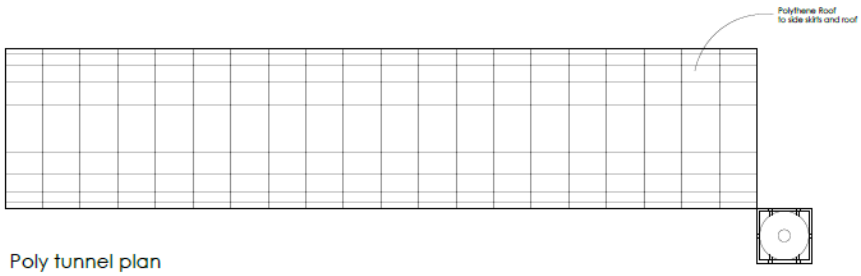
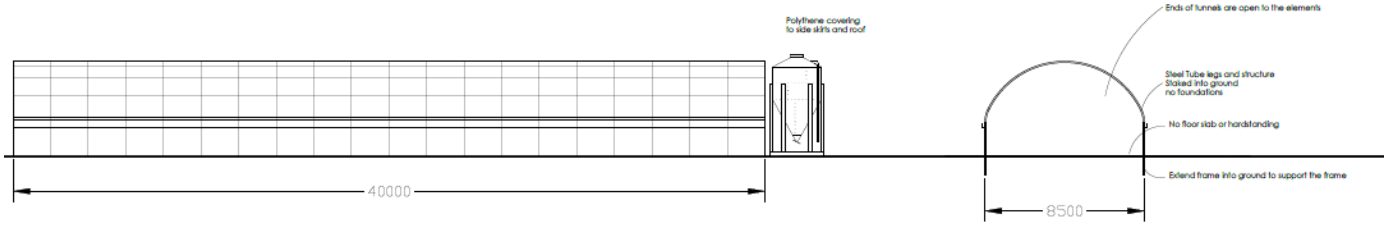
Appendix A - Site layout

Appendix B - Elevation drawings

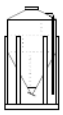


Poly tunnel plan



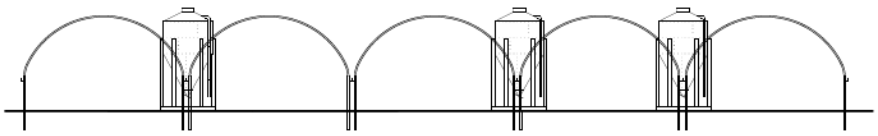
Poly tunnel Side elevation

Poly tunnel front elevation



Moveable Feed Silio Elevation

Moveable Feed Silio Plan



Poly tunnels grouped front elevation

Appendix C – EIA Screening Opinion

The Town & Country Planning (Environmental Impact Assessment) Regulations 2017

SCREENING OPINION under Regulation 6:
Requests for screening opinions of the relevant planning authority

Application Number:	**Case Officer:**
21/02963/FULL	Sarah Tucker

Recommendation: Not EIA development

Site Address: Land West of Switchback Road North and North of Nightingale Lane, Maidenhead

Proposal: Screening Opinion from the Council under Regulation 6 (1) of the Environmental Impact Assessment Regulations 2017 ("the EIA Regulations"), to confirm whether or not there is a requirement for an Environmental Impact Assessment ("EIA") in respect of erection of the new poly tunnels for rearing turkeys with associated feed silos and substantial formation of road chippings to form a network of tracks (retrospective)

1. Introduction:

1.1 The Enforcement Team have requested a Screening Opinion be undertaken for the above development under Regulation 6 (1) of the EIA Regulations, the Local Planning Authority (LPA) must consider whether the proposed development constitutes a Schedule 1 or Schedule 2 development under the Regulations and, if so, adopt a Screening Opinion.

1.2 No previous Screening Opinion has been sought or adopted in respect of this particular development.

2. Description

2.1 The site comprises 31ha of agricultural land to the west of Switchback Road North that has agricultural land to the north and west and Malders Lane to the south, on which it borders. Access from the site is from Switchback Road North. The site is approximately 230m from the residential area of Furze Platt to the south and 1km to the village of Cookham to the north.

3. Constraints identified from the Council's records:

3.1 The site lies within the open countryside, Green Belt and within a Source Protection Zone 2 and a Principal Aquifer for the protection of groundwater. Due to the SPZ the area is protected under national legislation which makes it an area of environmental sensitivity.

