

Comments for Planning Application 21/00337/FULM

Application Summary

Application Number: 21/00337/FULM

Address: Field 530M West Of North Mains Of Cononsyth Farm Cononsyth Arbroath

Proposal: Erection of two 32,000 capacity free-range hen sheds and associated infrastructure including feed silos, egg packing facility, vehicular access, access tracks, drainage and landscaping

Case Officer: Ed Taylor

Customer Details

Name: Alison & John Skilton

Address: Queenswood Cottage Guthrie By Forfar

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Further to the Manure Management statement submitted by COGEO we wish to object to the above planning application for the following reasons:

We are very concerned about pollution, both airborne and also to our watercourses, odour and the large amounts of manure that will be produced by 64,000 hens and how it will be dealt with. The statement provided by COGEO does nothing to address our concerns. We ask the planning department to thoroughly examine the data provided in the statement.

We are concerned the watercourses nearby will be polluted by the proposed development, the Denton burn runs through our garden and has been affected by pollution before and there is no indication that SEPA will be monitoring the site regularly.

There has for some time been the serious issue of Avian flu in the UK and this is also a cause for concern with the proposed hen huts housing 64,000 birds sited so close to residential properties.

We are not happy with the proposed site for this industrial sized development and feel that the planning department should ask the applicant why it is not being sited where he already has existing buildings and direct access to the main road, B961. The site proposed is on prime agricultural land with the proposed access down the single track U467 road, this will cause far more disruption to local residents from heavy lorries etc going in and out and probably result in the loss of even more of the old stone walls, the applicant has previously removed a large area of this already.

Other concerns are: increased risk of flooding in an area that already floods, the impact the hen huts will have on the landscape and increased vermin.

We urge you to reject this application.



Subject: FW: Response and objection to Cononsyth manure management statement
Date: 01 November 2022 07:57:31
Attachments: [Anni Whitehead Response to Manure Management Plan.docx](#)

Please log and acknowledge this representation from Anni Whitehead in association with planning application 21/00337/FULM.



Sent: 01 November 2022 00:03



Subject: Response and objection to Cononsyth manure management statement



Please find attached some of my objections to the manure management statement 3320304 submitted by Cogeo on behalf of Cononsyth Farms Ltd planning application for two giant chicken sheds & egg factory - 21/00337/FULM

Regards, Anni Whitehead
Midpark of Gardyne, DD8 2SR

Midpark of Gardyne
Forfar
DD8 2SR

31 October 2022

[REDACTED]

I am writing with concern regarding the Cononsyth Farm Manure Management Statement-3320304
21/00337/FULM | Erection of two 32,000 capacity free-range hen sheds and associated infrastructure including feed silos, egg packing facility, vehicular access, access tracks, drainage and landscaping | Field 530M West Of North Mains Of Cononsyth Farm Cononsyth Arbroath.

The necessity for the above document as part of the planning process shows that a range of factors will effect residents living within 400 metres, nearby and in the wider area.

Parts of the Statement are a smoke screen, covering up the fact that Cogeo might be good at building an IPU but do not understand the real environmental cost. Or don't care. Like other statements Cogeo have made ("it has been proven that there will be no impact on the closest receptors and therefore the 400m separation is null and void") they presume rules don't apply to them, hence this poorly done, assumptive Statement only makes Cogeo's position worse. It comes to the conclusion that Cononsyth Farms sell chicken manure! But this has associated problems too.

What has happened in Shropshire makes it obvious how much a development on this scale will affect those who live near it.

Re: Section 4.

"With a lack of scientific certainty and/or recognised assessment methods, it is not possible to undertake detailed calculations or assessments of impact with any robust scientific certainty in results"

"Due to the absence of scientific certainty, it will be necessary to rely on both experience and professional judgement to assess impact."

In other words, they don't know and are relying on the fact that there will be no routine testing or monitoring of particulate dust, water quality or environmental/wildlife welfare.

The Statement acknowledges and recognises problems but without data to provide safety for those living nearby from pollution and disease.

