

FROM: SHADINGFIELD, SOTTERLEY, WILLINGHAM & ELLOUGH (SSWE) jt. PARISH COUNCIL

TO: EAST SUFFOLK (NORTH) PLANNING COMMITTEE MEMBERS

RE: PLANNING REFERENCE DC/19/2195/FUL  
SUBSTANTIVE ISSUES IN OPPOSITION TO THIS APPLICATION BEING CONSIDERED AT THE  
COMMITTEE MEETING TO BE HELD ON 8<sup>TH</sup> SEPTEMBER 2020

## 1. CONTEXT

- 1.1. The 14 July 2020 ESC Planning Committee (North) meeting [hereafter 'the meeting'] for application DC/19/2195/FUL involved
  - presentations by the applicant Daniel Merrells and his agent Jonny Rankin of Parker Planning, Lee Osman, resident of Shadingfield and objecting on behalf of the residents, myself, Caroline Ellis, Chair of the SSWE jt. PC, and District Councillor Judy Cloke;
  - debate; and
  - 3 votes.
- 1.2. As a result of the third vote, the ESC Planning Committee (north) made a site visit to Moat Farm, Shadingfield to assess the Heritage implications of this application. There were a number of issues arising from how the site visit was managed and conducted and I have addressed these separately. This notwithstanding, SSWE PC respectfully requests that you consider the following before attending the next Planning Committee meeting to be held on 8<sup>th</sup> September when this application will again be put before you for consideration.
- 1.3. Planning officer Liz Beighton reduced Cllr. Elliott's original grounds for refusal of the application: 1. Impact on Heritage Assets; 2. Neighbourhood Amenity (Odour, Noise, Ammonia, Threat to existing business, namely the Shadingfield Fox public house); 3. Highway issues to a single ground – 1. Impact on Heritage Assets. Since Officer Beighton's motivation for doing this was apparently avoidance of any potential litigation on multiple grounds rather than a single one, this is not a material concern to the residents of Shadingfield and Willingham as represented by SSWE PC so we will continue to address the issues and anomalies around all three subjects. In support, we also cite the Press release signed by a cross party group of Suffolk County councillors calling for a more holistic approach to Poultry Farming in the County and quoted by Cllr Cloke in her presentation at the meeting.
- 1.4. For clarity, we draw your attention to the repeated error in the planning documents and ESC's responses which all refer to the location of the application site. This is repeatedly described **in RELATION** to *Willingham* rather than its actual location **in Shadingfield**.
  - Planning Statement January 2020 at 2.1 "600m west of Willingham"
  - Environmental Statement Non-Technical Summary at 1.1 "Near Willingham St. Mary" at 1.6 "approximately 600m west of Willingham...joins the A145 approximately 600m to the east"
  - Environment statement at 3.1 "approximately 600m west of Willingham"; at 3.2 "the closest dwelling to the application site is Moat Farm, approximately 200m to the north west. Thereafter, the closest dwelling is the applicant's property at West End Farm, approximately 430m to the north west"

- Committee Report Planning Committee North, 14<sup>th</sup> July 2020 Application no DC/19/2195/FUL at 2.6 “approximately 600m west of Willingham The closest residences are at: Moat Farm, approximately 185m to the North-West; West End Farm, approximately 370m to the West-North-West; Park Farm bungalow, approximately 330m to the South East and residences in Willingham, the closest of which is approximately 470m to the east”.
- 1.5. No mention is made of the residential mobile homes site [Spring Park] behind the Shadingfield Fox public house, which is approximately 380m from the application site. Nor were these residents contacted by the Planning Dept. for their views on this development, despite bordering the proposed site.
- 1.6. Shadingfield, Sotterley, Willingham & Ellough are represented by a joint parish council, SSWE which submitted detailed written comments on 19<sup>th</sup> February 2020 and 04 June 2020. Thus the Table of Consultees in the Committee Report by Officer Iain Robertson for the 14<sup>th</sup> July meeting [hereafter ‘the report’] is in error when it states “No Comments Received” from Willingham Parish Council to letters of 20 January 2020 (x2) and 21 April 2020. This shows a distressing ignorance of local government at the Parish level by an ESC planning officer and underpins our assertion at the meeting that little or no attention has been paid by the Planning officer to the responses of the Parish Council, a statutory consultee. Similarly, this error is repeated in the report presented for the meeting of the 8<sup>th</sup> September.
- 1.7. In the table of Consultee responses detailed in Mr. Robertson’s report for the meeting of 8<sup>th</sup> September, states that Environmental Protection was consulted on 21 April 2020 and that no response was received, although the summary of comments asserts that comments were received and are included in the report. A FOI request uncovered an e-mail from Mark Seaman (Environmental Protection Officer) to Mr Iain Robertson dated 16 May 2020 raising several issues around the application, specifically around Odour modelling and Noise control management plans (or rather the lack thereof). Why has this response been buried?
- 1.8. It is noted from the Ecological Impact assessment dated May 2019 and prepared by Bench Ecology on behalf of Daniel Merrells that the Habitat Suitability Index (HSI) Assessment undertaken in March 2018 and valid until March 2020 is now out of date.