4. Relevant Planning History

4.1 Part retrospective planning permission has been sought under application ref. 21/02963 for the erection of 25 poly tunnels on the site for the rearing of turkeys, with associated feed silos and substantial formation of road chippings to form a network of tracks within the site. This application remains live.

5. Proposal

5.1 A Screening Opinion is being sought under Regulation 6 of the Town and Country (Environmental Impact Assessment) Regulations 2017 as to whether an Environmental Impact Assessment (EIA) is required to be undertaken in connection with the proposed development of the site.

5.2 The development is retrospective and comprises polytunnels and paddocks erected for the rearing of turkeys. Turkey stocks in 2022 (when the application was submitted) were at 28,136 turkeys; however, the applicants have stated that they intend to increase production in 2023 to 30,000 turkeys and eventually stock 40,000 turkeys (which is the maximum allowed by the parameters set out by the RSPCA and the Red Tractor scheme). The polytunnels on site create 13,600 sqm of floorspace.

5.3 Little detail as to the disposal of waste and methods to stop contamination to the protected groundwater aquifer was submitted as part of the planning application. Following the serving of a planning contravention notice (PCN) the applicants submitted a Flood Risk Assessment (FRA) and a Hydrogeological Risk Assessment (HRA). The FRA states that rainwater run off would be dealt with via soakaways that drain towards the nearest river, the White Brook. No details as to the control of waste water have been submitted. The HRA states that the turkeys roam free range in the paddocks (with the polytunnels providing shelter) and that the main risk to groundwater is nitrogen from turkey droppings. The report states that this could be reduced by 'good farming practice' but also states that if the ground becomes excessively wet through rainfall, water could travel though interstices of soil to the chalk strata carrying nitrates. However, that most of this would be biologically treated by having to percolate through a 3m deep band of gravel.

6. Consultations

6.1 This Screening Opinion has been requested via enforcement action. Consultation has been undertaken for the planning application for the development and in addition to further consultation to consultees on the additional information received through the PCN. The following responses are relevant:

<u>Environment Agency (EA)</u>

Originally the EA objected to the development on the grounds that the planning application fails to demonstrate that the risks to pollution to controlled waters of the Source Protection Zone 2 (SPZ2) (Principal aquifer) are acceptable or can be appropriately managed. Recommend refusal of the application.

Since the submission of the HRA, the EA have removed their objection, subject to conditions relating to manure removal and surface water drainage.

<u>Lead Local Flood Authority (LLFA)</u>

Originally the LLFA objected to the development setting out that areas within the site exhibit a medium to high surface water flood risk. Need clarification of any mitigation risk. Clarification of surface water discharge to an existing watercourse- the location of this needs to be established.
Clarification whether the surface water discharge from the site will incorporate flows from animal housing and animal house cleaning? If so the development will need to comply with the relevant EA regs.

Since the submission of the FRA and the HRA, the LLFA have removed their objection.

<u>RBWM Environmental Protection Officer</u>

Originally an objection was raised to the development given the lack of information.

Since the submission of the FRA and the HRA, no objections raised. Endorsement of the EA's water management condition and request that it is applied to any granted permission. No slaughter

will be carried out on site. The nature of the business is that the poly-tunnels are largely open and that the turkeys wander round in a pen so reducing the risk of odour. The turkeys are described as being slow feeders so would spend the majority of time outdoors and so no mechanical ventilation is required and so no potential for plant noise. Satisfied that there will be no significant effect on amenity and can now support the application with the EA waste condition applied.

RBWM Highway Officer

In highway terms, the proposal raises no highway concerns but it is recommended that the applicant confirms the size of the vehicles associated with the proposed use, and a plan showing parking and turning for delivery vehicles, employees and customers if they are permitted access to the site.

7. Category(ies) of EIA development considered:

Does the development fall within Schedule 1 or 2?

7.1 The responsibility for implementing the EIA Regulations lies with the Council as part of its role as the LPA. The EIA Regulations include two lists of different types of development projects.

7.2 The first list is called Schedule 1 and identifies the types of projects for which an EIA is mandatory. The proposed development does not fall under the definition of Schedule 1 development as defined in the Regulations and there is therefore no automatic requirement for an EIA to be undertaken.

7.3 The Regulations lists types of developments which are considered to be Schedule 2 development and which requires EIA, if it is likely to have significant effects on the environment by reason of factors such as size, nature or location.