Re: 4.2 Dust assessment

"there is no emission factor assigned to the spreading of manure and there is no literature or studies to establish assessment of short-term dust emissions from agriculture. There are virtually no measured emission factors available in literature regarding environmental impact assessment (Sharratt, 2014)"

2014 was eight years ago, and Angus Council should be aware that the understanding of micro-pollutants has moved on. Smell, dust and particulate matter contain microscopic solids or liquid droplets that are so small that they can be inhaled and cause serious health problems. Cogeo are assuming that no studies and written papers will mean the dust problem wont exist.

The statement compares the operation of the development to "harvesting of crops or spreading of lime" which happens once a year. This development is on a much larger scale and odour and micro-pollutants will be 24/7, constantly, all the time.

This poses a real health and wellbeing threat to those living nearby.

"The likely scale of short-term exposure would not normally be considered sufficient to change the conclusion that with mitigation the effects will be 'not significant'". Cogeo are acknowledging that there will be exposure to emissions. This factory development is that big. They are forgetting dust pollution is not just about manure spreading, but also the microscopic solids, chicken dust and viruses in the sheds that will be pumped out by fans constantly. The manure from the free range area can only add to this, as it will go straight in to watercourses with the rain. Accumulating over time, contaminating groundwater.

For those living nearby, it would mean long term exposure.

No account is given to atmospheric conditions that trap pollutants, especially micro-particles. Concentrating any exposure. (As stated in my original Objection)

There is no mention in the document of Avian Influenza.

"If you are planning a new poultry unit you should take into account the risk of HPAI where the unit is planned" (Scottish government website).

Restrictions make everything entering and leaving the development subject to inspection and make the selling of manure more problematic.

There is no mention of sterilising or disinfecting the manure before selling. There is nowhere on the plan to do this.

Without proper facilities contamination of surrounding environment, people and wildlife with disinfectant is a risk. Collecting and containing hazardous wash-water is not mentioned, or what they would do with it. "You should ensure that all wash-water or disinfectant is collected and contained. Do not allow it to discharge onto permeable ground, or allow it to enter a watercourse, field drain, ditch or soak away" (Scottish government website). No thought has been given to how this would affect local sewage services. In fact Scottish Water have stated in their response that they "would advise applicant to investigate private treatment options". This is not on the application and I would object to the building of a sewage treatment plant being built at the site.

As well as the sheds, storage, packing area and dryers, the vehicles that pick up manure would also need a place to be cleaned in a dedicated spot. This is absent from the statement.

Where in the shed is the manure drying going to take place? Drying is an industrial process with large dedicated machinery. This should have been part of the development proposal. Drying also needs a controlled environment to contain dust, not stored outside in trailers subject to wind and rain.

The Statement does not mention the swale mentioned in the application. It would be unacceptable to dump any waste from the factory in an open swale.

The Statement UNDERESTIMATES the amount of manure the factory will produce, and what the environmental hazards will be.

Re: Section 5. Cononsyth Farm.

"effective non-chemical fertiliser" -

The problem is chicken manure is full of chemicals and its application needs independent monitoring. Chicken manure is "renowned" for contaminating agricultural land with phosphates, which run off into rivers causing long term environmental damage. There are other chemical enzymes and additives present from feed. Who will check Cononsyth Farms will stick to its own manure plan?

The Statement says 30 tonnes of manure is produced per week from 64,000 hens. This tonnage equates to 1,560 tonnes per year.

I believe this to be a low estimate as Red Tractor estimate that 64,000 hens would produce 4160 tonnes a year.

Wikipedia say "One chicken produces approximately 8 to 11 pounds (3.6 to 5.0kg) of manure monthly." Let's say 3.6kg.

$3.6\text{kg} \times 12\text{months} = 43.2\text{kg}$ annually per bird. $43.2\text{kg} \times 64,000\text{birds} = 2,764,800\text{kg}$ annually = 2,764 tonnes.

Cogeo's figures might take into account that a lot of the birds will poo outside however Avian Flu means this is very unlikely as we are in a disease control zone and the birds aren't allowed outside. This will increase the amount of manure that will need processing.

After drying the manure will need transporting, will significantly add to the amount of HGV vehicles making the planned use of the U467 unsuitable. Non of this was part of the original application

The drying of manure at the development is new to Cononsyth Farms' planning application. Surely the infrastructure for such a processing plant requires a separate planning application.