## 2. IMPACT ON HERITAGE ASSETS

- 2.1. NPPF Proposals affecting heritage assets, para 190:  
*Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise **any** conflict between the heritage asset’s conservation and any aspect of the proposal.*
- 2.2. Town and Country Planning (General Permitted Development) (England) Order 2015  
*Class B – agricultural development on units of less than 5 hectares....*  
**Development not permitted**  
**B.1** *Development is not permitted by Class B if - .....*  
*(d) it would consist of, or involve, the carrying out of any works to a building or structure*

*used or to be used for the accommodation of livestock or the storage of slurry or sewage sludge where the building or structure is within 400 metres of the curtilage of a protected building; ...*

2.3. *PPS 6: Planning, Archaeology and the Built Heritage Listed Buildings:*

*Policy BH11 Development affecting the setting of a Listed Building*

[https://www.planningni.gov.uk/index/policy/planning\\_statements/pps06/pps06\\_buildings/pps06\\_policy\\_bh11.htm](https://www.planningni.gov.uk/index/policy/planning_statements/pps06/pps06_buildings/pps06_policy_bh11.htm)

This states that

*The Department will not normally permit development which would adversely affect the setting of a listed building. Development proposals will normally only be considered appropriate where all the following criteria are met:*

- *the detailed design respects the listed building in terms of scale, height, massing and alignment;*
- *the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and*
- *the nature of the use proposed respects the character of the setting of the building.*

2.4. We strongly contend that the proposed development fails to meet the designated criteria of the above policies and should be rejected on this basis.

2.5. The Committee Report for the 14 July 2020 planning meeting, prepared by Iain Robertson (Planning Officer) in favour of the application, accepted the views of Robert Scrimgeour (Principal Design and Conservation Officer) on the revised HIA submitted by Parker Planning (May 2020). In his email (04 June 2020) Scrimgeour opines that the HIA methodology is now complete having now met the bare minimum asked for in NPPF paragraph 193. He states that this content has been used to “inform my comments”. He also refers to a single visit to the location, his first, but does not explain how he accessed Moat Farm which is private property.

In making his assessment Robertson disregarded the opinion of Historic England (HE) (letters of 7 February 2020, 29 April 2020, 6 June 2020) and the Suffolk Preservation Society (SPS) (letters 22 January and 16 June 2020) to refuse the application in heritage grounds. Mr. Robertson was also directed to consult Historic England by the Senior Archaeological Officer of SCC Archaeological Service in their communication of 28 June 2019.

2.6. In his email (04 June 2020) Scrimgeour acknowledges: “These are designated heritage assets that are of archaeological significance and I have no remit for these. I note that you have been provided comments by Historic England (dated 07 February 2020) which include reference to these scheduled sites and I am satisfied, therefore, that you have received expert advice, thereby.” In respect of these heritage assets as sites, he accepts that the advice of HE to **refuse** the application is sound, and should therefore be accepted.

2.7. This leaves the matter of the setting. Scrimgeour acknowledges the application site “contributes moderately” to the significance of Moat Farm on the basis of (1.) proximity, (2.) traditional use as a field for cattle grazing.

