

13/00393/FUL**LAND NORTH OF ROPERS FARM MUCKING HALL ROAD
BARLING MAGNA****ERECTION OF BUILDING FOR ANIMAL HOUSING****APPLICANT: MRS SUE BUCKLEY****ZONING: METROPOLITAN GREEN BELT****PARISH: BARLING MAGNA****WARD: BARLING AND SUTTON**

In accordance with the agreed procedure this item is reported to this meeting for consideration.

This application was included in Weekly List No.1222 requiring notification of referrals to the Head of Planning and Transportation by 1.00 pm on Wednesday, 26 February 2014 with any applications being referred to this meeting of the Committee. The item was referred by Cllr M J Steptoe.

The item that was referred is appended as it appeared in the Weekly List, together with a plan.

1 NOTES**The Site and Location**

- 1.1 Planning permission is sought for the erection of a building for animal housing at land north of Ropers Farm, Mucking Hall Road, Barling Magna. The site is located within the Metropolitan Green Belt, Special Landscape Area, Coastal Protection Belt and Flood Zone 3 of Barling Magna. The northern boundary of the site is also located within a Site of Special Scientific Interest and Special Area of Conservation. The site consists of a collection of timber clad buildings with hard surfacing and paddocks and is currently subject to enforcement action.
- 1.2 The proposal seeks permission for the erection of an animal house measuring 18.29m wide, 24.38m deep and 6.1m high. It should be noted that the block plan does not accurately depict the measurements shown on the elevation drawings. A new drawing accurately reflecting this has been requested by the agent for this application including confirmation of the positioning of the front and rear elevations. However, it is considered that there is sufficient information to proceed in reaching a decision with this application; an altered

layout plan could be required by planning condition as part of an approval. It would not be justified in refusing the application for such an inaccuracy.

- 1.3 It should be noted that this application is separate and different to a previously refused application at this site for a 'Farm With Dwelling for Agricultural Worker and Buildings for Storage and Animal Housing' (Ref: 13/00194/FUL) and is not considering the grant of planning permission for these aspects or for the aspects the subject of outstanding enforcement action.
- 1.4 The supporting document explains that the proposed building would house pigs and goats and states that additional land on adjacent fields could increase the area of the farm from 2 hectares to 3.6 hectares.

2 PLANNING HISTORY

- 2.1 07/01127/FUL - Construct Pitched Roofed Building To Provide 12 No. Stables, Tack Room, Store, Foaling Bay And Work Shop And Use Of Land For Associated Grazing And Breeding of Horses. REFUSED for the following reasons:-
 1. The proposal, given the scale of the development (number of stables involved) and its unsustainable rural location, remote from the applicant's house and from public transport, would result in the majority of the journeys undertaken by the applicant (and others including those journeys servicing the site) by private motor vehicles contrary to policy aims to reduce car borne journeys. The application would be contrary to TP1 and Policy LT14 of the Rochford District Replacement Local Plan and Policy 4 (Sustainability) of Appendix G of the Local Transport Plan 2006-2011.
 2. The scale of development (12 stables, foaling room, work shop and stores building) is considered to be beyond the level of a private/hobby stable complex. It is considered that the supporting information with the application fails to provide evidence to justify the stables being a private enterprise, but in any event and in the absence of more detailed information, it is considered that the proposal would be out of scale and character with the site and surrounding area and is inappropriate development contrary to Green Belt Policy R1, which would materially affect the openness of this part of the Metropolitan Green Belt. Furthermore, it is contrary to Policy NR10 - Coastal Protection Belt adversely affecting the open and rural character of the coastline.
 3. The proposal is considered to be deficient in detail in respect of an Emergency Plan for the site that demonstrates the safe management of the site at times when flood risk is significant. The absence of this information is considered to be contrary to advice contained in PPS25 and therefore the Council cannot fully assess the merits of the

proposal. The failure to provide the information would, the Council considers, result in the increase of the risk to life and property through/by tidal flooding.

2.2 08/00716/FUL - Construct Pitched Roofed Building To Provide 6 No. Stables. REFUSED for the following reasons:-

1. The proposal is inappropriate development contrary to Green Belt Policy R1, which would materially affect the openness of this part of the Metropolitan Green Belt. Furthermore, it is contrary to Policy NR10 - Coastal Protection Belt adversely affecting the open and rural character of the coastline. The scale of development is considered to be beyond the level of a private/hobby stable complex. It is considered that the supporting information with the application fails to provide evidence to justify the stables being a private enterprise, but in any event and in the absence of more detailed information, it is considered that the proposal would be out of scale and character with the site and surrounding area.
2. The proposal, given the scale of development (number of stables involved) and its unsustainable rural location, remote from the applicant's house and from public transport, would result in the majority of the journeys undertaken by the applicant (and others including those journeys servicing the site) by private motor vehicles contrary to policy aims to reduce car borne journeys. The application would be contrary to TP1 and Policy LT14 of the Rochford District Replacement Local Plan and Policy 4 (Sustainability) of Appendix G of the Local Transport Plan 2006-2011.

2.3 12/00131/LDC - Retrospective Application For A Certificate Of Lawfulness To Retain Two Detached Buildings Each For Use As A Dwelling House. To Retain One Building For Use As Stables And One Building For Use As Stable And Tack Room. APPLICATION WITHDRAWN.

2.4 13/00194/FUL - Farm With Dwelling For Agricultural Worker And Buildings For Storage And Animal Housing. REFUSED for the following reasons:-

1. The site is located within the Metropolitan Green Belt where strict policies apply controlling development. The proposal for retention of building 'I' for use as a dwelling is contrary to parts i), ii) and iii) to policy R3 of the Local Plan 2006. This is because it is not considered that a sufficient business plan has been provided to demonstrate establishment of a viable enterprise at the site within 3 years. Without demonstrating such a position, it is not possible to confirm that it would be essential for a full-time agricultural worker to live on the site. In addition, the proposal is contrary to part iii) with the unit and agricultural enterprise not having been established for at least three years, which is

a requirement by the Local Planning Authority before considering a permanent residential dwelling on the site.

For the above reasoning, the proposed retention of Building 'I' for use as a dwelling is considered to be contrary to policy R3 of the Local Plan and is considered to represent inappropriate development contrary to the NPPF. Paragraph 87 of the NPPF confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. No very special circumstances have been put forward and it is not considered that any such circumstances exist to outweigh the harm this proposal is considered to cause to the Metropolitan Green Belt (MGB) in this location. In addition, such a building, located on an area of land previously open in appearance, would have a detrimental impact on the openness and character of the MGB in this location.

- 2 The site is located within a Special Landscape Area, known as the Upper Roach Valley, and also is within the Coastal Protection Belt. Policies URV1 and ENV2 of the Core Strategy 2011 seek to restrict development within the undeveloped coast and form a 'green lung' in this area providing informal recreational opportunities for local residents. The proposed retention of 11 buildings for use for agricultural and residential purposes with associated hard standing within an area that was previously open and undeveloped forms an urbanising effect within this previously open rural environment contrary to these policies. Due to the proposed quantity and scale of built form on a previously open site this would result in a development that would be detrimental to the Special Landscape Area and Coastal Protection Belt. This is also considered to be contrary to paragraph 114 of the NPPF, which requires Local Planning Authorities to 'maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes...'.
- 3 The site is located within flood zone 3, the high risk zone. The proposal for retention of a single storey timber clad building for use as a dwelling (Building 'I') is considered to be contrary to policy ENV3 and paragraphs 100 and 101 of the NPPF, which seek to direct development away from areas at risk of flooding by applying the sequential test and, where necessary, the exceptions test. A proposal for a dwelling with buildings for animal housing and storage in the Rochford District, which has a large quantity of rural land outside of flood zone 3, could occur in an area with a lower risk of flooding within this District than the application site. For this reasoning, the proposal is not considered to meet the sequential test and therefore it is not necessary to apply the exception test. To site the dwelling the subject of this application within flood zone 3 without meeting the sequential test is creating unnecessary flood safety risks to the occupants of the dwelling. It is not considered that a suggested planning condition by the

Environment Agency, that would result in a new two storey brick built dwelling being constructed on the site, could reasonably be imposed to override the concerns raised.