6. Risks and Receptors

They don't know who they are going to sell manure to, so again this is basing ideas on an assumption.

The development is not suited to its surroundings. It might have the appearance of a large barn but is in fact an intensive poultry unit, a factory, and comes with risks that signify its industrialised use. It is being built on a green field site, it has homes within 400 meters, it offers no alternative plan and when other sites exist it is altering a small road to make it accessible for any HGV to use not just those relating to the chicken egg factory (on a road that the Council has previously stated is unsuited or not preferred, in its entire length for such traffic). This Statement denies the risks to people and the environment and seeks to alter the surroundings for short term gain, and is constantly underestimating; how much manure will be produced; the amount of HGVs needed to move hens, feed, eggs and manure and the contamination of the environment.

I hope Angus Council will see through this Statement

Yours sincerely
Anni Whitehead



Subject: Cononsyth Farm Manure Management Statement-3320304 21/00337/FULM
Date: 01 November 2022 07:58:12
Attachments: [David Liddell Response to Manure Management Plan.docx](#)

Please log and acknowledge this representation from David Liddell in association with planning application 21/00337/FULM.



Sent: 31 October 2022 23:51



Subject: Cononsyth Farm Manure Management Statement-3320304 21/00337/FULM



Please find attached my comments and objections to Cononsyth Farm Manure Management Statement-3320304 21/00337/FULM

Regards
David Liddell

Midpark of Gardyne
Forfar
DD8 2SR

Midpark of Gardyne
Forfar
DD8 2SR

31 October 2022

[REDACTED]

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I hope Angus Council will see through this Statement

Yours sincerely
David Liddell

From: D Watson [REDACTED]
Sent: 08 November 2022 16:50
To: Ed Taylor [REDACTED]
Subject: Re: Planning Application Ref: 21/00337/FULM - Representation

Town and Country Planning (Scotland) Act 1997 (As Amended)

Erection of two 32,000 capacity free-range hen sheds and associated infrastructure including feed silos, egg packing facility, vehicular access, access tracks, drainage and landscaping at Field 530M West Of North Mains Of Cononsyth Farm Cononsyth Arbroath

Dear Sir

I would like to raise an objection to the above planning application on the grounds of text below:

These intensive poultry units (IPUs) are a nightmare for the environment, causing water and soil pollution, light and noise pollution (from extractor fans and yard lights) and air pollution in the form of particulate matter pollution (dander, dust and faeces). They are a danger to our ditches, watercourses and rivers, in this case the river Lunan and many associated tributaries, and possibly damage to the beautiful beach. It's been proven on the River Wye and in Shropshire there has been devastating death of fish, fauna and flora.

Whilst we are lucky to live in a quiet area of low population with beautiful views it is very important for everyone that areas with dark skies, natural beauty, wild birds and animals, the sounds and smells of nature, outdoor recreation access and the least pollutants are kept that way. As a planet we cannot afford to lose any more nature.

There is increasing evidence of the link between IPUs and avian flu. It seems common sense to me that 64,000 birds (32,000 in each of two sheds) kept in very close quarters are far more likely a breeding ground for disease than wild and free bird populations. These IPUs can then wreak devastating havoc on wild bird populations.

Yours faithfully
Dorothy Watson

From: [REDACTED]
Sent: 31 October 2022 23:51
To: [REDACTED]
Subject: Planning Application 21/00337/FULM - Manure Management Statement

Dear Sirs,

Please find attached my letter of objection to Manure Management Statement for the above planning application ref 21/00337/FULM

Yours faithfully,

Douglas Watt

White Cottage,
Easter Meathie Farm,
Forfar
Angus
DD8 2LF

31 October 2022

The Planning Department,
Angus Council,
Angus House,
Orchardbank Business Park,
Forfar
DD8 1AN

Dear Sirs,

Re: 21/00337/FULM | Erection of two 32,000 capacity free-range hen sheds and associated infrastructure including feed silos, egg packing facility, vehicular access, access tracks, drainage and landscaping
CONONSYTH FARM MANURE MANAGEMENT STATEMENT

As an objector to the initial Cononsyth Farm planning application [21/00337/FULM - Erection of two 32,000 capacity free-range hen sheds and associated infrastructure] I read the Manure Management Statement (MMS), recently submitted by COGEO in support of the application, with some concern and feel that this poor quality submission merely reinforces my objections as to the proposed justifications for this venture and the unsuitability of the proposed location.

