATEMENTS**

Environment Statement	Not Required
Screening Opinion	Undertaken(17/00293/SCRN)
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement / Design and Access Statement	Not Required
Reports on Impact or Potential Impact	Supporting Planning Statement and Ecology Report submitted.

### **APPRAISAL**

58 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The determining issues here are whether the proposals comply with Development Plan policy or if there are other material considerations, which justify a departure from policy. The most relevant policies to be considered are outlined in the policy section above and referred to below.

#### **Principle**

59 Due to the nature of the process involved in the production of eggs, the proposed development requires to be located in an isolated location. LDP Policy ED3 - Rural Business and Diversification provides support for the creation of new businesses in rural areas and sites outwith settlement boundaries may be considered acceptable if they are related to a specific resource or opportunity.

60 As the development requires to be located in an isolated location but with close proximity to the transport network, it is considered that the principle of the introduction of a new agricultural operation accords with the objectives of the Development Plan provided that detailed planning issues are satisfied. The key determining issues are whether the proposal is consistent with the relevant provisions of the Development Plan with regard to: the impact on the landscape and visual impact of the proposal; traffic implications and effects on neighbouring amenity such as odour and noise.

## **Landscape Character and Visual Impact**

- 61 The supporting Planning Statement concludes that the landscape impacts of the development would be of minor significance. Applying LDP Policies PM1 the proposed development is not located in a special landscape area or near to historic and cultural environments.
- 62 The area is rural in its nature and is generally characterised by large scale agricultural style buildings which this development proposes to follow. The proposed design and building height (6.1m to ridge) adjacent to a woodland plantation respects the site's level topography and skyline, as well as the wider landscape character of the area. The existing woodland plantation, together with the proposed planting which will be secured by condition (Condition 10) will help to safeguard views, viewpoints and landmarks and thus protect the site's visual integrity and identity. The form, location and nature of existing woodland is considered appropriate and will assist in effectively assimilating this large building within the surrounding landscape. A condition is recommended to ensure additional tree planting is placed along the north west and north east boundaries of the site to further limit the visual impact of the building (Condition 10). The applicant's agent has confirmed that the use of the outdoor range area would not be affected by the provision of tree planting along these boundaries. The detail and extent of the planting will be agreed through condition 10.
- 63 To ensure effective integration with the landscape the colour finish of the walls and roof of the building is proposed to be a dark Juniper Green to complement the surrounding woodland.

## **Effects on Neighbours/Amenity**

- 64 The application contains provision for poultry sheds with a capacity for 32,000 free range hens in 2 x 16,000 bird sections with an egg packing area in the centre of the two sections. Application proposal of this scale therefore has the potential to lead to loss of amenity at nearby receptors due to noise and odour. The closest existing residential property outwith the applicant's ownership is approximately 520m away from the building and 165m from the closest point of external range. The village of Ardler is located approximately 550m to the north east from the building and approximately 230m from the closest point of the external range.

## **Noise and Odour**

- 65 Concerns have been expressed relating to noise and odour generation from the development. Environmental Health (EH) have assessed the potential impact of the proposed development on residential properties in the area. The Scottish Government's guidance 'Prevention of Environmental Pollution from Agricultural Activity' recommends a minimum of 400m separation distance for livestock buildings, therefore the proposed building where any noise and odour would exist is at reasonable separation distance to sensitive receptors and EH have no objections in relation to noise and odour.