Enforcement History

- 2.5 11/00146/COU_C - Residential Use Of Farm Buildings. PENDING.
- 2.6 12/00163/BLDG_C - Erection of buildings. PENDING
- 2.7 An Enforcement Notice was served on 24 February 2012 for the following breach of planning control:-
- 'Without planning permission-
- (i). The erection of single storey buildings, mainly clad in wood, marked in the approximate positions marked "A" to "K" and the construction of a driveway and hardstandings serving them and in the approximate areas hatched on the attached plans.
 - (ii). The change of use of the land and buildings from agriculture to a mixed use for residential purposes, the stabling/keeping of horses, goats, dogs and other domestic animals, as well as the parking and storage of horse boxes, gas bottles, equestrian jumps and diesel/petrol powered electricity generators.
- 2.8 An appeal was made against this notice but subsequently withdrawn. This notice has come into effect and a successful prosecution has been brought against the owners and occupiers for non-compliance with the notice. After many delays, including the dropped appeal and obfuscation from the four defendants, the guilty plea hearing was held on 31 January 2014. A sentence of a total of £13,000 in fines, and £2,000 in full recovery of the Council's costs, was imposed.

3 MATERIAL CONSIDERATIONS

Metropolitan Green Belt

- 3.1 The site is located within the Metropolitan Green Belt (MGB) where strict policies apply controlling development. The National Planning Policy Framework (NPPF) at paragraph 89 explains that the construction of new buildings is inappropriate development. However, exceptions to this are identified. One of these exceptions includes buildings for agriculture and forestry.
- 3.2 In addition, the Council has local policies that require consideration as part of this application. This includes policies GB1 of the Core Strategy and R8 of the Local Plan 2006.

- 3.3 Policy GB1 seeks to direct development away from the MGB as far as practicable and to prioritise the protection of MGB land based on how well the land helps achieve the purposes of the MGB. This site was a previously an open area of land in close proximity to the River Roach. It is considered that its proximity to the river and its previously open nature should be protected and that the proposal would conflict with the purpose of the MGB, particularly in relation to assisting in safeguarding the countryside from encroachment. On this basis the proposal for a new building for animal housing would conflict with policy GB1.
- 3.4 However, the building could potentially be considered appropriate development under the NPPF and policy R8 of the Local Plan if it is clearly intended for use for agricultural purposes and capable of serving such use.
- 3.5 The definition of agriculture within section 336 of the Town and Country Planning Act 1990 is as follows:-
- "Agriculture" includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and "agricultural" shall be construed accordingly;
- 3.6 The previous application concluded that the use currently operating from the site is agricultural based on advice received from Peter Chillingworth, the Council's agricultural consultant. It is equally considered that the proposed use of this building would be for agricultural purposes.
- 3.7 Advice has been sought from the Council's agricultural consultant on the need for a building of the scale shown. At section 2.8 of the consultant's response he advises that 'if a serious commercial business is to be established, initially a building similar to that proposed would be needed to manage the proposed livestock in accordance with normal husbandry and welfare standards.' Therefore it is considered reasonable and justified for the scale of building proposed at this site based on the advice received. For this reasoning, the building would be considered appropriate development and therefore would not be contrary to paragraph 89 of the NPPF.
- 3.8 Whilst the building would, due to its scale, have an impact on the openness of the MGB, the NPPF in effect accepts some impact when permitting the construction of buildings falling within the definition of agriculture at paragraph 89. Therefore, whilst the agricultural building is appropriate development in Green Belt policy, other harm still falls to be considered. The site is part of an attractive open landscape and estuarial setting to the River Roach. The proposed building is the type of building to be expected for the proposed animal husbandry use in the business plan and is endorsed by the Council's

agricultural consultant, who advises that the business plan may require a second building of this scale or a semi-intensive system utilising the land, further buildings may also be required.

- 3.9 The proposed building will be clearly seen in this open countryside from the footpath that runs on a north/south axis along the track on the western edge of the site, from the elevated footpath along the sea wall along the northern edge of the site and more widely from vantage points in this landscape setting. The timber external walls, while giving it a rustic finish, does not mitigate the fact that it is a large building of considerable bulk and mass. Due to the openness of the site and its setting, a building of this scale will be prominent and detract from the openness of the site and its surrounds.
- 3.10 Policy R8 states that the Council should refuse buildings that are of a design, external appearance and siting that has an adverse visual impact in the landscape or on features of nature conservation interest and fails to respect the character and appearance of neighbouring buildings. The building would not have any impact upon neighbouring buildings. However, it would be considered to have an adverse impact on the landscape at this site due to its scale. The site is located within the Coastal Protection Belt, Special Landscape Area and also has a Site of Special Scientific Interest and Special Area of Conservation to its northern boundary. The site is visible from the public footpath, which goes along the private track to the west of the site and along the sea wall and therefore this building would appear particularly prominent in this location, which (when excluding the existing buildings on the site which are all unlawful) would result in a dominant building in an area that is characteristically open in nature. Therefore the proposal is considered to fall contrary to part i) to policy R8 of the Local Plan 2006.

Farming Enterprise and the Proposed Animal Housing

- 3.11 The last planning application 13/00194/FUL Farm With Dwelling For Agricultural Worker And Buildings For Storage And Animal Housing was based on the proposition of establishing an eco friendly farming business on this site. This business plan accompanied this application and the Council sought advice from an agricultural consultant on the proposal.
- 3.12 Notably, the reasons for refusal of that application did not include within the Green Belt refusal objection in principle to the building proposed for agricultural purposes.
- 3.13 Advice has again been sought from the agricultural consultant, whose comments can be summarised:-

This is a typical modern building to house livestock. The penning could be adjusted to suit many types of livestock and could be suitable for pigs, goats or cattle. This is similar in design to a plan sent earlier of a building of similar dimensions and provided by Whirlledge and Nott.

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- 3.14 Question 1 Whether the current level of agricultural activity at the site would justify the need for a building of the size and scale proposed in addition to the existing buildings (asked by RDC).
- 3.15 Unless things have progressed significantly since my visit (6 months ago), the holding has few agricultural livestock at present and these are mainly poultry and would not need a building like this. They are currently housed in the existing small timber sheds.
- 3.16 Question 2 Whether the business plan and thus projected activity would justify the need for a building of the size and scale proposed in addition to the existing buildings, given the experience to date of the applicant's agricultural work/investment undertaken and operation of the level of agricultural activity at the site since purchase in 2011(asked by RDC).
- 3.17 Based on the information provided with the earlier application, the plan is to establish a herd of some 18 rare breed sows, rearing the progeny to produce meat. In addition, the applicant intends to keep a flock of 20 breeding Boer goats (a suitable breed for meat production), initially increasing to around 60, at Year 3 to produce meat. The present small timber structures would not be suitable for stock keeping on this scale and new accommodation would be necessary, if this plan were to proceed. The small area of land, around 2 ha (5 acres), would be insufficient to keep pigs, goats and poultry on the scale suggested so an intensive system would have to be adopted and this would require one or more buildings on a scale of that proposed.
- 3.18 Taking the stock numbers proposed, the single building would not be large enough to house all the stock proposed by Year 3 of the plan.
- 3.19 He concludes that, if a serious commercial business is to be established; initially a building similar to that proposed would be needed to manage the proposed livestock in accordance with normal husbandry and welfare standards.
- 3.20 In terms of the remainder of question 2, it is suggested that the applicant seems determined to establish an eco-farming business and appeared to have researched the subject. She would be wise to develop slowly to gain practical experience as is suggested in the business plan. She appears to have capital to develop the business.... Her daughter appears to live at the holding, although present farming activity is very small, consisting mainly of keeping laying hens. Bearing in mind that I have not visited the holding for 6 months, it could be argued that, with someone present on site, more could have been done to start the build-up to a commercial business, for example establishing a rather larger flock of laying birds, or keeping more goats. This could have been done using the available land and/or the existing sheds. However, I understand the applicant's reluctance to do too much and spend capital until the unsatisfactory planning situation has been resolved.

- 3.21 It can be seen that the Council's agricultural consultant is generally supportive of the type of building and the need for it based on the business plan submitted for the enterprise, albeit based on existing stock levels when he last visited, it is not justified. However, this is a fledgling enterprise and within the Green Belt there is a presumption in policy in favour of agricultural buildings. For this reason and in principle Green Belt refusal would not be appropriate. An independent agricultural appraisal has been submitted by a local resident, which concludes that the proposed building is 75% larger than required. This contradicts the advice of the Council's specialist adviser, Mr Chillingworth, who considers that the building is required at the site. However, as Mr Chillingworth is the specialist adviser of the Council, it is his appraisal which the Council should give greater weight to.