7.4 The LPA considers that the proposed development would be an Urban Development Project as defined in category 1 (c) Intensive livestock installations (unless included in Schedule 1) of Schedule 2 of the above EIA Regulations. The application thresholds and criteria for intensive livestock installations in Schedule 2, are:

- The area of new floorspace exceeds 500 sq m

The NPPG also sets out indicative criteria and threshold and the key issues to consider. For category 1 (c) it gives the following indicative criteria and thresholds:

- The area of new floorspace exceeds 500 sq m
- Installations designed to house more than 50,000 turkeys

The key issues to consider are:

- Levels of odour, increased traffic and arrangements for handling waste

7.5 The application form identifies that the total area of the site is **31 ha.** The amount of floorspace created by the polytunnels is **13,600 sqm**.

7.6 Therefore the proposed scheme constitutes ‘Schedule 2’ development for the EIA Regulations and the proposal needs to be screened to determine whether the proposed development is likely to have significant effects on the environment, and hence whether an EIA is required.

7.7 The development is considered to fall within category 1 (c) of Schedule 2,- Intensive livestock installations (unless included in Schedule 1). This is because the amount of floorspace exceeds 500 sqm.

7.8 The Selection criteria as set out in Schedule 3 of the EIA Regulations used in deciding whether a Schedule 2 development is EIA development, include:

1.Characteristics of the development.
2.Location of the development.
3.Types and characteristics of the potential impact.

7.9 Schedule 3 of the EIA Regulations sets out the selection criteria for screening Schedule 2 development and this is set out below.

7.10 The LPA thus needs to determine whether the proposals would have a significant environmental effect whereby the applicant would be required to submit an Environmental Statement as part of the EIA process. The Screening Matrix that accompanies the NPPG has been considered in the screening of potential environmental impacts. As noted above, the basic test is whether this particular development would be likely to have any significant effect(s) on the environment.

7.11 Schedule 3 of the Regulations sets out the selection criteria for Schedule 2 development and these are each addressed in turn:

8 Selection Criteria for Screening Schedule 2 Development

Part 1: Characteristics of Development

8.1 The characteristics of development that require consideration under Part 1 Schedule 3 of the regulations are addressed in turn below:

(a) The size and design of the whole development

8.2 The site is 31ha in total. The amount of poly tunnels erected for the purposes of sheltering the turkeys is 13,600 sqm. The farm currently houses around 30,000 birds but is designed to take 40,000 birds. Since the turkey farm is free range, the turkeys will use the poly tunnels for shelter and will be allowed to roam in a paddock.

8.3 Whilst this number of birds, 40,000 is below that of the indicative threshold set out in the NPPG, the size of the polytunnels of 13, 600 sqm is well over the 500 sqm floorspace threshold.

(b) Cumulation with Other Existing and/or Approved Development

8.4 The site lies within an area characterised by mostly arable agriculture with some grazing animals. There are no other poultry farms in the vicinity of the site.

(c) The Use of Natural Resources, in Particular Land, Soil, Water & Biodiversity

8.5 The proposal would use natural resources for feeding and watering the turkeys, as well as straw for bedding and the erection of the polytunnel themselves. The land is currently agricultural. The application includes the planting of native trees which could be controlled by condition on the planning application.

(d) The Production of Waste

8.6 In response to the PCN, the applicants have stated that all the litter is moved off site at cleanout and is not spread on the land for biosecurity reasons. They state that all litter is removed at the end of each season/flock off site. They further state that since the production period is usually only four months of the year, the volume of littler is less than half that of the year round production poultry operation, and that the birds are slow growing, smaller breeds and as such their appetites are significantly lower than intensive fast-growing breeds with substantially heavier weights which leads to smaller amounts of litter being deposited in the polytunnels and paddocks.

(e) Pollution & Nuisances

8.7 The area lies within a site of environmental sensitivity due to the SPZ. Turkey rearing activity poses a risk to the SPZ due to animal waste and water generated by the activity. There is also the

potential for odour and noise pollution as a result of the development. There is also the potential for disturbance from traffic to the site as a result of the development.

8.7 The applicants have stated that the turkeys are free range so can move around the paddock dropping litter. The submitted hydrogeological assessment states that the litter contains nitrogen that is main risk to ground water. If the soil becomes excessively wet through rainfall, it could cause water to travel through the interstices of soil into the chalk strata taking the nitrogen with it. The report further states that highest amount of turkey litter will be within polytunnels, and any residual nitrate in litter dropped on the paddocks would have to percolate through 3m of sandy gravel which will biologically treat any residential nitrates.

