THE HIGHLAND COUNCIL	Agenda Item	4.3
CAITHNESS, SUTHERLAND AND EASTER ROSS PLANNING APPLICATIONS COMMITTEE 8 DECEMBER 2009	Report No	53/09

09/00200/FULCA : City Centre Estates (Leisure) Ltd Land at Shore Park, Latheronwheel

Report by Area Planning and Building Standards Manager

SUMMARY

Description : Erection of 2no chicken farm buildings and feed silos, formation vehicular access

Recommendation - REFUSE

Ward : 4 Landward Caithness

Development category : Major Development (area approximately 15.1ha), although the immediate area of the egg production unit and hardstanding area is approximately 1.4ha.

Pre-determination hearing : None

Reason referred to Committee : 38 representations against the application have been received.

1. PROPOSED DEVELOPMENT

1.1 The proposal is in detail for the development of an Egg Farm on the site with 2No chicken farm buildings and feed silos and the formation of a vehicle access from the A9(T) on land to the southwest of Latheronwheel.

The buildings are large, measuring 85.5m x 15.5m x 4.9m (shed 1) and 79.3m x 15.5m x 4.9m (shed 2). They are finished in horizontal weatherboarding with a polyester coated steel sheet roof (juniper green). Shed 1 is on a SW-NE axis, with Shed 2 running N-S. On the north sides of the sheds is the parking, loading and turning area. The buildings are separated from each other between 10m (north) and 55m (south). The feed silos and dust controller are positioned between the two buildings. There is also a septic tank and soakaway located to the northeast of the two sheds for the workers toilet facilities. The feed silos are around 6.8m in height and 2.5m diameter and will be coloured dark green (or as otherwise agreed). Faeces and eggs are moved from the sheds by separate conveyor belts. A tank is located at the southern ends of each of the sheds for storing faeces. The eggs are moved into shed 1 where they are packed and stored for collection.

Access from the A9(T) would be by an upgraded access track, which gently follows the existing contours on site. The overall track length is around 450m.

- 1.2 Informal pre-application advice was given in February 2009 on the development of the site. This indicated that such a proposal would seem to accord with the development plan policies for the area, specifically noting policy 15 of the Caithness Local Plan and Structure Plan policy B7. Attention was drawn to potential servicing issues relating to the A9(T) access required, as well as the possible interests of SEPA in the proposal. Finally, the Archaeological interest in the site was highlighted. The agent also sought advice from Environmental Health.
- 1.3 There is currently a field access to the A9(T). This would be closed off and a new access further to the south opened.
- 1.4 The application is supported by an Operation and Management Plan, Badger and Otter surveys, plus various letters from the Agent clarifying details of the proposal.
- 1.5 The submitted plans have been adjusted since the original submission, clarifying the planning application site boundary and many of the technical details of plant, equipment and operating procedures. The application has been re-advertised to reflect these changes.

2. SITE DESCRIPTION

- 2.1 The site is located to the east side of the A9(T), with the two proposed buildings located around 300m from the trunk road at their nearest point. The ground is currently open and used for grazing, with patches of gorse cover. The boundaries of the site are framed by a partly treed screen to the A9(T) and mature trees to the north along the Burn of Latheronwheel. The land generally slopes from northwest to southeast towards the coast, with a fairly gentle gradient.
- 2.2 The nearest residential properties are located approximately 430m to the northwest across the A9(T) and 270m east-north-east across the Burn. The existing tree cover separates these properties from the site.
- 2.3 The village of Latheronwheel is located generally to the north east and north of the site, with a separation of around 350m-560m from the site to the central part of the village. The village is predominantly to the east side of the Burn. The majority of houses in Latheronwheel are located downhill from the A9(T) towards Sinclair and Parkview Terrace. Notwithstanding this, there is more scattered housing to the north and west of the A9(T). The housing to the north and northeast in particular is more elevated looking down towards the application site. The lower part of the village has less extensive views out and over the application site, being blocked by the existing tree cover screening along the Burn.

3. PLANNING HISTORY

3.1 No previous planning history on the main part of the site.

To the northwest corner of the site adjacent to the A9(T):

06/00094/OUTCA - Erection of a dwellinghouse, formation of vehicular access installation of septic tank and soakaway (outline) at Land 175m South East Of Tigh Chailan Latheronwheel. Approved 20.11.2006.