Special Landscape Area, Coastal Protection Belt, Site of Special Scientific Interest and Special Area of Conservation

- 3.22 The site is located within a Special Landscape Area (SLA) and the Coastal Protection Belt (CPB). The northern part of the site is also located within a Site of Special Scientific Interest (SSSI) and a Special Area of Conservation (SAC).
- 3.23 Whilst the site is located within a Special Landscape Area (SLA), the applicable policy in the Local Plan is no longer operative and the policy protection for this is now enshrined in the Core Strategy policy ENV2 Coastal Protection Belt, contrary to the reference to URV1 in the refusal of the earlier 13/194/FUL.
- 3.24 The construction of new buildings within an area of land that was previously part of the undeveloped coast is considered to be contrary to policy ENV2 - Coastal Protection Belt. This policy also states that the Council will not permit development in coastal areas that are at risk of flooding. This site is located within flood zone 3a and the development is at risk of flooding.
- 3.25 The northern part of the site is also located within a Site of Special Scientific Interest (SSSI) and a Special Area of Conservation (SAC). Policy ENV1 seeks to maintain, restore and enhance such nationally recognised sites. The area of the site where the building is located is not within these designations and therefore it is not considered that the proposal is detrimental to these designations. Agricultural grazing of animals within the SSSI and SAC is not development and would not require planning permission.
- 3.26 Policy ENV2 of the Core Strategy 2011 seeks to restrict development within the undeveloped coast. The proposed livestock building measuring 18.29m wide, 24.38m deep and 6.1m high within an area that was previously open and undeveloped forms a building of an industrial type scale and character that creates an incongruous and urbanising effect within this previously open rural environment contrary to these policies. Due to the proposed size and scale of built form on a previously open site this would result in a development

that would be detrimental to the Special Landscape Area and Coastal Protection Belt. This is also considered to be contrary to paragraph 114 of the NPPF, which requires Local Planning Authorities to 'maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes...'.

Residential Amenity and Design

- 3.27 It is not considered that an agricultural building such as this, bearing in mind the site's rural location and distance from neighbouring properties, would be detrimental to local residents in terms of overlooking, noise, smells and general disturbance.

Flooding

- 3.28 The National Planning Policy Framework (NPPF) has technical guidance on flood risk and sequential and exception tests to be carried out to determine if development is acceptable within a flood zone. The site is located within flood zone 3, the high risk zone, and is therefore within an area at risk of flooding.
- 3.29 Land and buildings used for agriculture and forestry fall within the category of less vulnerable uses of land, which are considered appropriate in this zone.

Drainage

- 3.30 The submitted application form states that foul water disposal will be via a septic tank. The applicant further explains that domestic water is disposed to a septic tank and surface water will disperse to permeable pasture and water course. Disposal from the proposed animal housing will be to a separate facility. Liquid waste disposal from animal housing will be to a dedicated SUDS system and solid animal waste is collected by a local farmer as fertiliser for his arable fields.
- 3.31 The Environment Agency advise that the applicant should ensure that the existing septic tank is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of this proposal. These matters could be covered by a condition attached to any permission issued.
- 3.32 Policy UT2 of the Local Plan 2006 requires the development to connect to mains sewerage. The applicant refers to Circular 3/99: Non Mains Sewerage Systems, which lists criteria to be assessed for its use. The Council's engineer advises that the existing drainage sewage tank appears to have a small capacity needing regular emptying, which could result in sewage discharge. It is recommended that the sewage tank be altered to an up to date sewage treatment tank. Such improved drainage arrangements could be controlled by planning condition requiring details to be submitted to and agreed in writing.
- 3.33 In terms of the surface water drainage scheme, the Environment Agency advises that only surface water from roofs and paved areas not accessible to

vehicles, should be discharged to any soakaway, water course or surface water.

Highways

- 3.34 ECC Highways department do not object to the proposal.
- 3.35 Policy T1 requires proposals to be located and designed in such a way as to reduce reliance on the private car. The current proposal involves a building for animal housing. The site is only accessible by private vehicles using a single track lane. Therefore the current proposal does not reduce reliance on the private car.
- 3.36 Policy T3 requires development to be well related to public transport or accessible by means other than the private car. The proposal is not well linked in this regard. Policy T8 requires the Council's Parking Standards document to be met.
- 3.37 No information has been provided to explain number and sizing of parking spaces at the site, however, the site allows for informal parking to take place. It was reported under application 13/194/FUL that two previous applications at this site for stable development (Reference 07/01127/FUL and 08/00716/FUL) were refused partly due to the site's unsustainable rural location, which would result in the majority of the journeys undertaken by the applicant (and others including those journeys servicing the site) by private motor vehicles contrary to policy aims to reduce car borne journeys. ECC Highways objected to these applications, but has not objected to the current application. Remote rural locations are common locations for agricultural activity with the agricultural use of land alone not representing 'development' requiring planning permission. Bearing this in mind, it is not considered that it would be justified to refuse the application on this particular aspect. ECC Highways has again raised no objection to the current application and the same conclusion that it would not be justified to refuse the application on this particular aspect applies.

Archaeology

- 3.38 According to the ECC Archaeological team, the site is located within an area of archaeological interest. However, the Archaeological team advises that as the application seeks a building for animal housing, which does not have significant foundations it therefore will not impact on buried archaeological deposits. In this instance we do not see any need for an archaeological condition

Land Contamination

- 3.39 It is understood that the site was previously used for the disposal of liquid sludge by Southend-on-Sea Borough Council. The Environment Agency notes our records indicate the presence of former landfill sites beneath and adjacent

to the proposed development site. Furthermore, notwithstanding the existing use of this site as a farm and the possible presence of the former landfill sites, given the anticipated geological and hydrogeological conditions present, we do not consider this development site a priority and will not be providing detailed site-specific advice or comments with regard to land contamination issues for this site. The developer should address risks to the water environment from any potential contamination at the site,

- 3.40 No land contamination assessments have been submitted. The applicant refers to correspondence with the Environment Agency and others, which advises that the landfill closed before 1974 and the applicant concludes that residual pollution risk after 40 years is negligible.
- 3.41 The Council's Environmental Services department has suggested that model land contamination conditions be attached to any approval. It is considered by this department that with such a use of the land occurring, mitigation could take place, if necessary, here.
- 3.42 Policy ENV11 of the Core Strategy requires applicants who wish to develop suspected contaminated land to undertake a thorough investigation of the site and determine any risks.
- 3.43 Concern has been raised in this case, particularly given the food products entering the food chain. This has been discussed with our agricultural consultant who advises that it is the farmers' responsibility to do their own research and take precautions if they considered there was a danger; such matters are not the subject of regulation by DEFRA or others. The Council's Head of Environmental Services confirms that it is for the producer to show due diligence in providing a product that will not produce a risk to human health and, as stated above, use of the land for agricultural purposes can be mitigated, if necessary, here.

Other Matters

- 3.44 Whilst employment is encouraged within the current economic climate, with the NPPF having a strong presumption in favour of sustainable development, this should not be to the detriment of other important material planning considerations and national and local planning policy. In this instance, it is not considered that the employment and economic benefits outweigh the detrimental impact the scale of the building is considered to have upon the MGB, SLA and CPB.
- 3.45 Ecological concerns have been raised with regard to this application. However, there is no evidence to suggest that the development will have a detrimental impact on any ecology present.
- 3.46 Noise pollution is controlled by other legislation outside of the 1990 Planning Act (as amended). Waste management has not been addressed in any detail as part of this application, however, it is considered that this could be

sufficiently dealt with by planning condition requiring details of waste management to be submitted to and agreed in writing by the Council.

- 3.47 There is a high pressure gas pipeline within close proximity of the site. The building the subject of this application is within outer zone (95m) consultation distance of this pipeline. The Health & Safety Executive PADHI software has generated a standard response, which confirms that the HSE does not advise against permission being granted. However, it esdo suggest that the pipeline operator is contacted to understand if there are any restrictions with regard to development. This would be a private matter and is the responsibility of the applicant.