- 66 On the basis of the separation distance provided, EH have advised that they would not require a detailed Noise and Odour Impact Assessment for the development. They have, however requested a management plan in relation to noise and odour. EH have stated that these plans require to include measures to control noise and odour from the shed depletion, cleaning and re-stocking cycles which occurs for 2 weeks every 60 weeks. The document also requires to include a noise and odour complaint procedure.
- 67 A Noise and Odour Management Plan (NOMP) has now been submitted and has been reviewed by EH and is considered to be acceptable.
- 68 Similar to other recently approved egg production units of this nature, the bird housing areas will follow Best Available Technology (BAT) Reference Document, with tiered perches over manure belts thus ensuring manure is removed twice weekly by an elevator system into agricultural trailers and transported away from the building and stored until spread as a sustainable fertiliser at the existing farm. As a result of this system, odour and ammonia production is reduced within the bird housing areas.
- 69 Furthermore the NOMP has several elements including control, monitoring and review/contingencies.
- 70 The NOMP is a living document that formalises and sets control and management measures to ensure that the proposed development operates best practicable means to control/minimise odour emissions from the site to existing residential receptors.
- 71 The NOMP is a control measure and as such the underlying mitigation and control measures contained within the NOMP must be robust and effective. It is important that the NOMP is comprehensive, to allow the Planning Authority, on the receipt of any complaint, to assess that the site is being operated appropriately and in accordance with conditions. All of the above can be secured by suitably worded planning conditions (Conditions 5 and 6).
- 72 EH have recommended a condition relating to noise levels from plant and machinery associated with the use (Condition 3). A further condition is recommended to ensure that should any noise complaint received that this is suitably investigated and any required measures to mitigate the noise implemented with an appropriate timescale (Condition 4).
- 73 Odour and noise within the outdoor range area is not considered to be a concern due to the lower density of birds ranging and grazing naturally in the field and the proximity of the range to dwellings. The agent has also advised that there will be no cockerels on the range. Environmental Health have offered no objection to the proposed outdoor range area. Furthermore, as outlined above the NOMP is a fluid document and should any complaints be received regarding use of the outdoor range these could be addressed through an updated NOMP, if required.

- 74 As a consequence the proposal is therefore considered to comply with LDP Policy EP8 - Noise Pollution. However, as a precaution the recommended noise and odour conditions referred to above are proposed to protect amenity should any complaints be received.

### **Light Pollution**

- 75 There is no lighting marked on the proposed plans. It is likely that the site may require some lighting for its operation. As such, details of this will be requested by condition to ensure the level is appropriate for this rural location and to accord with the requirements of Policy EP5 of the LDP (Condition 8). A condition is also recommended to ensure that no lighting is permitted of the outdoor rage area (Condition 18).

### **Traffic and Transportation**

- 76 The Supporting Statement with the application identified both construction and operational traffic movements to and from the site. The development is proposed to be via an unclassified road which links Ardler to Keillor and has a 40mph limit given its narrow width. An existing field access is proposed to be upgraded to serve the site. There is an existing passing bay on this road.
- 77 The Statement indicates the extent of traffic associated with the operation of the site which is as follows:
- Egg collection - Three or four collections/vehicles per week  
Feed deliveries - One HGV per week  
Manure removal - One HGV or two farm trailers per week.
- 78 There will be additional traffic during shed cleaning out and re-stocking periods which will occur over a two week period once every 60 weeks.
- 79 By utilising the manure on the existing farm the proposal will also reduce the need for the farm to rely on importing fertilizer which will in turn reduce the existing vehicle movements associated with the farm.
- 80 There are also associated private vehicle movements for workers which will equate to 2 or 3 vehicles per day.
- 81 The submission indicates the route for vehicles servicing the site which is as per the approved route which currently serves East Ardler Farm to the A94 which is effectively a one way system. A drawing demonstrating this route has been submitted (18/01908/15). A condition is recommended to ensure that access to and from the site accords with this route (Condition 17).
- 82 Transport Planning have offered no objection to the application and consider the existing road arrangements in the area capable of accommodating the traffic associated with the operation of the site. It is noted that some of the roads in the area are identified as pedestrian and cycle friendly. This is

common for rural roads in Perth and Kinross and these are often shared with agricultural traffic.

- 83 There will be construction traffic associated with this proposal but this will be limited and be for a temporary period, nevertheless, for the avoidance of any doubt a condition is proposed requesting a Construction Traffic Management Plan (CTMP) to minimise impact on the local community during construction (Condition 2).