4. PUBLIC PARTICIPATION

- 4.1 Advertised : Advertised on 3 occasions under s34 of the Act: Advert 1 - 10.07.2009; Advert - 2 02.10.2009; Advert 3 - 20.11.2009 Representation deadline : 20.11.2009 (last advert) Timeous representations : Support 6; Against 36 Late representations : 0
- 4.2 Material considerations raised are summarised as follows:
 - Contrary to Development Plan Policy
 - Impact on landscape and environment, visual, scenic
 - Impact on economy and tourism
 - Wildlife, biodiversity
 - Odour, smell, vermin
 - Pollution of watercourses
 - Noise
 - Archaeology, Scheduled Ancient Monuments
 - Trunk Road Access and Road Safety
 - Pedestrian access to the area
- 4.3 All letters of representation can be viewed at the Area Planning Office.

5. CONSULTATIONS

5.1 HC Archaeology - The immediate area has a significant concentration of well preserved historic monuments, many of which are Scheduled Ancient Monuments (SAM) which together form a cohesive landscape of broadly contemporary features. Given that the majority of the land has not been improved or intensively cultivated in recent times there is considered to be a high likelihood that both unrecorded upstanding and buried archaeological features will survive in this area. Following discussions with the agent, many of the Archaeology Unit's concerns have been addressed, including preserving sight lines between many of the monuments, ensuring that the SAMs are outwith the development area and siting the buildings in an area that has little in the way of obvious upstanding archaeological remains. However, it is considered that the area is not suitable for development and an alternative location for this and any other planned development in the Shore Park. If planning permission is granted, archaeological mitigation measures are required under the supervision of a professional archaeological contractor. The following phases of work will need to be actioned:

- The area to be 'chicken fenced' will at no point be closer than 20m to the boundary of the Scheduled area. The Scheduled areas plus a 20m buffer will be marked out by an archaeological contractor using accurate and up-to-date data regarding the extent of the Scheduled areas (the Scheduled areas marked on the application plan do not match our data)
- The entire development area will be subject to a detailed walkover survey to assess the presence or absence of upstanding archaeological remains. If any are identified and are considered to be 'at risk', proposals to mitigate the impact must be made
- An archaeological area excavation (strip and record) will be required for the entire development footprint prior to the start of development. This will include access, buildings, hoppers, hard standing, slurry pits and soakaways. Further phases of work may be required if archaeological features are identified.

An ARC 1 condition is advised (programme of archaeological work for preserving and recording features).

It should be noted that excavation and analysis of archaeological features would be at the developer's expense and would come at a very high cost, both in monetary terms and time.

Historic Scotland should be consulted due to the impact of the proposal on the SAMs in the immediate area.

- 5.2 **HC Access Officer** The proposal will have an impact on general public access in the area. A planning condition detailing public access across the site is recommended.
- 5.3 **SEPA** No objections. No flood risk is immediately apparent on site.
- 5.4 SNH The proposed development lies within 230m of the following designated sites: East Caithness Cliffs Special Protection Area (SPA), Special Area of Conservation (SAC), Dunbeath to Sgaps Geo Site of Special Scientific Interest (SSSI); 100m from Burn of Latheronwheel SSSI. Due to the proximity to the Burn, there may be an impact on otters and an otter survey is suggested.

Following the submission of Otter and Badger surveys on behalf of the developer, SNH can advise that they have no objections to the proposal.

5.5 **Historic Scotland – Letters dated 25 September, 23 July:**

The scale and location of the sheds raises concerns. Substantial parts of the sites may remain intervisible if the development was to proceed and the location and size of the proposed sheds will mean that these structures would be a significant visual element in views between the Scheduled Ancient Monuments. It is considered that the scale and location of the sheds is likely to have an adverse impact on three of the monuments in the vicinity of the development:

- Latheronwheel house, long cairn 850m south east
- Latheronwheel house, promontory fort 1100m south east
- Latheronwheel house, chambered cairn 580m south east

In addition, the close proximity of the boundary fence would represent a significant adverse impact on these features.

We are also concerned about the change in the landscape in which the monuments are set, which at present is a single open field where rough grazing and patches of gorse predominate. This open field provides a pronounced rural setting for the monuments and this aspect would be greatly altered if the development proceeds as proposed.

On this basis we would prefer that this development does not proceed. If an alternative site is available we would recommend that this option is explored. If the Planning Authority are minded to accept the proposals then it should consider mitigation of the most significant adverse impacts on the setting of the scheduled monuments. This might include reducing the number of sheds or the size of the fenced area, and/or moving the sheds onto the area of elevated land nearer to the A9(T). In addition we would recommend that the boundary fence is realigned so as to push it as far back as possible from the long and chambered cairns, as at present the fence is very close to the long cairn and bounds two sides of the chambered cairn.