Habitat Regulations Assessment

- 3.48 The northern part of the site is also located within a Site of Special Scientific Interest and a Special Area of Conservation. Policy ENV1 to the Council's adopted Core Strategy seeks to maintain, restore and enhance such nationally recognised sites.
- 3.49 The area of the site where the building would be located is not within these designations and therefore it is not considered that the proposal is detrimental to these designations. Agricultural grazing of animals within the SSSI and SAC is not development and would not require planning permission.
- 3.50 Notification to Natural England is required where the development is within or likely to affect a SSSI. This assessment is not dependant upon a measured distance. Although the entire farm site is partly within the SSSI, the actual 'development', i.e., the buildings, are not. The buildings are approximately 133m from the SSSI designation. The building to which this application relates is to a floor area of 445 square metres. The designation reflects the importance for overwintering birds. The nature of the animal housing would not impact upon the reason for the designation or its zone of influence.

4 REPRESENTATIONS

- 4.1 BARLING PARISH COUNCIL - Comment our views have not changed since commenting on 13/194/FUL which was:-
- 4.2 We believe the figures of livestock included in the proposal are open to doubt.
- We believe that the proposals will increase the traffic on what is a narrow country lane to an unsupportable level.
 - We believe that the ensuing effluent and smells that would arise if this proposal is accepted will have a detrimental effect on properties in Barling Magna resulting in a drop in property prices.
 - We believe that this proposal will adversely affect housing and the school in Barling Magna and that the smells from such a project will also

adversely affect the public's enjoyment of the wildlife reserve operated by the Parish Council in Mucking Hall Road, Barling Magna.

- 4.3 Additionally, we believe that this application is completely inappropriate for the area and we should be looking to support traditional farming.
- 4.4 To reiterate, we do not consider this to be a well-founded proposal and strongly support refusal.
- 4.5 RDC ENGINEER - No objections/observations.
- 4.6 ECC HIGHWAYS - No objection.
- 4.7 RDC HEAD OF ENVIRONMENTAL SERVICES - Reports that if Members are minded to approve the application, the following conditions should be attached to any consent granted:-
- 1) Full Model Contaminated Land Conditions.
- 4.8 2) And informative SI16 (Control of Nuisances)
- 4.9 ECC ARCHAEOLOGY - Comment:-
- 4.10 Although the proposed development lies within an area of archaeological interest (Roman and prehistoric features are recorded for this area on the Essex Historic Environment Record), the proposed building for animal housing does not have significant foundations and therefore will not impact on buried archaeological deposits.
- 4.11 In this instance (the erection of the building for animal housing) we do not see any need for an archaeological condition on any consent for this application. If at any time further buildings are proposed on site, in any subsequent application, which do require foundations to be dug (that may impinge on archaeological deposits located beneath the sub soil) we may suggest an archaeological condition be attached to any consent.
- 4.12 ENVIRONMENT AGENCY - Comment as follows:
- The site lies within Flood Zone 3 according to our flood maps and the proposed animal shed, which is considered to be a 'less vulnerable' development type, is considered appropriate for this flood zone.
 - We have considered the information submitted within the Flood Risk Assessment and whilst the detail regarding the location and construction of the shed is limited, we do not have any flood risk concerns regarding the construction of such a shed at this location.
 - We would recommend that any services required within the shed are installed above flood level and that the site is registered with our flood

warning service.

- The application form indicates the proposal does not involve "Land which is known to be contaminated", or "Land where contamination is suspected for all or part of the site". However, the existing use of the land is given as a farm with dwellings, and our records indicate the presence of former landfill sites beneath and adjacent to the proposed development site.
 - The Bedrock beneath the site is of the London Clay Formation, designated as Unproductive Strata, with overlying Superficial River Terrace Deposits of Sand and Gravel, designated as Secondary "A" Aquifer, across the southern part of the site, and of Tidal Flat Deposits of Clay and Silt, also designated as Unproductive Strata, generally across the northern part of the site and adjacent to the river.
 - Notwithstanding the existing use of this site as a farm and the possible presence of the former landfill sites, given the anticipated geological and hydrogeological conditions present, we do not consider this development site a priority and will not be providing detailed site-specific advice or comments with regard to land contamination issues for this site. The developer should address risks to the water environment from any potential contamination at the site, following the requirements of the National Planning Policy Framework and our Guiding Principles for Land Contamination.
 - Please note that in relation to the proposed development, in so far as it relates to land contamination, we only consider issues relating to the water environment.
 - The submitted application form states that foul water disposal will be via a septic tank. The applicant should ensure that the existing septic tank is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading, which may occur as a result of this proposal.
 - Only surface water from roofs and paved areas not accessible to vehicles should be discharged to any soakaway, water course or surface water.
- 4.13 HEALTH & SAFETY EXECUTIVE: HSE does not advise, on safety grounds, against the granting of planning permission in this case.
- 4.14 As the proposed development is within the consultation distance of a major hazard pipeline you should consider contacting the pipeline operator before deciding the case. There are two particular reasons for this:-
- The operator may have a legal interest (easement, wayleave, etc.) in the vicinity of the pipeline. This may restrict certain developments within a certain proximity of the pipeline.

- The standards to which the pipeline is designed and operated may restrict occupied buildings or major traffic routes within a certain proximity of the pipeline. Consequently there may be a need for the operator to modify the pipeline, or its operation, if the development proceeds.

4.15 HSE's advice is based on the situation as currently exists; our advice in this case will not be altered by the outcome of any consultation you may have with the pipeline operator.

4.16 NEIGHBOUR CONSULTATIONS

8 Church Road, 26 Church Road, 25 Church Road, 14 Church Road, 6 Church Road, Mill House, 47 Church Road, 19 Church Road, 31 Church Road, 7 Church Road, 10 Church Road, 15 Church Road, Magna Mill Lodge Church Road, 38 Church Road, 19a Church Road,

Elm Lodge, Barrow Hall Road, Wakefield, Barrow Hall Road, Andrellos, Barrow Hall Road, Tinkers Patch, Barrow Hall Road, Idle Wild, Barrow Hall Road, Edgecombe Lodge Barrow Hall Road, Foxgloves Barrowhall Road, Treetops Barrow Hall Road, 3 Potash Cottages,

414 Little Waking Road, 383 Little Waking Road, 214 Little Waking Road, 398 Little Waking Road, 318 Little Waking Road, 265 Little Waking Road, 167 Little Waking Road, 276 Little Waking Road, 279 Little Waking Road, 284 Little Waking Road, 285 Little Waking Road, 343 Little Waking Road, 408 Little Waking Road, 289 Little Waking Road, 387 Little Waking Road, 293 Little Waking Road, 330 Little Waking Road, 405 Little Waking Road, 302 Little Waking Road, 380 Little Waking Road, 389 Little Waking Road, 304 Little Waking Road

31 Fillebrook Avenue, 51 Coronation Close,

8 Muckinghall Road, 17 Muckinghall Road, 11 Muckinghall Road, 6 Muckinghall Road,

2 New Buildings Cottages, 121 St Augustine's Avenue,

6 Valkyrie Road, Westcliff-on-Sea, 17a Avenue Road, Westcliff-on-Sea, 21 Grange Road, Leigh-on-Sea, 4 Ewan Close, Leigh-on-Sea, 42 St Clements Drive, Leigh-on-Sea, 55 Dorothy Gardens

Flat 4, 97 Victoria Avenue, Southend-on-Sea, 288 Woodgrange Drive, Southend-on-Sea

Tanglewood, Barling Road, Chad, Barling Road, Kalmar Barling Road, Glebe Farm Barling Road, Adelaide Lodge, Barling Road, Magna Croft, Barling Road, High House Farm Barling Road, Ye Olde Shoulderstick Barling Road, Little Orchard Cottage, Barling Road, 1 Vine Cottages, Barling Road

11 Dene Road, Buckhurt Hill, 29 Roebuck, Buckhurst Hill. 98 Churchfields, Shoebury

12 Brackenbury Manor Huston Cambridge, 4 Severn Drive, Upminster

198 Daws Heath Road, Rayleigh, 43 Rockingham Avenue, Hornchurch, 4 Clovelly Court, Hornchurch

19 Victoria Road, Romford, Ropers Farm Mucking Hall Road, 1 & 2 Ropers Cottages, Ropers Farm

4.17 Which can be summarised as follows:-

- Waste storage and collection - states 'within the proposed unit'. Does this mean that the manure from the animals will be kept inside?
- Materials - roof description is 'sheet material'. Can this be clarified as this could be corrugated iron sheet which would increase noise levels.
- If there are to be no windows how will the building be ventilated? No vents in the roof. If waste will be stored in the building will this not cause a build up of gases and unhealthy atmosphere? DEFRA temperature advice will be difficult to achieve relying on only doors for ventilation; smells will also only be dispersed by doors.
- No mains electricity to site. If reliant on generators this will mean they will be running more or less constantly to maintain temperature, causing noise nuisance, pollution from fumes and fire hazard.
- Will flood risk elsewhere not increase with this amount of extra concrete?
- What is sustainable drainage system that is going to dispose of surface water?
- Contamination - previous report suggested thorough investigation needed.
- Surely there will be solid and liquid waste from the animals?
- Site can be seen from the footpaths along the sea wall and also from the footpath that runs along the access track.
- Surely reasoning for refusal of previous application on MGB, CPB, SLA and flood risk would all be applicable to this new application.
- Severe flood warnings issued on 5 December 2013; several horses in the area were evacuated. Number of animals intended for building would be difficult to evacuate.