The statement is filled with caveats and statements as to the lack of reliable information, the inability to properly model the potential outcomes and the very high levels of uncertainty

*[e.g. page 6, section 4 - With a lack of scientific certainty and/or recognised assessment methods, it is not possible to undertake detailed calculations or assessments of impact with any robust scientific certainty in results.
Page 18, section 8 - The odour and dust impacts of the proposed development cannot be meaningfully quantified as there are too many variables involved and very high levels of uncertainty.]*

However, despite all these uncertainties, the MMS manages to conclude, without any verifiable justifications, that *'the risks associated with the operations proposed at Cononsyth Farm are considered to be low and acceptable'*.

With reference to the quantity of wet manure the MMS states - *'Figures gathered suggest that 30 tonnes of manure is produced per week from 64,000 hens'*. The

Cononsyth Protest Group website using noted, published statistics calculates that, in fact, 56 tonnes will be produced. The statement also notes that *'the industry-assumption is that dried hen litter is around a third of the weight of wet litter'* which, based on the MMS figure of 1,560 tonnes per annum, would produce 520 tonnes, not the 468 tonnes of dry manure noted in their report.

The MMS and also the planning application has also refused to consider the impact of the potential permanent lockdown of these industrial facilities due to the increasing spread of avian flu which would dramatically adversely change the ventilation of such units with the greatly increased use of forced ventilation and consequent dispersion of dust and other pollutants.

Similarly, impact of climate change with heatwaves, drought and monsoon type rainfall has not been factored in. Again this will affect ventilation and the spreading of manure.

All in all the MMS provides no confidence as to the actual impact of these shed on the land and the local residents and should be treated with a great degree of caution. If the project is to go ahead, serious consideration should be given to more suitable alternative locations, as proposed by the local residents.

Yours faithfully,

Douglas Watt

Comments for Planning Application 21/00337/FULM

Application Summary

Application Number: 21/00337/FULM

Address: Field 530M West Of North Mains Of Cononsyth Farm Cononsyth Arbroath

Proposal: Erection of two 32,000 capacity free-range hen sheds and associated infrastructure including feed silos, egg packing facility, vehicular access, access tracks, drainage and landscaping

Case Officer: Ruari Kelly

Customer Details

Name: Dr Mike Rushforth

Address: Summerhill House Guthrie Forfar

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this development because it is planned in a totally inappropriate location, within 400 m of residential housing, and on prime agricultural land in a Nitrate Vulnerable Zone (NVZ).

The fact that this is a NVZ is a particular concern because calculations submitted by the applicant's agent show that there is minimal headroom within the fertilisation standard requirement of 170 Kg N/ha/yr when nitrogen additions to the range area from droppings are considered. Using information provided by the agent, the nitrogen contribution from droppings will be 169.6Kg N/ha/yr. This assumes that only 20% of droppings will fall evenly across the whole range area and that the total range area for 64,000 birds is 40 hectares. However, the behaviour of hens will prevent an even distribution of the droppings.

Hens are social, woodland creatures and will stay in the locality of the sheds where there are sources of food and water for them. An article¹ by Dekker et al in the international, peer reviewed journal British Poultry News found that the concentration of droppings decreased exponentially with the distance from the shed, with nitrogen overload occurring on land up to 146 m from the sheds.

The proposed extension to the free range area (Appendix 5.2a) shows trees planted in the vicinity of the sheds which will further encourage the birds to remain in this area. Therefore the 170 Kg N/ha/yr will not be met in the vicinity of the sheds, even if the range area is increased to 40 ha.. The application should therefore be rejected.