8.8 The submitted FRA deals with run off from rainfall which is discharged to the nearby White Brook. No details are submitted with regard to waste water apart from the hydrogeological report.

8.9 Other potential nuisances are odour from the litter, especially since the location is within 230m from residential properties in Furze Platt, and noise from the turkeys themselves, as well as from the traffic accessing and egressing the site to serve the turkey farm.

8.10 Given the above, there is potential for environmental harm in terms of pollution and nuisances. Whether this is significant, depends on, to a large extent, whether they can be controlled through the planning system. Rainfall run off can be controlled by conditions on the planning application. The control of litter and dirty straw can also be controlled by conditions and removed off site. However, the amount of turkey litter soaking into the grass in the paddocks cannot be fully controlled, since even if the overall number of turkeys were controlled by condition, it would not be reasonable, enforceable or precise enough to control the size and type of breed of turkey by condition. However, the HRA states that the grass cover in the paddocks is of an adequate height and concentration to use up most of the nitrates and that there is a band of gravel over the chalk strata that hold the SPZ and that would biologically treat any residual nitrates in the litter. Odour is unlikely to occur to such an extent as to result in harmful impacts, since the turkeys will use the paddocks as well as the poly-tunnels, and there will be regular removal of waste from the poly-tunnels themselves. Noise of the turkeys, in and of itself, cannot be controlled; however, the overall number of turkeys on site could be, by a restrictive condition. The RBWM Highways Officer has stated that the amount of traffic that is likely to be generated by the development is not significant.

8.11 Given the above, whilst there are likely environmental impacts of the development, the majority of these can be controlled by condition and given the local hydrogeological conditions, these environmental impacts are unlikely to be significant.

(f) The Risk of Major Accidents and/or Disasters

8.12 There are unlikely to be any risks of major accidents and/or disasters given the type and scale of the development.

(g) Risks to Human Health (for example due to water contamination or air pollution)

8.13 The area lies within a site of environmental sensitivity due to the SPZ. The SPZ provides water for human consumption in the local area. Turkey rearing activity poses a risk to the SPZ due to animal waste and water generated by the activity.

8.14 The removal of turkey litter from the polytunnels could be controlled by condition to ensure the removal of the waste elsewhere. Turkey litter cannot be removed from the grass in the paddocks; however, the number of turkeys could be controlled. There will be some evitable movement of nitrates into the ground in periods of heavy rainfall; however, as stated in the HRA, there is a 3m band of gravel that will biologically treat any residual nitrates that have not been soaked by the grass cover above.

8.15 Given the above, whilst there are likely environmental impacts of the development, the majority of these can be controlled by condition and given the local hydrogeological conditions, these environmental impacts are unlikely to be significant.

Part 2: Location of Development

8.16 The environmental sensitivity of geographical areas likely to be affected by development must be considered, with particular regard to-

(a) The existing and approved land use

8.17 The lawful use of the site is for agriculture. The use of the land for a turkey farm is an agricultural use. There is therefore no change of use of the land.

(b) The relative abundance, availability, quality and regenerative capacity of natural resources

8.18 The site area is 31ha which is a moderately sized farm. The land affected is currently grassed with polytunnels erected with concrete floors. The polytunnels could be removed fairly easily and the land restored to grazing without the need for much remediation.

(c) The absorption capacity of the natural environment, playing particular attention to the following areas:

[criteria i to iv are not relevant in this case and are therefore not included]
(v) European sites and other areas classified or protected under national legislation
(vi) areas in which there has already been a failure to meet the environmental quality standards laid down in law relevant to that project, or which it is considered that there is such a failure
(vii) densely populated areas
(viii) landscapes and sites of historical, cultural or archaeological significance.

8.19 The site lies over an SPZ, which is a principal aquifer which provides drinking water for the local population and therefore is considered to be an area protected under national legislation. It is also close to the densely populated area of Furze Platt on the northern edge of Maidenhead. The site is not close to any designated landscapes or sites of historical, cultural or archaeological significance.

8.20 The natural environment in this case comprises grass for the turkey paddocks. The turkeys are free range and will drop litter within the paddocks, although the applicants state that the majority of litter is dropped within the polytunnels, this cannot be controlled for free range birds. At times of high rainfall there will be some travel of nitrates in the litter travelling through the interstices of soil into the chalk strata. However, there is a 3m band of sandy gravel that will biologically treat any residual nitrates.