- 'Access road accommodates articulated vehicles and large vehicles and plant maintaining the sea wall' - Lane is single track with no passing places, two bends and low trees and bushes, Mucking Hall Road is also single track with only a few narrow passing places. Sea wall gets mown once a year.
- Two previous planning applications have been refused on this site for the above reasons and also because of its unsustainable rural location.
- Following recent meat scares in this country people are more aware of what they are eating and conditions it is raised in, and there seems a move towards organic and also better welfare conditions for farm animals. Keeping pigs and goats together indoors seems to be a backward step so far as animal welfare is concerned and may affect the saleability of the end product.
- I am horrified that you are still considering applications for more buildings on the field behind my house; this is already a blot on the landscape and cars are up and down the public footpath all day. I strongly object to this application for the reasons already sent to you previously (see report for previous application).

4.18 Metropolitan Green Belt

- Each and every application submitted has been refused.
- Almost any conceivable development would have a material and harmful affect on its openness.
- Almost any development would be considered 'inappropriate' and contrary to the NPPF.
- Very special circumstances do not exist.

4.19 Coastal Protection Belt

- Would adversely affect the open and rural character of the coastline.
- Such a monstrous 'animal house' residing within the site would be in direct contradiction of the guidelines set out within the NPPF paragraph 114 requiring LPAs to 'maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes...'

4.20 Flooding

- Despite existing flood defences, the site has an inundation time of less than one hour.

- For safety reasons the EA has stipulated that any residential dwelling must have bedrooms off the ground floor. This is a clear and unambiguous example of the seriousness the EA places upon the site, i.e., both in terms of the likelihood of flooding and the expected speed of flood waters.
- Given the site is located within flood zone 3 there are numerous sites within Rochford district that are both more suitable and appropriate. It is with paragraph 101 of the NPPF in mind that RDC should refuse this application.

4.21 Surface Water

- Site is vulnerable to large amounts of surface water accumulation.
- With the 'animal house' not being raised off the ground, it will unquestionably be subject to flooding on a regular basis. Where all the young animals will be kept during these times of flood has not been specified. Can't be left unattended.
- No mention of where and how rain water falling on and around the building will be collected and disposed of. Without soakaways further localised flooding around the building will increase.
- Problems will only compound with time as building sinks into the ground as no solid foundations.

4.22 Transporting Animals

- Illegal to transport an animal considered unfit for travel.
- EU regulations stipulate, when transporting either pigs or goats, they be handled and transported separately from other species.

4.23 Flood Evacuation Plan

- No flood evacuation plan.
- Many aspects to consider for a plan - vehicle available, where vehicle kept, etc.
- Many questions require consideration for a plan to be considered viable.
- Any plan would create further unnecessary risks to local residents in the event of flooding (travelling in opposite direction to local residents).
- Being located in flood zone 3 a comprehensive plan is impossible to compile and practically implement.

4.24 Animal Mortality

- In light of the fact that the application for an agricultural dwelling on-site has now been refused, with no dwelling and stockman on-site, 24 hour supervision is not possible. The consequence of this, in the applicant's own words is 'high levels of mortality'.

4.25 Animal Welfare

- One of the most significant stresses a pig experiences upon birth is the challenge to adapt to the thermal environment.
- Uninterrupted power supply for both heating and ventilation is critical. No mains electricity on the site, power provided by a generator. No heating or ventilation system referred to in the application.
- Application must be refused on 'animal welfare' grounds, given that 24 hour supervision is not practical and owners/operators are not 'skilled operators'.

4.26 Animal Rights Campaigns

- Against animal houses.
- May attract protestors along footpath and outside site along with publicity, not promoting green tourism.

4.27 Waste Disposal

- No information concerning where liquid waste is to be stored.
- Supporting documents state tank required. Tank will be considerable. No details on storage, treatment and removal of this or animal waste.
- Concerns around acid rain.

4.28 Archaeology

- Tank to be installed underground.
- No trial trenching and excavation has been carried out and approved.

4.29 Ammonia

- No detail around impact on environment, local residents and tourists.
- Obnoxious smell and health hazard.

- Lots of premises within 1000m of the site where ammonia deposits possible.
- Main routes of human exposure - inhalation, skin contact, eye contact.

4.30 Waste Management and Public Health Concerns

- Many studies have discovered an increase in respiratory, neurobehavioural and mental illnesses among the residents of communities next to animal houses.
- Suitable abatement techniques are available for ammonia and particulates. No mention or cost allowance in application.
- Contrary to 109 of NPPF.

4.31 Policies URV1 and ENV2

- Animal house producing foul smells and toxic gases and noise of piglets will not encourage residents to use the area for recreation or create a green lung.
- Health problems to neighbours of the site.

4.32 Land Contamination

- No investigation of the site to determine risks has been undertaken.
- In this instance more important than usual as food products being sold for human consumption.

4.33 Financial Viability

- 20 years experience of working in financial sector. Sincerely believe that there is not the slightest possibility this enterprise could ever become financially viable.
- Lack of 24 hour supervision further undermines any expect income.

4.34 Animal House

- Out of keeping with its surrounds.
- Compromises the open and rural nature of this MGB setting.
- Is an urbanising feature within both the open landscape and undeveloped coastal belt.

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- No windows to allow natural light or fresh air ventilation.
 - No monetary allowance for installation, running costs or maintenance or ventilation, air conditioning or thermal heating units.
 - Regular cleaning is essential for both animal hygiene and to stop spread of disease; where will mixed effluent be stored?
 - Development will harm current openness and distinctiveness of this rural setting, the MGB, the CPB, the health and safety of animals contained within the animal house, the health and safety of local residents, the local eco system, local mammals, birds, fish, reptiles, etc., local water quality, green tourism within the area, RDC's green initiatives.
 - Ploy to obtain permanent dwelling on site.
 - Led to believe fields are in a flood plain with a known history of liquid sludge dumping and never likely to be any kind of development there.
 - Peace and quiet of area was attraction for parents of autistic son.
 - Generator runs for good part of a day; constant nuisance with drone. Back windows have to be kept closed in summer.
 - Doubt council tax yet paid.
 - Mystery they have running water when local water board have no knowledge of them being there.
 - Small piece of land; some four or five acres is nowhere near large enough to sustain a successful business in agriculture.
 - Site is close to sea wall and in full view of the public using the river and its walkways.
 - Current generator would surely need to be a much larger unit on for longer periods; noise levels would be intolerable.
 - Single lane road constantly in state of disrepair; never been for the purpose of vehicles, let alone heavy vehicles.
 - Whole road and public footpath owned by Raynors farms. Has permission been given to use this road for HGVs?
 - Surely there are strict guidelines that only professional and experienced farmers can be trusted to supply meat. They currently sell eggs from their hardware shop in Eastwood alongside pots of paint, creosote and other

hazardous substances.

- Appeal decision from Tyne and Wear refused large building to house pigs because of potential odours and impact on neighbouring properties. Building intended to house up to 100 pigs and nearest properties 100 - 150m away.
- Increased traffic from applicants visiting day and night, delivery of food stuffs, delivery of bedding, removal of solid waste, removal of liquid animal effluent, visitors signed up to their virtual pig scheme, their bees, abattoirs, vets.
- Where are hand washing/toilet facilities for visitors/applicants?
- Applicant's abattoir is far away in Burnham on Crouch.
- A more appropriate and less sensitive site could easily be found for animal house.
- Existing hard standing subject to enforcement notice therefore any hard standing should be subject to a separate planning application. This is not an agricultural building and might be considered inappropriate development within the MGB. Urbanising feature?
- No detail around quarantine areas; may require additional efficient filtration.

4.35 Economic Benefits

- My understanding is the business cannot be supported on economic grounds.
- There will be no benefit to the local community, only the people who are running this establishment.
- It will provide no extra jobs, no economic benefit.