1. S.E.M. Dekker , A.J.A. Aarnink , I.J.M. De Boer & P.W.G. Groot Koerkamp (2012) Total loss and distribution of nitrogen and phosphorus in the outdoor run of organic laying hens, British Poultry Science, 53:6, 731-740,

DOI: 10.1080/00071668.2012.749342

To link to this article: <http://dx.doi.org/10.1080/00071668.2012.749342>

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Case Officer: Ruari Kelly

Customer Details

Name: Dr Mike Rushforth

Address: Summerhill House Guthrie Forfar

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this application because I do not believe that the applicant's agent COGEO appreciates the concerns of those of us living in residential properties within the 400 metre separation distance of the site. We are alarmed by the statement in an undated communication from COGEO to Angus Council, probably circa 4th February, that "As such, it has been proven that there will be no impact on the closest receptors and therefore the 400m separation is null and void.". It has certainly not been proven. These assumptions are based on modelling which can only be as good as the initial inputs adopted for the modelling. The inputs used by COGEO will no doubt have been based on optimistic scenarios, so it is worrying for us that there is limited headroom for a PM10 daily mean which is 90% of the objective, in what is probably a best-case scenario.

This is about bioaerosols, not odour and modelling of odour levels cannot be used to draw conclusions about PM10 levels, as COGEO are doing.

It is also impossible to draw the conclusion that there is no risk because no emission factor is available for the contribution of spreading of chicken manure to PM10. Drying chicken manure increases the likelihood of the formation of PM10 and PM2.5 which will be aerosolized during the manure spreading process. Research by Thiel et al has shown that the larger particles will sediment due to gravitational effects whereas the smaller, inhalable, and more toxic particles remain in suspension in the atmosphere and have the potential of being transported >1000km. There is also real concern that the increased availability of a local supply of chicken manure will contribute to more widespread use, which in turn will lead to a further increase in background PM10 levels, further reducing the headroom.

In view of this uncertainty, it cannot be assumed that there will be no impact on the closest receptors and the logical course of action would be to choose a site remote from receptors.

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Case Officer: Ed Taylor

Customer Details

Name: Dr Mike Rushforth

Address: Summerhill House Guthrie Forfar

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The development is on prime agricultural land in a Nitrate Vulnerable Zone (NVZ), so there is a limit of 170Kg Nitrogen per annum which can be applied to the land either as manure or via animal droppings.

Official figures for the total nitrogen produced per hen per annum (Nitrate Vulnerable Zone Wales Farmers Handbook, 2014 Edition) state a value of 0.55Kg N/unit of stock/annum. It is generally assumed that only 20% of the 64,000 hen flock will graze on the 40 hectare range, so 12,800 hens will produce 7,040Kg Nitrogen, which is equivalent to 176Kg N/Hectare, thus exceeding the permitted level of 170Kg N/ annum. The application therefore fails to meet the requirements of a development of this type in a NVZ.

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Customer Details

Name: Dr Mike Rushforth

Address: Summerhill House Guthrie Forfar

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: In an earlier objection, posted 1st November, I pointed out that the Manure Management Statement (MMS) published by COGEO grossly understates the amount of manure produced per annum. The actual figure is 56 tonnes (wet) per week compared with 30 tonnes wet suggested by COGEO in the MMS.

It is now generally accepted that for several months per year, poultry will not be permitted to range freely but will be kept in their sheds to protect them from contracting Avian 'Flu (AF). It looks as though this will be the situation for the foreseeable future and therefore should have been taken into account in the MMS because, during these lockdown periods, no manure will be deposited on the ranges. It is usually considered that approximately 20% of the manure produced will fall on the ranges but during lockdown this will all be deposited in the sheds. Therefore the amount of manure generated annually in the sheds will be approximately 10% higher if the hens are locked in sheds for half the year. This will have implications for the amount of odour generated in the sheds and also a significant increase in the number of vehicle movements to remove the dried manure.

The applicant should also be asked to review the particulate modelling because the higher density of hens in the sheds over longer periods will increase the amount of particulates released. This is particularly important because it has been noted by the Planning Department that there is limited headroom for error in calculating particulate emissions. The presence of increased numbers of hens in the sheds for half the year will be critical to the assumptions made in this modelling.

The prevalence of AF is not mentioned anywhere by COGEO in the application but there is concern in our locality about zoonotic transfer because it is planned to build unnecessarily close to

residential housing. The two ponds adjacent to the range areas provide habitat for wild birds and increase the risk of spreading AF.

Ruari Kelly

From: Jake Stewart [REDACTED]
Sent: 22 February 2022 12:21
To: Ruari Kelly
Subject: Cononsyth Poultry Farm Objection Ref. No: 21/00337/FULM

Dear Mr Kelly,

I appreciate that this is a late in the day objection, but I hope you will accept it.