- 5.6 **Trunk Road Network Manager** No objections. The proposed access plan submitted (plan no.5) is acceptable. A sightline of 215m is required, with the bellmouth surfaced in bituminous macadam for the first 6m from the edge of the trunk road.
- 5.7 Environmental Health (12.08.2009) The proposed development shall be designed, installed, effectively operated and maintained to ensure that odours are not detectable within neighbouring premises. Management plans to control waste, odour, pests (including insects), storage of feedstuffs and noise shall be submitted for approval by the Planning Authority in consultation with the Environmental Health Authority. These shall include an assessment of the effects of vehicle movements and disposal of waste products.

Members will note that any further advice from Environmental Health will be reported verbally to Committee.

- 5.7 **Berriedale and Dunbeath Community Council** Neutral views on the proposal. We note the following:
 - Employment potential, although there will be a high degree of automation. The site is a serious archaeological site and archaeological tourism should become one of the mainstays of the Caithness economy.
 - Risk of surface water runoff causing ammonia to fertilise the Burn.
 - Development will destroy a footpath which is part of a wider access network in the Core Paths Plan.
 - Large body of residents at Latheronwheel objecting to proposal.
 - Suggest that if any permission is granted conditions should include a meeting with residents every 6 months to address any issues; archaeological assessment of the site.
- 5.8 **Latheron, Lybster and Clyth Community Council** Neutral stance (one vote for, two against, three abstentions). Concern expressed over:
 - Archaeological interests of the site
 - Vermin control
 - Environmental impact on the landscape with regard to spoiling an area of scenic beauty

- Site reinstated should the development fail,
- Moving the site slightly southwards away from the village

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Structure Plan 2001

G2 Design for Sustainability
B7 Business development in rural areas
BC1 Preservation of archaeological sites
T6 Scenic Views

6.2 Caithness Local Plan

- PP3 The Council will presume against development particularly where there would be significant damage to heritage, amenity or public health.
- 15 Business/Industry The Council generally supports small business development in the Landward Area in accordance with Policy B7, provided that there is no adverse impact upon adjacent uses and the development can be adequately serviced.
- 46 Seek to identify and safeguard scenic views from unsympathetic development. Views from public roads to open water are particularly important for amenity and tourism.

7. OTHER MATERIAL CONSIDERATIONS

7.1 **Draft Development Plan**

Not applicable.

7.2 **Highland Council Supplementary Planning Policy Guidance** Not applicable.

7.3 **Scottish Government Planning Policy and Guidance**

SPP 23 Planning and the Historic Environment – (para 43) - Scheduled monuments are of national importance and they should be preserved in situ and within an appropriate setting. While the scheduled monument consent process is separate from the statutory planning process, where works requiring planning permission affect a scheduled monument, the protection of the monument and its setting are material considerations in the planning process.

8. PLANNING APPRAISAL

- 8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

8.3 **Development Plan Policy Assessment**

There are a range of development plan policies which must be examined and given appropriate weight in the assessment of the proposal. Members will be aware that a degree of judgement is required when evaluating how much weight may be given to a particular policy, or aspect of a policy.

- 8.4 Members will note that the Structure Plan policy B7 and the Local Plan policy 15 generally encourage the development of businesses in rural areas. The scale of what is proposed is arguably greater than the 'small' noted in the policy. However, the policy does not give any guidance on the relative size of 'small', so I would advise Members that the general principle of supporting business development in a rural area would apply here. Policy G2 also supports developments where they contribute to the economic development of the community.
- 8.5 Policy G2 also highlights that proposals will be assessed on whether they are compatible with servicing provision, in particular water and sewerage, drainage and roads. I would advise Members that the proposal does accord with these aspects of the policy. No technical difficulties have been highlighted with regards these servicing issues.
- 8.6 The initial pre-application advice set out at section 1.2 highlighted potential issues with regards to Archaeological interests on the site. Policy G2 requires that proposals are assessed on how they impact on cultural, landscape and scenic resources. The policy also requires that developments should demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environment. Policy PP3 of the Caithness Local Plan presumes against development particularly where there would be significant damage to heritage interests.
- 8.7 Members will have noted the assessment of the proposal by both Historic Scotland and the Council's Archaeologist. They have objected to the proposal due to the positioning of the buildings and the resultant change in the landscape in which the monuments are set which would occur if the development were to proceed. The openness of the area is considered to be part of the setting of the Scheduled Monuments, with the lines of sight between them being an important part of their understanding and setting. In my assessment, the scale and location of the sheds is likely to have an adverse impact on three of the Scheduled Ancient Monuments in the vicinity of the development. Therefore, in my view, the proposal does not accord with the development plan policies G2, BC1 or PP3, insofar as they relate to the cultural and heritage interests of the site.