He also acknowledges that “surroundings do not just include visual attributes but also experiential ones such as **tranquillity** arising from a **lack of traffic** or **people** or **extensive built form - smells**, also.” [emphasis added]

It is reasonable to infer that by **tranquillity** Scrimgeour includes noise levels. For clarity the Oxford English Dictionary (OED) defines tranquil as “free from agitation or disturbance; calm, serene, placid, quiet, peaceful”.

The proposed application will dramatically increase the noise, traffic flow, built form and smell. It will reduce the calmness, serenity, quiet and peacefulness of the surrounding area. Thus the application fails the very criteria Scrimgeour establishes as constituting “surroundings”. Breaking these down:

- 2.7.1.Noise - Scrimgeour refers to the “dynamic attributes of a farmed landscape” as being one that involves farm traffic, field noise at the time of furrowing, planting and harvest”. These are periodic, intermittent noises of brief duration over the farming and calendar year.
  - 2.7.2.The chicken sheds will produce constant background noise and far more extensive pulse points of noise during the various activities involved with the chicken rearing process than have ever been experienced before. A list of noises will include but may not be limited to fans, HGVs traffic flow including reversing audible warnings, diesel forklift trucks including reversing audible warnings, catching activities, cleaning activities.
  - 2.7.3.The Noise Impact Assessment (03 April 2020) 5.3. Extract fan operation refers to “external temperatures falling at night” and “as a conservative operation of 100% ridge extract fans”. During the unusually warm spring of 2020 this “conservative approach” would have have been essential. There seems to be no acknowledgement that the new normal of increasing atmospheric temperatures, will indeed demand more constant use of fans day and night, just an assumption that what was found during the modelling process will be the future.
- 2.8. The Noise Impact Assessment (03 April 2020) 5.9 Site management requires:
- Driver’s of HGVs or forklifts instructed to avoid leaving engines running or excessive revving of engines.*
  - Forklift driver’s instructed to move stock carefully, avoiding unnecessary scraping and to slowly lift/drop crates in order to minimise impact noise*
  - Maintenance and repair of the concrete apron/access road to ensure that they are as smooth as practicable to minimise impact noise*

**Merrells should provide evidence that he has both the time and the Human Resources Management skills to ensure that this requirement is met.**

**Why was it not mandated that an electric forklift truck be used?**

- 2.9. Scrimgeour makes no comment on the time of day inherent in the existing noise profile and how this is likely to change in respect of this application. Despite the proximity to residential housing the planning application makes no differentiation between weekdays and weekends. This is to be a 24/7 operation, indeed there is clear reference to regular night working as reported in minutes of the meeting of SSWE PC of 04 February 2020.
- 2.10. In an e-mail from Mark Seaman to Iain Robertson dated 16 May and obtained under a FOI request, Mr Seaman states, among other concerns, that a detailed noise management plan should be submitted. I can find no record of such a plan on the planning portal.

There is thus a radical change in the tranquility of the setting of the Heritage Asset.

2.11. Traffic flow - Though Merrells may only drive from his house to the application site, the process of intensive broiler chicken rearing with 7-cycles/annum will, according to figures used for various impact assessments, generate 1098 traffic movements/year (a figure we believe is anyway hugely underestimated – see 4. HIGHWAYS ISSUES). This will be an exponential change from the current situation. There is reference in the Traffic Statement [23.12.19 KAB 7] to traffic generated by dairy farming until 2005; this is irrelevant in 2020. A 15 year gap is hardly a reasonable interval for a like for like comparison. The comparison baseline should be the time the application is made and to do otherwise is disingenuous.

2.12. Built form - Scrimgeour (04 June 2020) makes reference to how “extensive built development can sterilise these very characteristics of a farmed landscape”. He qualifies this with reference to the unacceptability of solar farms but the acceptability of the proposed chicken sheds. Chicken sheds pass because they are “agri-industrial”.

2.12.1. The OED defines agri-industrial as “involving a combination of agriculture and industry”. Industry has not been part of the setting of Moat Farm and should not be allowed to become so. Pace Scrimgeour’s views, one could argue that solar-panels - a renewable energy source - share rather more with the heritage of the former windmills on the what was once common than a live meat processing plant shares with agriculture.