4.36 Road Network

- The local infrastructure would be overloaded and become unbearable with this proposal.
- Heavy lorries will not be able to pass these roads safely, and will damage road surfaces already in a poor state.
- The roads are not appropriate for large vehicles and increased use.

- Little Wakering Road, Church Road and Muckingham Road cannot take any more traffic, especially lorries. There are parking wars between residents and frequent arguments with lorry drivers and cyclists in Church Road and the situation is becoming untenable to the number of houses on the market. The bus for the disabled/elderly now refuses to come down Church Road as they deem the road 'dangerous'. The number of horses locally and walkers/doggy walkers and ramblers add to the problem. I have nothing against any of these groups and am delighted that people enjoy the area, but it is becoming dangerous and Highways still refuse to do anything to help, although when the build out was installed they were going to place yellow lines within 8 weeks, two years ago at least. The build out has made things worse as people rushing to and from the school at peak times ignore the right of way; last week 3 cars forced me to wait (the first nearly killed me), although I had right of way.
- The stables off Church Road already cause a problem as there are no footpaths and the grass verges being driven over make it unsafe and very messy, spoiling it for the residents.
- If the 'tip road' is being used this might make it more suitable but otherwise I cannot see how it is viable for the lorries to access safely.

4.37 Animal Welfare

- Battery farming is wrong and should not ever be allowed.
- Animal welfare should be thought of before any development or idea is made; this type of farming is unfair to any animal that has to spend their life there. People also care about their food and where it is produced and if the animals were treated well. If you continued with this plan you will be killing animals to make profit, but you will not make a profit because people don't want their food from a farm where animals are not treated well and that is hazardous.

4.38 Flooding

- Located in flood zone 3. If you stop residential development in flood zone 3, how can you allow commercial property, employees and animals in these areas?
- Despite existing flood defences the site has an inundation time of less than one hour; for safety reasons the EA has stipulated that any residential dwelling located within the site must have bedrooms off the ground floor. This is a clear and unambiguous example of the seriousness the EA place upon the site, i.e., both in terms of the likelihood of flooding and the expected speed of the flood waters.

- No plans should be made for a development to be built on a flood 3 zone; this is dangerous and a pointless development for the future because if there is a flood you will lose your business and your live stock. No animals or people should be put in a position where they could be killed.
- The land is in the flood zone but no plan has been proposed to evacuate the animals in case of flooding.
- 12 horses was considered deficient as it lacked an emergency plan demonstrating safe management of the site at times when flood risk is significant How can the current proposal be considered anything but deficient as no emergency plan has been included.
- Flooding - I'm led to believe potential flooding has not been taken into account. Both Church Road and Mucking Hall Road experience regular flooding through the winter months and are in a high risk area. The ditches and drains of both roads are under heavy pressure from rainfall and the roads have often been impassable at times. This will again restrict access for commercial vehicles via either route. The site is located on the sea wall of a tidal creek making flooding possible. Does the site have a comprehensive flood evacuation plan? I don't know whether the intention is to man the site 24 hours a day but in the event it's not, who will be responsible for animal welfare in the event of a flood?

4.39 Noise, Smell, Health Hazards

- Smell - this is a very open area and any smells travel extensively. During the short periods of 'muck-spreading' by local farmers during a year, the smell is unbearable. It fills the house and makes it difficult to find fresh air outside. During warm months we find it is impossible to have windows or doors open because of this smell. It permeates everything within your home, car and about your person. However, this is only for very short periods. If the application is successful, the stench that will be emitted from the site will affect our quality of life, our home and potentially our health on a permanent basis and this should not be allowed. There are surely sites in more rural areas that will not have such an impact.
- The smell from this pig farm will be overpowering.
- Noise and smell pollution, to go with that of the Barling tip. Barling Magna is supposed to be Green Belt and rural; it would appear to be turning into an area of unpleasant commercial use.
- Waste from animal carcasses encouraging infestation of more rats, as well as smells from rotting waste.
- I am concerned about the increase in health hazards, the stench, flies, rats. Increase in vermin with potential to spread disease.

-
- There are reports that this will ruin the view of our sea wall, along with producing substantial amounts of ammonia in the air, decreasing our air quality. This will in turn bring our quality of living down.
 - Ammonia in the air would infiltrate the local atmosphere and have detrimental effects on health; I think this would be unhealthy for the surrounding residents and, more importantly, the environment.
 - I have recently noticed over the past year the increased level of noise pollution since this land has been occupied due to the use of a diesel power generator used for providing electricity to this establishment, not to mention the air pollution, as the air is blown into the direction of Ropers Farm area.
 - The site is not connected to mains electricity; power is currently being provided by a diesel generator and the animal house containing no windows ventilation will require large electric fans operating 24 hours a day, introducing a constant drone into a currently peaceful area. No detailed modelling and analysis has been given to show suppression of noises from any such machinery and the resulting levels which would be transmitted to the surrounding areas.
 - Low Frequency Noise published by Environmental Protection UK states that sources of low frequency noise include pumps, fans and ventilation plant. It further states it is not clear at what level low frequent noises may be physically damaging, however the unpleasant symptoms it can induce are sufficient to cause disruption and significant social and economic penalties.
 - Intensive animal farming is internationally recognised as a breeding ground for disease. Evidence shows that the most recent swine flu pandemic originated in an intensive pig farm. There is a high risk of both swine flu and MRSA to people living in the neighbourhood of intensive pigs units. Flies in pig farming systems act as a vector in the spread of disease, important during summer months, having no pest control policy that we can expect both animals and humans to suffer this form of pest.
 - No detailed or proposed filtration system to reduce odours; most efficient filtration systems are at best 89% efficient. The odour that emanates from such houses is well documented.
 - The fact the EA carries out ammonia screening means ammonia deposits surrounding pig and poultry farms is a recognised problem.

4.40 Waste Management

- Arrangements to manage waste effluents are inadequately defined but what has been addressed appears rudimentary; completely unclear is what provision will be made for disposal of biological wastes, including carcasses and after birth material.

4.41 Security

- Absence of 24 hour supervision of their site; an effective alarm system must deliberately affect the neighbours.

4.42 Property Values

- Has consideration been given to the value in property prices?
- This area would become a no go area for potential house purchasers.

4.43 Countryside

- Located in the Metropolitan Green Belt, development within this site would be considered 'inappropriate and contrary to the NPPF, in particular Paragraph 87. No exceptional circumstances exist and this should be refused.
- It will totally spoil our beautiful but small bit of countryside we have in this area. Blight on the countryside - eyesore.
- I walk my dog in the area many times as it is a peaceful unspoilt part of the countryside; please let's keep it that way.
- The proposed farm will spoil a natural peaceful area which is hard to find in this part of the county. It will blight Barling Magna Wildlife Park.
- it could deter other visitors to the Barling Magna Millennium Wildlife Park due to smell and road traffic.
- Detrimental to the view of the surrounding area for the public and local residents to enjoy, especially from the sea wall which is a well used and liked walkway.
- We all love this part of the Green Belt. An organic farm would be fine, but this is not going to be the case here.
- There are not many areas of nature left in this corner of Wakering/Barking and it is in the Green Belt. I also object to battery farms. The owner of the land has already spoilt it for many of us to walk on.

- I use the Barling Wildlife Reserve on a daily basis for walks as it is one of the unspoilt areas that enhance the local community.
- This is a Green Belt area and should remain so for the foreseeable future for our children and grandchildren by preserving the natural habitat, flora and fauna.
- This development would be too close to the 'Millenium Park' with the associated noise and air pollution that I feel would prohibit the use of said park and all the hard work that has gone into its development enabling people to enjoy a bit of piece and tranquillity and encourage a wildlife sanctuary locally in an area with heavy agricultural demands.
- The other matter I would object to is that these premises have already erected buildings which have not received planning permission and therefore there is scant regard to planning law and as such, who is to say that the plans submitted will be adhered to and we end up with a much larger facility than that planned.

4.44 Coastal Protection Belt

- Any development within this site would be contrary to Policy NR10 Coastal Protection Belt and should be refused, since it would adversely affect the open and rural character of the coastline.
- Monstrous animal house residing within the site would be in direct contradiction of the guidelines set out within the NPPF.