Against this, development of the proposed site could be carried out with the developer undertaking appropriate archaeological investigation and recording of the ground. This would have to be done by an archaeological contractor and Members should bear in mind that this would have both time and cost implications due to the size of the area involved. Such investigating and recording of the site would be required prior to the commencement of any development due to its potential level of archaeological interests. This is highlighted by the known Scheduled Ancient Monuments in the vicinity and the potential of further finds if development was to occur.

- 8.8 The proposal also has to be assessed on its landscape impact. Whilst I consider that much of the proposal would be relatively hidden from the lower part of the village due to the mature tree cover to the north along the Burn, the buildings will still be visible from key public areas including the A9(T) on its northern approach leading down into the village. It would be possible to reduce the visual impact of the buildings in an irregular manner, thereby partly replicating the rolling and dipping ground within the site. This could also be planted up with trees or gorse to help the buildings blend in. A matt external colour scheme on the buildings could also be used to minimise the massing and bulk of their walls and roofs, thereby helping to reduce their visual impact. Although the sheds are set low on the site and are not particularly high, they will have a significant impact on the site which is currently open and free of modern built development, with a feeling of open-ness and relatively unhindered coastal vistas.
- 8.9 In my assessment, the proposed buildings would, due to their overall size and massing have an impact on the visual enjoyment of the site. Notwithstanding this however, the development would be viewed from a considerable distance and this perceptive distance would help to reduce their apparent scale in the landscape. The visual aesthetics of the proposal are finely balanced and I consider that the buildings would have an impact, but not a significantly detrimental visual impact on the landscape as set out by Policy G2. The proposal will have an impact on the scenic views across the site, but these are not such in my assessment that they would offend Structure Plan policy T6 or the Caithness Local Plan policy 46.
- 8.10 **Material Considerations -** Supporting information from Agent The Agent has submitted various letters of support and clarification during the processing of the application, and these are summarised in paragraphs 8.11 to 8.22 below.
- 8.11 We consider that the provision of buildings of an agricultural nature will not affect the archaeological interests of the site. We consider that the buildings have been positioned to alleviate any **archaeological or heritage interests**. The sight lines through and of the site have in archaeological terms been preserved in our view. Clients are happy to allow visitors access over the land to the archaeological sites and have no objections to interpretive panels being erected; indeed we will offer an area for them to be erected. The siting of the buildings will not affect the public's 'freedom to roam' over almost all the Shore Park land.
- 8.12 No heavy livestock will occupy the fields outwith the area where the free range chickens will be housed. Chickens will have no access to the archaeological sites.

The area is heavily farmed in agricultural terms, with horses, sheep and cattle at present grazing on the land. Whilst there are buildings to be constructed these are no different to any normal agricultural / farming arrangement. The overall views will hardly be interrupted, specifically on the basis that the buildings are set down below road level and all sea views will be easily maintained over the roofs of these units. Relocating the buildings closer to the A9(T) whilst taking them further away from the archaeological interests would make them more visible.

- 8.13 There is a similar but smaller egg production unit at Clyth Mains, Mid Clyth. This has around 9000 chickens. We consider that these units are closer to existing houses and are no more than 50m from the public road. They are visible from the road, and set in a similar situation with no screening or planting to hide them from passing traffic. As far as we are aware there have been no problems of nuisance, rodent infestation, odours etc from this unit.
- 8.14 The proposed **access point** meets the sight line requirements of 215m, in fact there is around 300m visibility in both directions.
- 8.15 **Vehicle movements** We anticipate around 3 lorries per week will be required for egg collection, with feed delivery once per week. During the changeover period, it is expected that between 5 and 6 lorries will visit and leave the site, delivering new birds and removing the existing live birds.
- 8.16 **Numbers of chickens** There will be 32000 chickens on site. The area detailed is considered to be the maximum area required as free range space. In practice, around 10% of poultry make use of the free range area at one time. Chickens will be removed alive for slaughter on a 10 month cycle.
- 8.17 Arrangements are in place for two local farmers to **collect all the manure** by tractor and trailer on a 7/10 day arrangement between the farmers. Over and above this, at the end of a 56 week period when wash down arrangements are in place to clean the sheds the underground slurry tanks will be emptied. Our client is looking at the future potential of an anaerobic digester which would convert the manure into fertilizer pellets which could then be sold. Around 12 tonnes of waste would be produced initially, rising to a maximum of 20 tonnes as the birds increase in size.
- 8.18 Around 1ha is required to be **fenced** in to contain the chickens. Within this fencing arrangement there would be a rota system to allow the grass and ground to recover. The fencing is 12 strand 1.2m high.
- 8.19 The site is far enough from **watercourses** so as not to impact on them. The percentage loss of poultry due to natural causes over the 10 month cycle is less than 0.1%.
- 8.20 The **ventilation and extraction system** is modern and computer controlled. This will result in less odour concern than standard agricultural treatment (slurry spreading, cutting silage, grass etc) and will also control dust. There is a manure drying system within the building. The internal lighting is zoned with a range of timers and dimmers. Bird colonies are limited to 4000 birds and are partitioned in the building. The chickens will be kept inside from 7pm to 7am.