2.13. Smells - the application is supported by a Dispersion Modelling Study (DMS)(01 February 2019). For those planning to continue to use the footpaths and Mill Lane for recreational purposes Figure 6 indicates they will find themselves subject to the highest levels of odour emission from the proposed IPUs. The DMS report provides averages in Table 1 per bird without any standard deviations and carelessly references an out of date H4 EA report to 2007 (though the url is correct). This attests to the entirely perfunctory nature of the report, produced to a standard template.

2.13.1. *Additional Guidance for H4 Odour Management* produced by Environment Agency (March 2011) at 5.2 *Issues to take into account in any ambient air monitoring* clearly states the weaknesses of modelling:

*- Emissions are greatly diluted from their point of release, and are often below detection limits of instruments but can still be detected by people.*

*- Peaks in exposure may be due to changing dispersion conditions (wind direction, turbulence) or variable emissions (doors opened).*

*While chemical detection can be improved by sampling more air and concentrating this on absorption device, this only provides average concentrations. **These bear little relevance to the peak events that can cause annoyance / offence etc.** The variable nature of many*

*odour exposure scenarios and the short term of some sampling methods mean that it is much easier to demonstrate exposure than to conclude that no exposure has taken place.*

2.13.2. Yet we are left to rely upon modelling supplied by the applicant's agent in support of the application, with no independent verification.

Again, this was identified in Mr Mark Seaman's e-mail to Iain Robertson of 16 May, in which he seeks figures and greater clarity on the modelling of peak odour emissions and states himself to be '...therefore rather confused.' 'Has the peak been modelled or not?' and urges the LPA to revert back to the applicant going on to say 'Am I an odour expert? No. But I am proficient in such matters so if I am confused by the information submitted so far, I can only imagine that the public and the LPA must be baffled'. The most recent submission from your Environmental Protection officer that I can find on the planning portal is dated 10<sup>th</sup> February, where a number of concerns are raised. There is no evidence that these have been addressed.

2.14. Preservation of the 'at risk' Heritage asset. In contrast to Scrimgeour's view SPS 16 June 2020 writes: "the SPS considers that the harm to the setting of Moat Farm will materially prejudice its chances of restoration and therefore it does not outweigh the public benefits. Furthermore, the Waveney Local Plan 8.37 states that 'Proposals for development should conserve or enhance Heritage Assets and their settings'. In no way could this development conserve or enhance Moat Farm or its setting."

2.14.1. SPS (16 June 2020) and ESC landscape advisor (referenced in the SPS letter referred to here), "note that the subsequent mitigation proposals of a 2m high bund wrapping around the southeastern corner of the site is testament to the harmful visual and noise impacts that will arise if this application is permitted".

2.14.2. NPPF section 11 Making effective use of land, paragraph 117 states

Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, **while safeguarding and improving the environment and ensuring safe and healthy living conditions**. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land. [Emphasis added]

**This application cannot be said to safeguard or improve the environment.**

### 3. NEIGHBOURHOOD AMENITY

3.1. Shadingfield is a ribbon village with limited public amenities. People chose to live here for the tranquillity and accept a limited infrastructure as the quid pro quo. This application will undermine the best amenity of the village, which to use Scrimgeour's word is its tranquillity.

3.2. The only footpath available to residents along the A145, a designated lorry route, is a short distance of footpath from the Fox public house to the junction of the A145 and Mill Lane. Indeed the footpath was extended to the junction in the first decade of this century to allow residents to make a safe journey on foot to the recreational space offered by the Mill

Lane. It is popular with walkers, dog owners and provides critical access to the East Coast Line National walking path.

- 3.3. There is an assumption that residents of rural villages have immediate and unfettered access to the countryside beyond their front doors. This is a myth, which anyone who has tried to walk along the A145 in Shadingfield, where there is no footpath, will quickly attest to. Mill Lane is available on foot to those who live in Shadingfield and Willingham in the vicinity of the footpath and for those elsewhere in the village parking is available behind the village hall and therefore Mill Lane provides an extremely important access point for recreation. It is a place where people can meet to walk together in relative safety. There is no evidence in the application documents nor in Mr. Robertson's report that any assessment or measure of such use has taken place.
- 3.4. Much is made of the vital importance of this application as a business venture yet NPPF Section 6 *Building a strong, competitive economy*, paragraph 84 states

*Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, **does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).***

This application has an unacceptable impact on a local road and makes life in Shadingfield less sustainable by removing an area of recreation. People will have to either give up walking here or drive somewhere else to do so.