4.45 Wildlife

- Affect the local wildlife and as on contaminated land would be disturbed; could cause other related problems.
- Destruction of local wildlife due to the fumes and land use.
- I object on the grounds of development to a coastal region of natural beauty and wildlife disruption.
- I would suspect the RSPB would be extremely concerned that nitrogenous pollution resulting from this application would harm any protected rare and vulnerable wildlife within the Rochford area. Increased ammonia and nitrogen outputs have the potential to considerably damage the site's rich biodiversity that it supports by increasing soil fertility which risks changing the site's vegetation, encouraging more common vigorous species which would compete with any rarer specialist plants and associated wildlife.

4.46 Contaminated Land and Toxic Chemicals

- Located on known contaminated land.
- This development will create toxic chemicals that will be released into the local atmosphere and river and is also located near a residential area and primary school.
- I understand that there is also no contamination assessment undertaken.
- The proposed site is on contaminated land. On still days you can smell the methane that rises from the pipes sunk into the fields to allow it to escape. I'm sure you're aware of the extensive amount of rubbish that has been buried on this land and I find it hard to believe that allowing animals intended for human consumption to graze on this land will carry some degree of risk to the quality of the meat. Years ago Barling had a fishing lake that became contaminated from toxins from the pit land; subsequently every last fish died, plus the shrubbery and plants that came into contact with the liquid waste. This should highlight the lethality of the gases underneath the fields.
- Environmentally degrading the area with foul waste and toxic fumes.
- Concerned that this land may be contaminated with chemical waste and metals, as this land has been thought to have been occupied by M.O.D. I understand that no Environmental Authority checks have been made on this land, when proposed animals to be reared for sale and consumption of human food.
- It is not understood if any permanent sewage waste network is supplied to this land.
- So where would the waste fluids and chemicals go? Probably into the flood canal, which in turn would get blocked. Which is said to not be adequate if a flood was to occur, as there is a high risk of this happening as this is a category 3 flood zone. Thus causing pollution to the environment.
- Given that it is now widely acknowledged that the 'land north of Ropers Farm' was a depository for liquid sludge, may even contain 'heavy metals' and the applicant's 'breeding animals' will have unrestricted access to the land, as do all their animals. Grazing on such land will mean, not only that these 'breeding animals' could potentially suffer health risks, but any off-spring they produce will also inherit such effects and/or defects. Most worryingly, it is these off-spring the applicants are looking to introduce into the human food chain. If it is found that any of these animals are the cause of any human health problems, e.g., respiratory, cancer, metal poisoning, etc. then Rochford District Council could easily find itself as a

defendant in either a single or class action brought against the applicants. It could rightly be claimed that RDC was both complicit and negligent in contributing toward these health problems. After all, RDC would have approved an animal rearing house, knowing the land being used by these animals was contaminated. If I personally found myself with any health issues relating to the consumption of products originating from the site, I would immediately seek legal advice and look to involve Rochford District Council in any lawsuit. This is the undeniable risk RDC is taking by not insisting upon a contamination land report and further insisting on any found contamination not being remedied. I would suggest RDC is risking serious amounts of public money by not insisting on a land contamination report i.e. if it is even considering granting approval for this unsustainable commercial business proposal.

- in the early 1970's the land some 200-300 metres south of the site was for a number of years open sewage beds.

4.47 Waste Disposal

- No information concerning where liquid waste is to be stored.
- Supporting documents state tank required. Tank will be considerable. No details on storage, treatment and removal of this or animal waste.
- Concerns around acid rain.

4.48 Drainage

- There is no drainage so where would the slurry created by this number of animals go?
- No details of surface water drainage system have been provided by the applicant, yet in an earlier development proposal for the site this was considered a requirement of the Environment Agency. Given the applicant has neither proposed such a scheme nor shown there is no risk to water from existing contamination, from any scheme, surely RDC must reject this proposal until such information has been provided and the EA is satisfied there is no risk to water.

4.49 Amenity

- Why is it considered that 6 horses will create enough noise and disturbance to have a detrimental impact upon residential amenity whereas hundreds of pigs, goats, piglets, kids, horses will not.

4.50 National Pig Association

- According to the NPA even 1500 pigs can only add a small extra income. The applicants are proposing a maximum of 150 goats and pigs, so at best the applicant can at most expect a small extra income and not a living income.

4.51 Other Concerns

- A neighbour has highlighted that there was an altercation with the objector and the applicant on the public footpath close to the site. A similar altercation occurred in court.
- My firm acts for a number of concerned local residents on a retained basis. They have requested that their address and particulars remain undisclosed for fear of reprisals. I can assure you, however, that each of them is resident within a very close proximity to the subject site. One of our clients' properties is but a mere 120m from the proposed development. Our clients' objections span a number of different aspects, but primarily their main concern is that their use and "quiet enjoyment" of their amenity and homes will be severely impaired. This is due to the associated smells, noxious fumes and flies that inevitably come with the keeping of livestock in these intensive conditions and in such close proximity to residential homes. As you are doubtless aware, this is the latest in a long, albeit relatively recent succession of applications by the owners of this blighted land to put it to some commercial use. The most recent application is in our opinion merely a strategically move to gain a planning foothold for further proposed development and in the event of passing would likely be the "thin end of the wedge" in terms of future applications. Clearly this is an attempt to "re-classify" this Green Belt land as developed. You are doubtless aware of the land's current Green Belt status. I am also certain that you are aware of the very high risk of flooding to this area and also the high levels of contamination on this site. It is certainly anathema to all our clients that produce reared on such contaminated and tainted land should be allowed to flow into the human or animal food chain. There is little doubt that such a commercial development would lead to an inevitable increase of large commercial traffic through what is ultimately little more than a country track passing residential dwellings close by. My clients along with myself also have grave concerns as to the risk to any creature residing in what is ultimately a flood plain. You need only turn on the television to observe the increased flood risk to our nation and I am sure that you will agree with me that there are far superior locations for developments of this nature. As far as I am aware, the current owners have various structures without relevant consent on the site which I understand is in flagrant disregard of the current permitted use. I understand that enforcement action is on-going.

- Battery farming goats and pigs is extremely cruel. Disease will spread rapidly, and whatever short lives these animals have will be ruined by poor conditions. Both goats and pigs can be kept as pets, therefore deserving better treatment and conditions over the cramped ones normally offered in such establishments.
 - I know a lot of Barling residents and they are considering moving away from the area if this goes ahead.
 - Both pigs and goats need sufficient space to roam freely otherwise they are susceptible to worms and diseases which will cause unnecessary death and suffering and the spread of disease. Pigs and goats have similar levels of intelligence to dogs. Pigs dream, recognise their own names, have emotions, are sociable, friendly and playful. As you can imagine, locked in the tiny confines of a battery farm would rob them of any chance to socialise and play with one another and combined with disease this inevitably leads to a miserable and unhealthy life. Goats are also highly intelligent and friendly with unique personalities and are often kept as pets. They need adequate space as they are energetic and active. Clearly a battery farm does not provide this.
 - Furthermore, financially the business is unviable and unsustainable; it will create toxic chemicals, an increase in rats and increased traffic which are all environmentally harmful and harmful to us humans too.
- 4.52 A letter has also been received from Linda S Russell solicitor and planning consultants acting on behalf of a local resident, which can be summarised as follows:-
- Red line does not include access to the site.
 - Access to the site is via a track/public footpath which may be considered unsuitable for the use proposed and not within the applicant's ownership. Unclear if the owner has been consulted.
 - Failure to identify access means that due consideration cannot be given to the impacts on the public highway.
 - Failure to identify access results in the application being deficient to such an extent that would make it invalid.
 - Suggestion new plans/forms and re-consultation take place to address access.
 - Questions 18 and 19 on form answered incorrectly as proposal does include non-residential floor space and there will be employees. Unclear how the proposal provides employment or supports the local economy.