### **Economic Impact**

- 84 The submission indicates that the existing farm is attempting to diversify its operation and will result in the creation of new permanent employment in the form of two full time equivalent jobs. There is also likely to be associated economic opportunities in terms of the construction period and secondly jobs in haulage, veterinary science, agriculture and animal feed production. The impact of the proposal on the rural economy at this location is considered to be significantly positive.

### **Waste Collection and Storage**

- 85 The submission indicates that waste from the proposed building will be utilised as fertiliser on the existing farm. There will be a requirement to ensure this waste is dealt with appropriately to minimise odours and this can be addressed through the NOMP and conditions 5 and 6 recommended by Environmental Health as outlined above.

### **Developer Contributions**

- 86 The Councils Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth. This site is located outwith the transport contribution area as such there is no contribution required.

### **Biodiversity**

- 87 An ecology report has been submitted with the application and no major concerns relating to bio diversity were identified within the report. The report states that red squirrel, bats and badger are the most likely species to be impacted by the development. The report also identifies a barn owl nest box within the woodland adjacent to the site which faces away from the site. The proposal does not involve the felling of any of the existing woodland trees. Furthermore the report states that ground nesting birds are unlikely to be found within areas in this close proximity to woodland. The report also concludes the potential disturbance to protected species is considered to be unlikely subject to appropriate mitigation including ensuring construction works are undertaken outwith the bird breeding season. A condition is recommended to ensure this (Condition 14).

- 88 Some letters of representation received refer to the potential impact on the River Tay Special Area of Conservation (SAC). The River Isla, which forms part of the SAC is located approximately 2.7km to the north west of the site. I do not consider the development to have any impact on the SAC given the significant distance between the site and the SAC.
- 89 As such, subject to the recommended conditions the proposal is considered to comply with policy NE3 of the LDP. (Conditions 14, 15 and 16)

### **Trees**

- 90 No trees are proposed to be felled to accommodate the development, however there is a large area of woodland directly adjacent to the site which helps to provide the building with an appropriate setting and screening. As such it is recommended that a condition is attached to any consent which requires these trees are protected during construction operations to ensure they remain healthy and the screening and setting for the building is retained. (Condition 9)

### **Flooding and Drainage**

- 91 The site is located outwith areas identified as flood risk and on that basis the Council's Flood Prevention Officer has offered no objection to the application. The proposal is therefore considered to comply with Policy EP2 of the LDP. A condition is recommended to ensure surface water drainage is catered for through an appropriate Sustainable Urban Drainage System (SUDS) to accord with policy EP3C of the LDP (Condition 13).

### **Animal Welfare**

- 92 It is noted that letters of representation have been received which express concern regarding the welfare of birds associated with the proposal. The application indicates that the operations will meet industry standards in relation to the housing and welfare conditions of livestock and the proposal is for free range egg production. Whilst these concerns are noted, nevertheless, this is not a material planning consideration and the responsibility for adherence to welfare standards will rest with Scottish Government through its Animal Health Division Offices.

### **Pollution Prevention and Control Regulations**

- 93 Members should be aware that the threshold for regulation of poultry units under SEPA's Pollution Prevention and Control Regulations is 40000 bird places, therefore this development falls below that threshold. At this site it would be PKC Environmental Health Officers who would be the relevant consultee with regards to odour and noise. As such EH have recommended conditions to control odour and noise as outlined above. (Conditions 3, 4, 5 and 6).