- 8.21 The **external wall finishes** will be chestnut brown horizontal timber, with the **roof** finished in juniper green metal roof decking (medium to dark green colour) to help blend in with the existing vegetation.
- 8.22 For commercial and economic reasons, we cannot reduce the **number of chickens** from the 32000 intended. Client envisages 3 full time and 1 part time **jobs being created**, working between 7am and 7pm.
- 8.23 Members will note that there has been considerable public interest in the proposal, with most of this coming from the local area. The Community Councils at Dunbeath and Latheron have both been consulted as the site lies within the Dunbeath 'area', but primarily impacts on the Latheronwheel community. The Community Councils have both commented on the application but have not objected, making observations on the proposals.

The public representations relate to:

- Contrary to Development Plan Policy The proposal is considered to accord with aspects of the Development Plan policies as detailed above in section 8. However, there are particular elements of the policies which I consider that the proposal does not accord with, in particular archaeological and cultural heritage interests (policies G2, BC1, PP3).
- Impact on landscape and environment, visual, scenic; Archaeology, Scheduled Ancient Monuments – In my assessment the proposal will have an impact on these, particularly as they relate to the siting and setting of the Scheduled Ancient Monuments and Archaeological interests of the site.
- Impact on economy and tourism The proposal will have a positive direct impact by the provision of a limited number of jobs.
- Wildlife, biodiversity Members will note that following the provision of otter and badger surveys, SNH have advised that the proposal is acceptable.
- Odour, smell, vermin, noise Environmental Health have advised that provided the development is designed, installed, effectively operated and maintained to ensure that odours are not detectable within neighbouring premises, then the proposal would be acceptable. Any approval would include appropriate conditions to cover this as well as management plans to control waste, odour, pests (including insects), storage of feedstuffs and noise.
- Pollution of watercourses SNH and SEPA have indicated that the proposal is acceptable.
- Trunk Road Access and Road Safety The Trunk Road Authority has indicated that the proposed access arrangements are acceptable.
- 8.24 The developer has submitted a detailed Operation and Management Plan (OMP) covering the day to day running of the proposed egg production unit.

This is comprehensive and I would advise Members that if planning permission was granted then this document provides a framework of rules around which the unit would be operated and managed. In my view it addresses many of the issues relating to operational matters including traffic movements, perceived noise, smell, animal husbandry and welfare, as well as specific technical details on the proposed plant and machinery.

8.25 Whilst the development of a new rural business does meet many of the aspirations of the Council in helping to development new rural business interests and jobs, I consider that the specific siting of the development is not appropriate. An alternative site with a greatly reduce impact on the archaeological and heritage interest would be more appropriate and easier to support. Furthermore, such a site may be less likely to impact on the local amenity resource, whether visual, recreational or perceived nuisance to the local community, than the current application site.

9. CONCLUSION

- 9.1 The development of the unit on another site, using the details and principles set out in the OMP and submitted plans would in my view be acceptable. What I have difficulty with is the impact of the proposal on the existing Scheduled Ancient Monuments and Archaeological interests of the site. In my assessment, their interests are not, on balance, compatible with the proposed use, and I therefore would recommend that the proposal is refused.
- 9.2 Members should note that if they are minded to approve the proposal contrary to recommendation, then the application will have to be referred to Scottish Ministers / Historic Scotland to allow them the opportunity to call in the application as there is an outstanding objection from Historic Scotland.