- 3.5. The Shadingfield Fox public house. Shadingfield is lucky to have a working pub, not a former pub turned into a house. The Fox is an award winning amenity, which the landlord Matthew Mills has worked extremely hard to improve and nurture since taking over ownership in 2007. Beyond its very important, if obvious, roles as a pub and restaurant for everyone, the Fox has demonstrated a true community spirit. We provide four examples.
- 3.5.1. The Meet up Mondays scheme. Prior to Covid-19 ordered lockdown, on Monday mornings Matt offered free tea and coffee so that anyone, regardless of income, may come and meet their neighbours in a safe and friendly environment. Rural loneliness and isolation is a well-documented phenomenon see Public Health England's Health and well being in rural areas (2017) and East Suffolk Community Partnerships Workshop 11 November 2019. Matt has committed to re-launching this initiative when he is 'back on his feet' and a number of residents in the Parishes have asked when this is restarting. If the pub closes this scheme folds.
- 3.5.2. The Shadingfield Lunch Club. Staffed by volunteers, this monthly lunch club for the over 60s visits the Fox once a year for a Fish & Chips special. Matt offers fish & chips, a dessert, and tea or coffee essentially at cost price. The lunch club has tried various ways of offering this event and the Fox has proven the most popular with the 40+ regulars at the lunch club. In addition Matt has offered to order and refrigerate ingredients for the lunch club cooks to help with large quantities.

3.5.3. Fund Raising. The Fox has been instrumental in fund raising in the Village, hosting quiz nights and organising raffles to support and raise funds for the Village Sign, improvements of the Playing Field, Beccles Lions, Stroke Association and Cystic Fibrosis, to name but a few. In addition, when the Parish Council organised a Picnic on the Playing Field event last September, Matt very kindly donated a keg of beer for us to sell to raise funds for village amenities.

3.5.4. As recently as August 2020, Matt demonstrated his commitment to the community by allowing the Parish Council to install on the front wall of the Pub the Parish's first defibrillator.

3.6. The NPPF Section 6 **Building a strong, competitive economy**, paragraph 83 Supporting a prosperous rural economy: Planning policies and decisions should enable:

*c. sustainable rural tourism and leisure developments which respect the character of the countryside*

*d. Planning policies and decisions should enable the retention and development of accessible local services and community facilities such as ... open space, cultural buildings, public houses.*

Referring to 2.13 and 2.13.1 above there is a significant risk that prevailing winds will carry dust, odours and noise directly onto the Fox Public House, making the garden of the pub less attractive to use for most, and impossible for those with any kind of respiratory condition. There need only be an intermittent or occasional smell for people to adversely comment on social media sites such as Trip Advisor and for others to choose somewhere else for their drink or beer garden lunch.

The use of the garden by customers is a significant revenue stream for the pub. The Landlord of the pub has explicitly told the SSWE Parish Council that if he were to lose use of the beer garden in the summer, the pub will close since it will no longer be financially viable.

3.7. The Environment Agency guidance H4 Odour Management recognises that when assessing the level of odour pollution and appropriate measures (Page 8 of the document) that **Receptor Sensitivity** *Location needs to be considered carefully*

- *Some receptors are more sensitive than others. **Domestic residences or a pub with a beer garden are more likely to be sensitive than an industrial complex ...***

3.4.4 West End Farm Cottage, which the Merrells family own, having diversified into leisure/tourism <https://www.cottages.com/cottages/west-end-house-ukc178> may be a rather less attractive destination without a local pub.

3.8. Despite being asked very clearly at the Planning Committee Meeting of 14 July, Mr Rankin refused to answer clearly the closed question on whether or not the extracted air from the IPUs is filtered or treated in any way, **the application as it stands will release all of the extracted air, dander, dust, feathers and ammonia UNTREATED into the atmosphere.** Can you honestly say that this will have no impact on the amenity and health of the residents in our village?