## **Prime Agricultural Land**

- 94 Policy ER5 states that development will not be permitted on prime agricultural land unless it is necessary to meet a specific need such as a major infrastructure proposal and there is no suitable site on non-prime land. The application site and wider farm unit is allocated as class 2 prime agricultural land which is defined as land capable of producing a wide range of crops. It goes on to state that small scale development directly linked to rural business, may also be acceptable providing it is compatible with other aspects of policy framework and there are no other suitable non-prime land sites available. In this instance the entire existing farm is allocated as prime agricultural land and therefore this building relates to a small percentage of the wider farm unit.
- 95 The proposed site benefits from direct links with the surrounding agricultural operation which is in the applicant's ownership and operations will be directly linked with waste from the site being utilised on the existing arable farm.
- 96 Overall the application site is a relatively small portion of a large agricultural unit and I am satisfied that the site is appropriate given its scale relative to the remainder of the farm unit. The development will therefore not result in an extensive area of prime agricultural land being lost and I believe this is appropriate under the policy requirements.

## **Neighbour Notification**

- 97 The neighbour notification and advertisement of the application has been carried out in accordance with the relevant legislation. Given the rural nature of the site there was no specific requirement to serve neighbour notification letters to domestic properties given the nearest properties are located outwith the 20m buffer zone for notification. The application has also been advertised as a "bad neighbour" development as required by the Town and Country Planning (General Permitted Development) Order 1992. It is my understanding that the applicant has also consulted with the local community on the proposal despite there being no statutory requirement to do so.

## **Impact on Properties Values**

- 98 The potential loss of property value as a result of the development is not a material planning consideration.

## **Core Path and Rights of Way**

- 99 The closest core path to the application site is KTNS/121 which is approximately 630m to the north west. The proposed development is not considered to impact directly on the use of this path. The proposal is therefore considered to accord with policy CF2 relating to public access.



## **Vermin**

- 100 The letters of representation raise concerns relating to vermin being attracted to the site. The building will be provided with appropriate fencing to provide security and furthermore the external range area will also be enclosed by fencing which could be erected under permitted development rights. Furthermore it would be in the applicant's interest to protect the birds from any vermin and take appropriate measures, outwith the remit of planning control, to ensure this.

## **LEGAL AGREEMENTS**

- 101 None required

## **DIRECTION BY SCOTTISH MINISTERS**

- 102 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

## **CONCLUSION AND REASONS FOR RECOMMENDATION**

- 103 Section 25 of the Act requires that determination of the proposal should be made in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. It is clear that the primary intention of both the Development Plan and national policies is to support agriculture as a major land use in the Plan area. The proposals for a free range poultry enterprise at East Ardler Farm would accord with this broad objective provided that environmental and landscape issues are satisfactorily addressed by any new proposals.
- 104 Through the use of planning conditions the proposals could secure a satisfactory landscape fit, could have an acceptable relationship to nearby residential properties and would not adversely affect the local and national transport network.

## **RECOMMENDATION**

### **Approve the application**

### **Conditions and Reasons for Recommendation**

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason - To ensure the development is carried out in accordance with the approved drawings and documents.

2. Prior to the commencement of the development hereby approved, the applicant shall submit for the further written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures), a Construction Traffic Management Scheme (TMS) which shall include the following:
- (a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
  - (b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
  - (c) a code of conduct for HGV drivers to allow for queuing traffic to pass;
  - (d) arrangements for liaison with the Roads Authority regarding winter maintenance;
  - (e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
  - (f) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
  - (g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
  - (h) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
  - (i) details of information signs to inform other road users of construction traffic;
  - (j) arrangements to ensure that access for emergency service vehicles are not impeded;
  - (k) co-ordination with other significant developments known to use roads affected by construction traffic;
  - (l) traffic arrangements in the immediate vicinity of temporary construction compounds;
  - (m) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction;
  - (n) monitoring, reporting and implementation arrangements;
  - (o) arrangements for dealing with non-compliance; and
  - (p) details of HGV movements to and from the site.

The TMS as approved shall be strictly adhered to during the entire site construction programme.

Reason - In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

3. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours

daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason - In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

4. Should any aspect of the operation of this facility lead to a breach of condition 3, within 14 days of a written request by the Council as Planning Authority the applicant shall arrange for an investigation by a suitably qualified noise consultant with the scope and timescale submitted to and agreed in writing with the Council as Planning Authority in consultation with Environmental Health. Thereafter the agreed measures shall be implemented to ameliorate the nuisance.