10. **RECOMMENDATION**

Action required before decision issued N

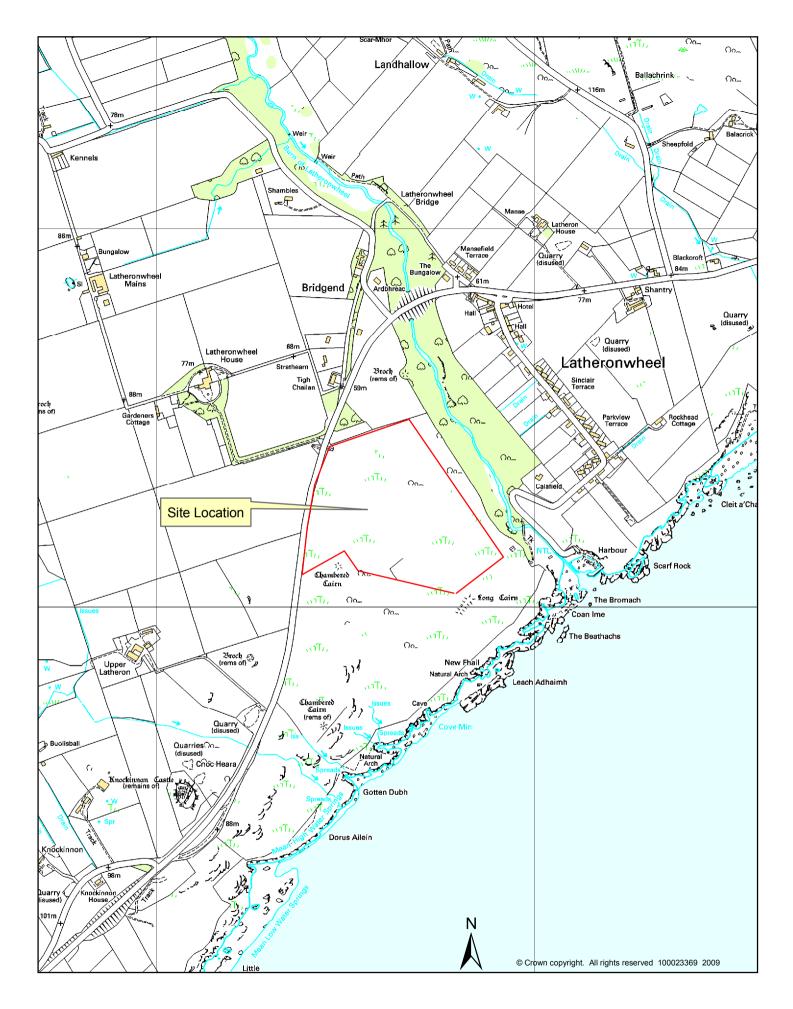
Notification to Scottish Ministers	Ν
Notification to Historic Scotland	Ν
Conclusion of Section 75 Agreement	Ν
Revocation of previous permission	Ν

Subject to the above, it is recommended the application be **Refused** for the following reasons:

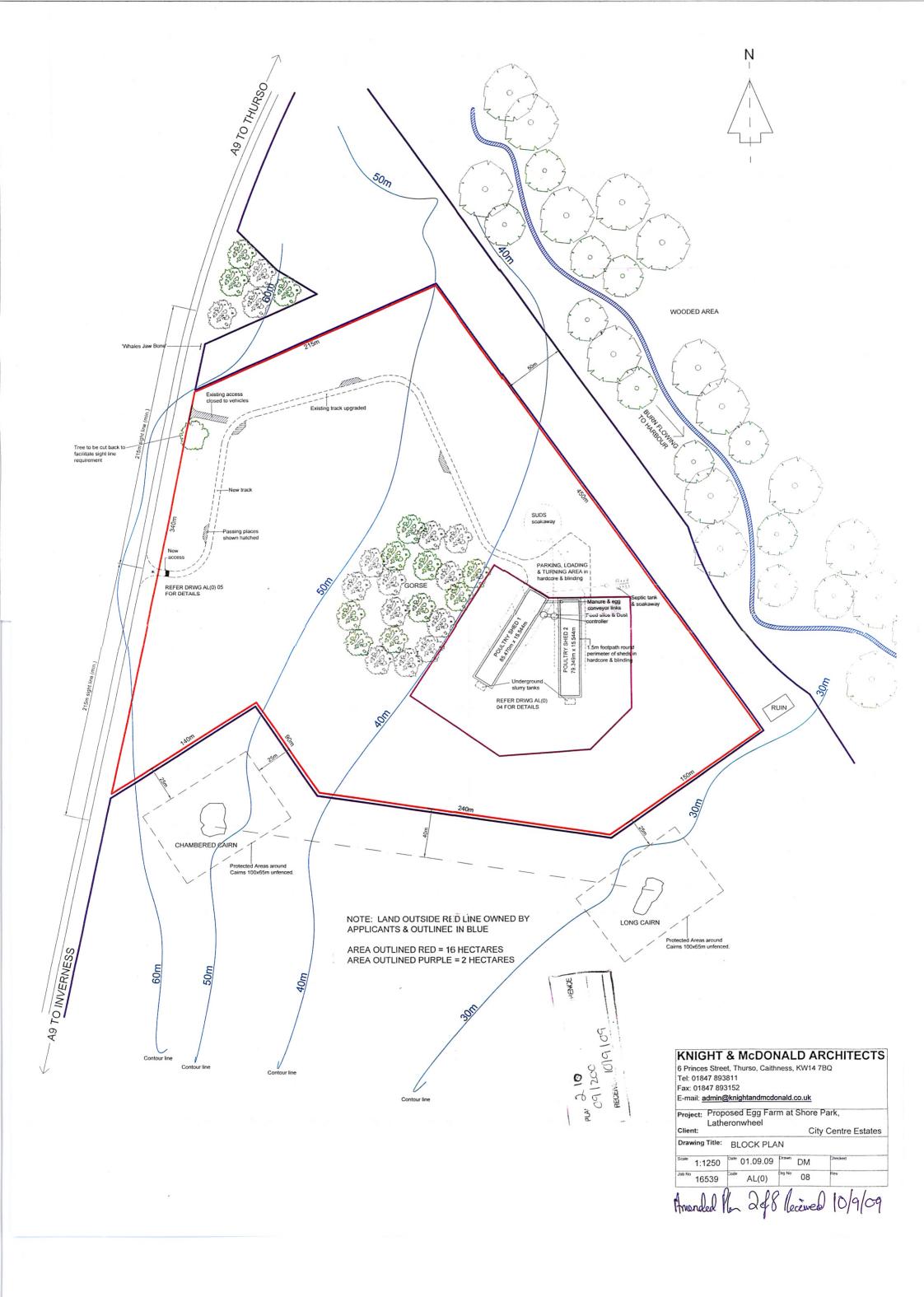
1. The proposal does not accord with Highland Structure Plan policy G2 Design for Sustainability, or policy BC1 Preservation of Archaeological Sites as it would have a significantly detrimental impact on the historic cultural, landscape and scenic resource of the area by virtue of its siting and setting within an area of archaeological and heritage interests including several Scheduled Ancient Monuments.

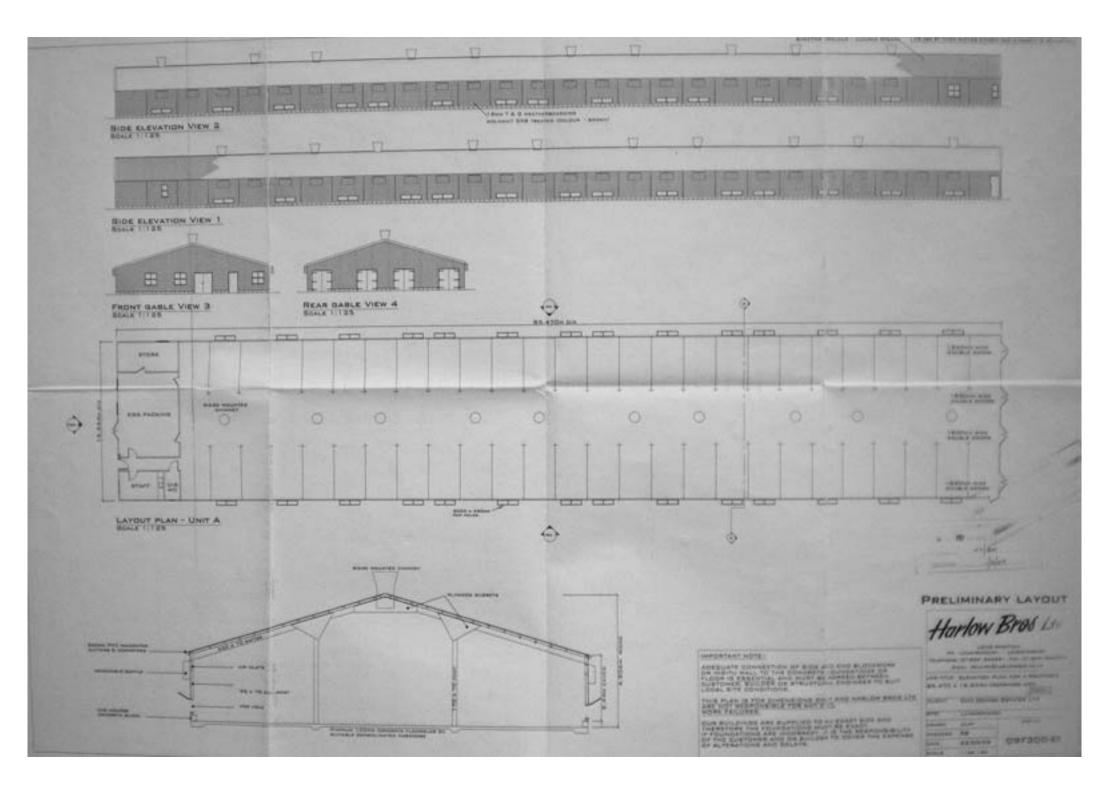
- 2. The proposal does not accord with Policy PP3 of the Caithness Local Plan as it would significantly damage the heritage interests of the site.
- 3. The proposal does not accord with national policy SPP 23 Planning and the Historic Environment as it would not maintain an appropriate setting for the Scheduled Ancient Monuments in the immediate area.
- 4. Approval of the proposal would set an undesirable precedent making it difficult to refuse applications of a similar nature in the future.