3.9. Referencing Mr. Robertson's planning report for the 8<sup>th</sup> September meeting, at 8.123 and 8.124 he refers to Natural England's policy encouraging any proposal to incorporate

measures to help improve people's access to the natural environment. He then goes on to say there are no such opportunities in relation to this proposal.

- 3.9.1. This application not only fails to incorporate any measures to improve access to the natural environment but will reduce the quality of the environment and discourage access to it. This is supported by the accurate figures produced in support of vehicle movements, far in excess of those provided in the applicant's transport statement.
- 3.9.2. In line with a policy of Plantlife, <https://www.plantlife.org.uk/uk> the natural charity, dedicated to improving the biodiversity that forms part of National Heritage, the Parish Council has been actively pursuing a rewilding scheme along the parishes verges. Suffolk Ecology discourages activities along busy lorry routes such as the A145 due to the risks involved. Therefore verges away from the A145 have been identified in Shadingfield, Willingham, Ellough and Sotterley. Sotterley and Willingham will begin work this autumn. Mill Lane in Shadingfield has been identified as the best site for wildflower verges initiative in this parish because of its quiet nature and because it links the public footpath route and is already used as a popular venue for walkers.
- 3.9.3. The vast increase in traffic and the nature of that traffic ie. The size of axels will physically ruin the verges and discourage access to users. From an ecological perspective the ammonia emissions will lead to soil nitrification which renders it unfit for wildflowers. Instead, the dominant grasses which thrive in nitrogen-enriched soil will increase ruining this project. The report by the Woodland trust into this application provides direct evidence for this and the Plantlife publication *We Need to Talk about Nitrogen* explains why [https://www.plantlife.org.uk/application/files/1614/9086/5868/We\\_need\\_to\\_talk\\_Nitrogen\\_webpdf2.pdf](https://www.plantlife.org.uk/application/files/1614/9086/5868/We_need_to_talk_Nitrogen_webpdf2.pdf) provides more general information.
- 3.9.4. This project – staffed by volunteers to rake away fertilising grass cuttings, sow and maintain the planting as necessary; funded by the Parish Council to supply the seed; enabled by the revised cutting regimes of SCC in line with their new biodiversity policies – will still be born in the event that this application proceeds.

## 4. HIGHWAYS ISSUES

- 4.1. The Parish Council assert that the true number of vehicle movements has been under estimated, therefore the true impact of the traffic arising from this development has not been properly assessed. Furthermore, we are of the opinion that both Highways and the Planning officer failed in their duty of care by neglecting to validate or test in any way the traffic figures put forward by the applicant and his agents.
- 4.2. The Cranswick model is a franchise and operations are standardised; why, therefore, are vehicle numbers being estimated? It would seem logical that if one were to take **actual** vehicle movements from a similar site, these could be extrapolated to give a more accurate representation of vehicle movements. Since these are operated as Biosecure sites, all vehicle movements are logged, so this shouldn't be a challenging exercise for anyone who had access to this data.
- 4.3. In Mr. Rankin's most recent submission dated 13<sup>th</sup> August, he presents that the vehicle movement figures are accurate and informed by 'real life' poultry operations, but there is no detailed breakdown of the figures, nor validation of the source of any figures.