Reason - In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

5. The operation of the building shall be conducted strictly in accordance with the approved Noise and Odour Management Plan (NOMP) hereby approved (doc ref:18/01908/14). The Noise and Odour Management Plan is approved as a fluid document and any variations to the mitigation measures which are required as a result of any review shall be submitted to and approved in writing by the Council as Planning Authority and thereafter adhered to.

Reason - In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

6. Should any aspect of the development result in verified odour complaint determined by the Council as Planning Authority in consultation with Environmental Health, within 14 days of written request by the Council as Planning Authority, the applicant shall arrange for an Odour Impact Assessment (OIA) to be carried out by a qualified consultant. The OIA findings shall be submitted for the written approval of the Council as Planning Authority, in consultation with Environmental Health and must draw conclusions and make recommendations as necessary. Thereafter any necessary measures to ameliorate the odour nuisance should be put in place, and a new or revised Odour Management Plan must be submitted to the Council as Planning Authority within a specified agreed timescale.

Reason - In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

7. Prior to the installation of any external lighting, the details of all external lighting shall be submitted for the further written agreement of the Council as Planning Authority. The scheme shall include details of light spill, brightness of the lighting and the proposed hours of operation. The agreed lighting scheme shall be implemented and maintained in full accordance with the agreed scheme.

Reason - In the interests of visual and residential amenity; to ensure a satisfactory standard of local environmental quality; to reserve the rights of the Planning Authority.

8. All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.

Reason - In the interests of visual and residential amenity; to ensure a satisfactory standard of local environmental quality; to reserve the rights of the Planning Authority.

9. Prior to the commencement of any works on site the woodland to the south east of the site shall be retained protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

10. Prior to the commencement of development, details of additional tree planting along the north west and north east boundaries of the site shall be submitted to and approved in writing by the Planning Authority. The agreed detail shall thereafter be implemented prior to the completion of the development and completed in accordance with the timescales outlined in condition 11.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

11. The planting scheme as approved under condition 10 shall be implemented fully within one calendar year of the commencement of development and thereafter maintained.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

12. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size, species and number.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

13. Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable Sustainable Urban Drainage Systems to meet the requirements of best management practices.

Reason - To ensure the provision of effective drainage for the site.

14. The conclusions and recommended action points within the supporting biodiversity survey (doc ref: 18/01908/12) submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

Reason - In the interests of protecting environmental quality and of biodiversity.

15. No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason - In the interests of protecting environmental quality and of biodiversity.

16. Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

Reason - In the interests of protecting environmental quality and of biodiversity.

17. All operational traffic movements to and from the site shall be undertaken in accordance with the routing outlined on approved drawing 18/01908/15 to the satisfaction of the Council as Planning Authority.

Reason - In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

18. No lighting of the outdoor range area is permitted. Any lighting in this area will require further planning permission.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

## **B JUSTIFICATION**

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

## **C PROCEDURAL NOTES**

None.

## **D INFORMATIVES**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
6. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
7. The applicant should be aware of the SEPA's General Binding Rules of The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) and the Intake and Outfall Good Practice Guide [https://www.sepa.org.uk/media/150984/wat\\_sg\\_28.pdf](https://www.sepa.org.uk/media/150984/wat_sg_28.pdf) with regards the proposed treatment and discharge of treated surface water to the burn. Further information is available to the applicant in the CAR Practical Guide
8. This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. In accordance with Regulation 41 the notice must be:

Displayed in a prominent place at or in the vicinity of the site of the development, readily visible to the public, printed on durable material.

9. The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.

Background Papers: 68 letters of representation  
Contact Officer: John Williamson 01738 475360  
Date: 28 February 2019

**ANNE CONDLIFFE**  
**INTERIM DEVELOPMENT QUALITY MANAGER**

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You can also send us a text message on 07824 498145.
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