- Application is contradictory and incomplete.
- The provision of such a large building in this isolated location will intrude into the landscape that has been protected to preserve its essential character. This intrusion, coupled with the significant potential for detriment to the landscape from noise, smell and light glow, would impinge upon users' enjoyment of the area and thereby be directly contrary to the provisions of policy URV1.
- Independent agricultural assessment produced by Sanham Agricultural Planning Limited concludes that the proposed building is excessive in size, being approximately 75% larger than required and, when fully established, the enterprise would be part-time, financially unviable, and unable to sustain the cost of a permanent dwelling to house the applicant on site. Fails to demonstrate that the development is essential for agriculture. Justification provided for the need of a building for animal housing is fundamentally flawed. Contrary to policies GB1, R3 and R8.
- Proposal to erect a significant building in an area of significant landscape character is considered to be contrary to policies GB1 and URV1 and paragraph 109 of the NPPF.
- The scale of the building is such that it will be visible from a number of vantage points within this designated area, and would therefore erode the setting of the landscape, to the detriment of the special character which policies URV1 and ENV2 seek to protect.
- The proposed siting of the building, visible from a number of distant views across this area of open land, would have an adverse impact in the landscape contrary to policy R8.
- No permission exists for occupancy of the site. It is apparent that the activity proposed to be carried out in the new building would require a need for workers to travel to and from the site. There will be a requirement for journeys to be made by the use of private motor cars. The provision of an isolated building of this nature, particularly for a use as intensive as the one proposed here, will require the applicant and any associated employees, deliveries or visitors to attend site via car. The site is therefore inherently unsustainable and would be in direct conflict within one of the main aims of the NPPF, in respect of delivering sustainable development.
- Access is a single track lane not suitable for additional traffic; it is also a public footpath which gives rise to the potential for vehicular/pedestrian conflict from additional vehicular movements. This is particularly the case in respect of large vehicles, which would undoubtedly be required to service this facility for feed, waste removal and the transportation of animals. These vehicles would be likely to overrun the verges adjacent to

the track, physically eroding the land and visually eroding the character of the area. ECC Public Rights of Way should be consulted. Development would give rise to a level of vehicular activity that would be inappropriate for this access and at odds with the aims of reducing the use of the private car contrary to policy T1.

- The proposed use would be likely to give rise to a significant smell and waste generation, which we believe could give rise to a loss of amenity to nearby residents and other people enjoying recreational pursuits in the locality. The building is not a contained structure, having an open frontage that will not enable smell and noise to be mitigated appropriately.
- The 2007 and 2008 applications for stabling considered loss of amenity. The extent of activity now proposed, particularly with regard to the number and nature of animals to be kept, is considered to be above and beyond that which was previously proposed. Council should keep a consistent position on this matter.
- Proposal fails to accurately demonstrate how waste resulting from the keeping of these animals on this site will be dealt with. In the absence of a waste management scheme, we believe that the proposal fails to demonstrate that the proposed use would not give rise to unacceptable impacts on nearby property or on the surrounding area.
- No details of any lighting either internal or external. Open nature of the frontage of the building would give rise to the potential for significant escape of light from internal lighting, to the detriment of residential amenity and to the character of the landscape generally. Detailed lighting assessment should be provided.
- No contamination assessment supplied which, given the potential for the site to have been used for landfill, would appear to be a minimum requirement.
- Full details of the drainage system to be installed should be provided for consideration prior to determination to ensure it can be accommodated.
- The provision of an open fronted building, providing sectional pens for holding these animals, means that, at times of flooding, these animals would be at particular risk. Application does not make clear the extent to which additional land is available for the safe relocation of animals in the event of flooding.
- In the event that the business plan and supporting documentation are not sound or achievable, as we believe to be the case, then approval of the application would be a decision that could be legally challenged.

5 RECOMMENDATION**5.1 It is proposed that the Committee RESOLVES**

That the application be refused for the following reasons:-

- (1) The proposed building will be clearly seen in this open countryside from the footpaths that run on a north/south axis along the track on the western edge of the site and from the elevated footpath along the sea wall along the northern edge of the site and more widely from vantage points in this landscape setting. It is a large building of considerable bulk, mass and scale which due to the open nature of the site and its setting will be prominent and detract from the openness of the site and its surrounds causing harm to the openness of the Green Belt and landscape setting contrary to the NPPF, Policy GB1 of the Core Strategy 2011 and Policy R8 of the Local Plan 2006.
- (2) The site is located within a Special Landscape Area and also is within the Coastal Protection Belt. Policy ENV2 of the Core Strategy 2011 seeks to restrict development within the undeveloped coast, to protect and enhance the landscape and the open and rural character of the area. The bulk, mass and scale of the animal housing has an intrusive industrial form creating an adverse urbanising effect within this previously open, rural and undeveloped landscape contrary to this policy. This is to the detriment of the Special Landscape Area and Coastal Protection Belt. This is also considered to be contrary to paragraph 114 of the NPPF which requires Local Planning Authorities to 'maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes...'



Shaun Scrutton

Head of Planning and Transportation

Relevant Development Plan Policies and Proposals

Policies CP1, GB1, ENV1, ENV2, ENV3, ENV10, ENV11, T1, T3, T8 and ED1 of the Core Strategy 2011

Policies R8 and UT2 of the Local Plan 2006

Parking Standards: Design and Good Practice Supplementary Planning Document adopted December 2010

National Planning Policy Framework

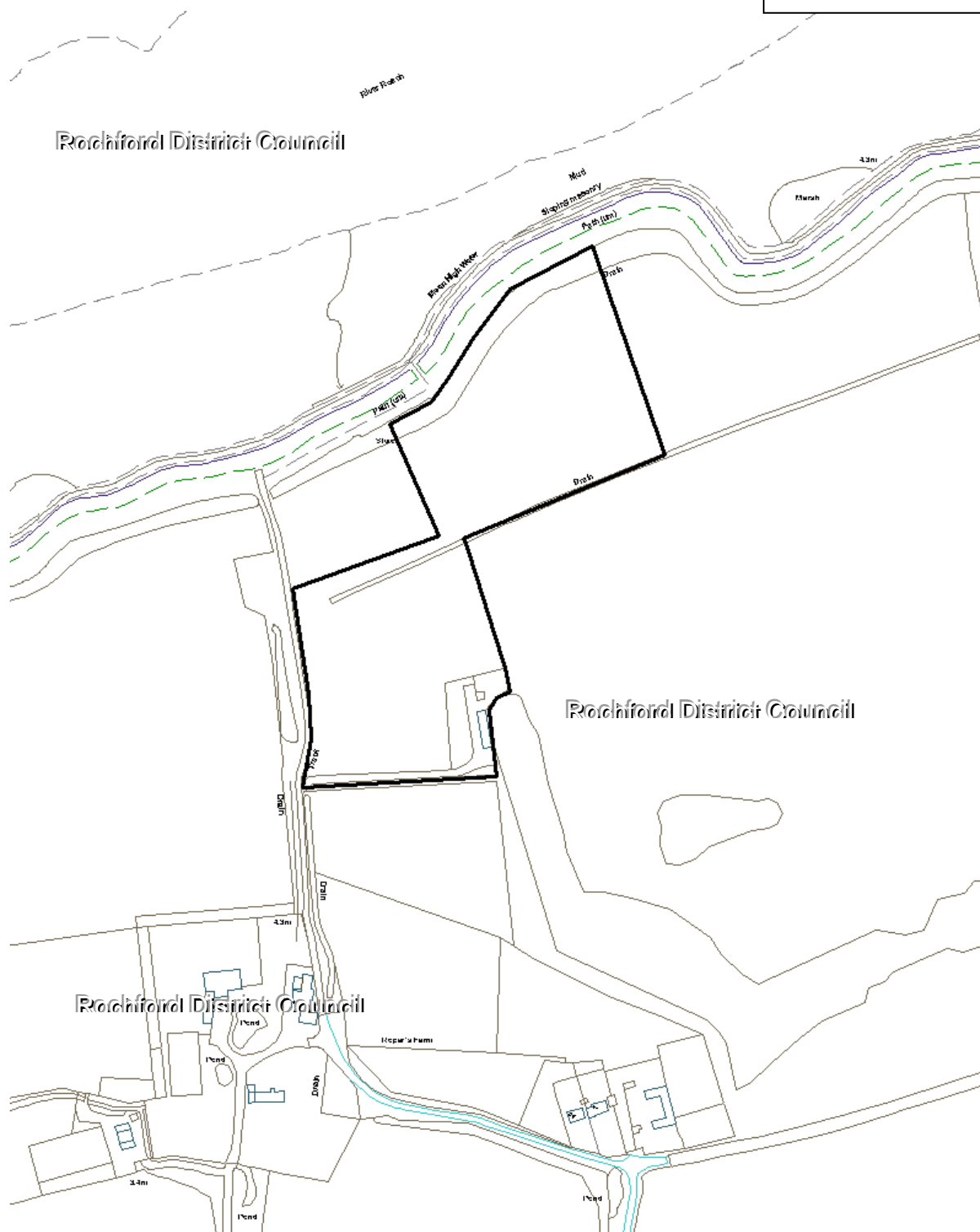
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