- 4.4. On 4<sup>th</sup> September 2020 SSWE prepared a joint statement with Stradbroke and Thorndon Parish Councils in support of the requested call in of this planning application. The figures that have been prepared and put forward in the supporting appendices demonstrate that for the 3 poultry sheds, each housing 47,000 birds, totalling 141,000 birds per cycle the total number of traffic movements per annum is 2,690. Unlike the vague assurances and estimates of the figures supplied by the applicant, all of these figures are based on detailed, evidential and cross referenced data.
- 4.5. When I contacted Ben Chester of Highways raising the issue of vehicle movements, he replied that his assessment of the risk was made on the basis of an increase in vehicle movements of around 400 per year. It would appear that his assessment has been made on the basis of incorrect data.
- 4.6. In 2017, application was made for planning permission for a new access road from Church Farm onto London Road, some ½ mile south of Mill Lane. Condition 7 of the granted permission states:  
 “The vehicular access hereby permitted shall be a minimum width of 7 metres for a distance of 15 metres from the nearby edge of the carriageway.  
 Reason: To ensure vehicles can enter and leave the site in a safe manner.  
 Since the most substantive change to local traffic in the area since 2017 has been the opening of the Beccles by pass, resulting in an increase in traffic along the A145, it is surprising that the risk arising from the entrance to/from Church Farm is not similarly recognised for Mill Lane and the traffic arising from the proposed new development.
- 4.7. Reference is made to vehicles travelling to and from the facility having ‘trackers’ to avoid the possibility of them meeting on Mill Lane, a narrow single track road (see Mr. Robertson’s report 8.117); also the mitigating provision of passing places (8.118). However, these will be west of the Water Tower and the residences at the junction of Mill Lane and the A145 so of little or no benefit to the residents accessing their properties; nor will this address the issue of meeting the traffic from the other farm that shares Mill Lane for access.
- 4.8. In Mr. Robertson’s report 8.119 he acknowledges that the TA does not appear to consider the more vulnerable users of the highway, such as walkers, cyclists and horse riders. Since the estimated vehicle movements are demonstrated to be flawed (**Error! Reference source not found.** above) and no survey or data for the actual number of ‘vulnerable users’ is in evidence, would Mr. Robertson stand by his assertion that *“the frequency of vehicles meeting such users of the public highway will be limited.”*?
- 4.9. If vehicles are to be ‘called in’ via their radios to avoid meeting oncoming traffic on Mill Lane, where is it proposed they wait? This has been neither questioned nor explained.
- 4.10. I would like to reference and support Cllr. Cloke who questioned the ability of the current road surface to cope with the exponential increase in HGV traffic, an increase in both numbers and mass that will be costly to remedy, a cost to be borne by the taxpayer.
- 4.11. There has been no submission of the routes the various vehicles in and out of the development will take; this is critical to the region as a whole and forms a major part of our request to have this application called in by the Secretary of State. Will this increased traffic by the numerous IPU’s that Cranswick have aggressively planned for in East Anglia dovetail with, for instance, the increased traffic that will be generated by Sizewell C if that

goes ahead? Have ESC/SCC considered the cumulative effect of this increase in HGV traffic that will further congest our rural roads and villages?

## 5. MANURE MANAGEMENT PLAN

- 5.1. We contend that the EIA is defective and not fit for purpose. Notwithstanding that Mr. Robertson's letter to Mr. Bainbridge dated 18 September 2019 references a different planning application (DC/19/2959/SCO) at Park Farm in Thorington but the body of the letter references Shadingfield throughout, so we conclude that when he directs that *"Environmental statements should properly assess all direct and indirect environmental effects that are likely to arise from a development, without reaching unwarranted assumptions that effects will be limited, or that mitigation will be achieved, by way of separate regulatory processes – specifically subsequent Environmental Permits"* he is referencing the Shadingfield application. Since these Environmental statements have not been made, as directed in the recent Case Law (R (Squire) v Shropshire Council [2019] EWCA Civ 888 (Court of Appeal, 24 May 2019) we would have grounds to seek a Judicial Review in the event this application is permitted.
  - 5.1.1. Neither the Parker Planning Environmental Statement of January 2020 nor the undated Odour Management Plan for Broiler Chicken Sheds from Merrells Growers Ltd provides any detailed information on the transport, destination and disposal of the manure that will be generated and how this will *"control the risk of pollution to air, land and water inherent in this process"* as required in Sector Guidance Note EPR 6.09 quoted at 8 in Squire vs. Shropshire Council.
- 5.2. Specifically, there is no Manure Management Plan at 7.10 in Robertson's July report, merely reference to an unspecified "Local provider to dispose of litter; Local company to collect fallen stock; Local company to remove and dispose of wastewater". These are flagged up not as part of the EIA but under Economic Benefits and Employment. It is not for us to judge the competency or transparency of the applicant or his agent, but would ask you to consider this absence of detail in the light of Mr. Robertson's explicit request and reference to this case law. It is interesting that there appears to be no corresponding information in Mr Robertson's report for the meeting of 8<sup>th</sup> September, and no reference or provision for manure management is mentioned. Given the import of this, I would question why this is absent or not referenced, given it is an issue that has been identified by the Planning Officer.