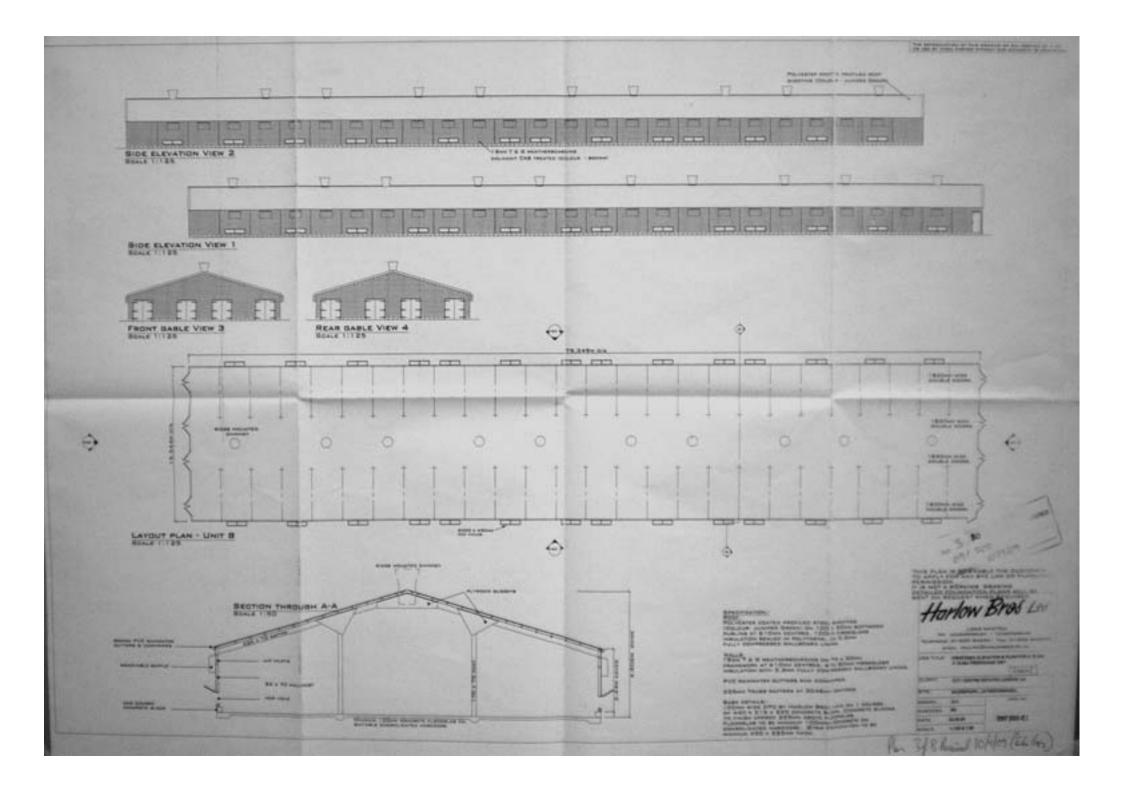
Signature:	Allan J Todd
Designation:	Area Planning & Building Standards Manager Caithness Sutherland and Easter Ross
Author:	Bob Robertson
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan 1 – Location plan
	Plan 2 – Site plan
	Plan 3 – Building plan and elevations
	Plan 4 – Building plan and elevations
	Plan 5 – Silo elevation



09/00200/FULCA Erection of 2no chicken farm buildings and feed silos, formation of vehicular access at Land at Shore Park, Latheronwheel, Latheron. City Centre Estates (Leisure) Ltd per Knight and MacDonald Architects 6 Princes Street Thurso







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