8.21 The numbers of birds on site could be conditioned as part of any planning permission, as well as the requirement for the removal of waste from the polytunnels elsewhere. There will be some residual filtration of nitrates into the soil via the free range birds dropping litter in the paddocks; however, this will be filtered out by the 3m gravel band that sits over the chalk strata. There are likely environmental effects as a result of the turkey farm, but the majority of these can be conditioned and the hydrogeological conditions would provide natural treatment of nitrates and as such the effects are not considered to be significant.

Part 3: Types and characteristics of the potential impact

The likely significant effects of the development on the environment must be considered in relation to criteria set out in paragraphs 1 and 2 with regard to the impact of the development taking into account:

(a) The magnitude and spatial extent of the impact

8.22 The site lies over a SPZ, which provides water for human consumption and therefore the spatial impact of the scheme has the potential for a large impact.

(b) The nature of the impact

8.23 The nature of the impact is the potential for pollution to groundwaters intended for human consumption from nitrates in animal waste, as well as pollution from the amounts of litter, odours, noise and traffic.

8.24 However, the majority of these issues can be controlled by condition. The overall number of birds can be controlled by condition, as well removal of litter and waste bedding from the polytunnels taken from the site. The amount of traffic from the activity is not considered to be significant. Since the birds are free-range, and litter will be removed at regular intervals, it is unlikely that odour will be a problem. However, since the birds are free range, and roam on the grass in the paddocks, there will be litter deposited here and this cannot be controlled by condition. The nitrates will infiltrate the soil but will be treated biologically the 3m band of gravel that sits about the chalk strata. Given this the environmental impact will not be significant.

(c) The transboundary nature of the impact

8.25 There are no transboundary effects of the impact.

(d) The intensity and complexity of the impact

8.26 The turkey farm is currently running at approximately 30,000 birds but has capacity of 40,000 birds. This is below the EIA threshold criteria set out in the NPPG of 50,000 birds. Therefore, the intensity of the development is considered to be a moderate one.

8.27 The majority of the environmental impacts of the development could be controlled by conditions on the planning permission: restricting the amount of birds, that litter and waste straw from the polytunnels is moved off-site for disposal and controls of rainwater runoff. The infiltration of nitrates from the litter of free-range birds in the paddocks is an environmental effect that cannot be controlled; however, the hydrogeology ensures that there is natural biological filtration of nitrates in the 3m band of sandy gravel that sits over the chalk strata that contains the SPZ.

(e) The probability of the impact

8.28 Since the development is a free-range turkey farm, the turkeys are likely to use the paddocks for grazing etc. and will drop litter onto it. Therefore the probability of the impact is high.

(f) The expected onset, duration, frequency and reversibility of the impact

8.29 The development has already commenced and as such the onset has already been established. The duration and frequency of the impact will continue throughout the use of land as a turkey farm, although the applicants have stated in the PCN that the growing season is only four months of the year. The effects can be reversed fairly easily with the removal of the turkeys and the polytunnels and the land could be returned to grazing and/or agriculture with little remediation.

(g) The cumulation of the impact with the impact of other existing and/or approved development

8.30 There are no other turkey farms or poultry farms within the vicinity of the site.

(h) The possibility of effectively reducing the impact

8.31 Conditions could be attached to the permission to reduce the environmental impact by the following: limiting the number of birds on site, ensuring the litter and waste straw in the polytunnels is removed for disposal off-site and control of rainwater run-off. The hydrogeological conditions will ensure biological treatment of residual nitrates that are not absorbed by the grass. Since the turkeys are free-range and the little would be removed off site at regular intervals, there is unlikely to be a problem with odour. For these reasons the environmental impacts could be reduced.

9. Summary:

9.1 Having regard to the site's context, hydrogeology and the control of environmental effects by conditions, the impact of the development is considered to be and would not constitute a significant environmental effect. It thus does not warrant an ES.

10. Opinion:

10.1. Based on the information provided by the applicant in the retrospective planning application and the PCN, the development is not EIA development.

10.2 The LPA has considered the proposed development in the context of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and has concluded that the proposal is not considered to give rise to significant environmental effects applying the selection criteria in Schedule 3 of the above Regulations. Accordingly, the decision of the LPA is to adopt a Screening Opinion that an Environmental Impact Assessment is NOT required.