## 6. EMPLOYMENT & ECONOMIC FACTORS

- 6.1. During the July planning meeting, much was made of the employment that this planning application would generate.
- 6.2. At the moment, we believe that the applicant, Mr Daniel Merrells is in the full time employment of UK Power Networks as a lineman. In his presentation to the Committee he stated that he would be running the poultry unit full time. He also referred to his *"extensive experience of working on poultry units and his knowledge of best practice"*. We contend that this is a gross exaggeration of his experience and knowledge with regard to

poultry farming and also demonstrates a lack of honesty in his representations to both the Committee and our community.

- 6.2.1. If Mr. Merrells were to leave his job as a Lineman, as stated at 1.7 in the Planning statement January 2020, and engages in the *“day to day demands and responsibility of farm management with my father on a full time basis”* there will be no net gain employment.
- 6.3. In Robertson’s report at 8.9-8.11 there is reference to employment in the context of a *“regionally important supply chain”* and during discussions at the meeting about the likely impact of the closure of the Fox on those employed there, it was stated by Officer Beighton that distant regional jobs were more important than the local jobs, namely the business of the Landlord and his employees. This was a rather callous metaphorical movement of people as units rather than lives from one column of the employment table to another. The importance of the Fox has been discussed at 3.5 above.
- 6.4. Where the jobs at the Fox are local and unlikely to be replaced in the immediate locality, the casual jobs are not tied to this application and could just as well be served by locating this factory elsewhere. **HE** makes this point to the council on 29 April 2020:  
*Paragraph 196 requires the Council to consider any public benefit which might be delivered by the proposals and weigh this against the harmful impact. We leave this matter to the Council along with consideration that there might be **potential for alternative sites at greater distance from the heritage assets or elsewhere in the district** which could reduce or remove the harm while delivering the public benefit.*
- 6.5. At 1.7 Planning Statement January 2020 Daniel Merrells states that should this application fail, the sale of the family farm to a *“large farming contractor”* might ensue. We struggle to see how this application is not in effect an unofficial leasing of the land to Crown Chicken (Cranswick):  
*Working in collaboration with Crown Chicken Ltd offers us a unique opportunity to move forward with a sustainable business model by us providing husbandry and shed insurance while Crown Chicken Ltd would finance & supply everything else.*
- 6.5.1. If Merrells, backed by Crown Chicken, is so keen to diversify (the Planning Statement refers to paragraph 83 of the NPPF) and save the family land, there are other locations on the land they own that are considerably further away from the heritage assets, the residents of Shadingfield and Willingham, the Fox pub, the village hall and the playing field.

## 7. FLOOD RISK ASSESSMENT & SURFACE WATER DRAINAGE STRATEGY FEBRUARY 2019

- 7.1. Water quality 6.8 refers to roofing as having a *“Very Low pollution hazard level”*, so that it is *“necessary to remove gross solids and sediments only”* and the *“surface water runoff from the proposed roof areas will be treated by silt traps”*. Likewise *“The surface water drainage system will drain clean surface water runoff only”*.
- 7.2. However the Environment Agency Rainwater Harvesting: an on farm guide (2009) states

*If water is contaminated (runs across dirty yards, collected from roof vented poultry houses) it should be collected in the dirty water system for treatment or disposal.*

- 7.3. Though the concrete yard is stated to be clean - unless contaminated with the wash down water which will go into a designated underground tank - if the EA considers the roof to be polluted how **does** the concrete remain "clean"?
- 7.4. We are informed by JDP pipes that a silt trap will not deal with the ammonia in the water which will be realised into the environment via the pond and what is currently described as a dry ditch but will not be should this application be granted.
- 7.5. Referencing again Mr Seaman's most recent published comments on the application, he states:

**At present, as detailed above, there are too many uncertainties and issues with the submitted documents to grant a permission. ... It is important that the LPA understand that, although the development will be permitted, this would not necessarily prevent the development from causing a reduction in amenity or a nuisance to existing dwellings. However, the Council cannot take enforcement action against permitted processes under nuisance legislation so any such issues would be very difficult (if not impossible) to resolve after permission has been granted.**