I have recently seen a FOI request reply concerning the North Mains of Cononsyth planning application 21/00337/FULM. This is a COGEO letter to the council to explain the alternatives considered. I object to the basic premise of this letter in that it seeks to demonstrate that alternative sites have been considered in the development stage. It is my opinion that this is disingenuous and in fact an afterthought to support the farmer's desire to site where he wants and not where is best suited for such a development (if indeed such a development could be justified in the first instance). This is not an isolated instance of this practice of adjusting and reengineering to achieve their desired results, these Consultant appear to be jumping through hoops whenever their poor efforts in the original application are revealed. I would forgive them if I thought that fettling of the application was improving its quality but I am afraid this is not the case and the professionalism of the entire application is questionable. My biggest growing concern is now I don't know what I don't know, what other real issues lie hidden only to be revealed should this application be approved and building and operations begin. What I do know is who will suffer the consequences – it will be the local community, my neighbours and myself, now and future generations. COGEO will walk away and the farmer will blame the consultants shoddy work, the council will be left with a fete accompli to endeavour to make good but of course the field and surrounding environment won't be recoverable and indeed any adverse effect on the local community won't be either. We all will be worse off, as for "sustainability" and what we pass onto the next generation to fight the challenges yet to be realised, greatly reduced.

The first rule of risk management is to eliminate the risk, only after elimination is not possible then should mitigation measures be used to minimise the risk. The premise that this development is desirable or good for the community is beyond my ken, I am struggling to see this side of the coin, and how this can be justified for anyone except for the applicant's short term profits. Our countryside needs to be managed with respect and with a duty of care which I believe our local farmers (including the applicant) on the whole do, however this is the exception. The Consultant has used their "knowledge" of environmental science, the rules and regulations governing planning development in a poor attempt to justify an unjustifiable/ridiculous proposal.

Turning to COGEO's "Alternative Sites drawing ref: COG184/APP/061/a; dated 04/02/22. We were previously told only that other sites had been considered – without giving any evidence of such at that time. This drawing looks like it has been hastily created and given the date of draft as 04/02/22 are we expected to believe all this was available and given consideration in 2020!

As for the ranking/scoring used this is subjective/arbitrary and easily manipulated to achieve the desired outcome. I am not convinced this was done with any degree of integrity or transparency. I can easily score site D with "50" and site "C" with 44, by simply looking at the arguments made for access and environmental consideration on both sites. Furthermore, simply offering alternatives and showing those to be less desirable (based on COGEO's calculation) does not confer the chosen site ""C" with any level of acceptability. Putting it simply, offering inferior alternatives doesn't justify the merits of this development. This work appears to be an unsophisticated "tick in the box" exercise and should be seen as such. The proposed development at site "C" is not fit or sustainable for the environment and our local community regardless of mitigation measures proposed. This creates an immeasurable risk and should be eliminated by rejecting the planning proposal.

regards,

Jake STEWART

Kirkden Schoolhouse,

West Mains of Gardyne,

Forfar

DD82SR



Virus-free. www.avg.com

Regarding the Nitrate Vulnerable Zone, upon which the development is proposed

Contained within various recent communications between interested parties, the following factors have been confirmed:

The range area is to be increased to 40 Hectares

NVZ rules stipulate that the upper limit for the application of nitrates in an NVZ is 170Kg / hectare / year

Rural Payments and Inspections Division (RPID) direction is that 80% of the flock's droppings will be in the sheds, and 20% on the free range

Commonly accepted percentage of nitrogen in fresh droppings is 1.1 %, and depending on literature source, varies from to 0.5 to 1.83%

Laying hens produce between 100 - 150g of manure per bird per day

A calculation contained in correspondence believed to originate in Angus Council, obtained in an FOI request, is as follows:

The Action Programme for Nitrate Vulnerable Zones (Scotland) Regulations 2008 require that the total annual nitrogen loading on agricultural land for livestock manure must not exceed 170 kg/N/ha.

Based on standard figures, 1000 free range laying hens produce 530kg of nitrogen in a year, with 20% of that estimated to be deposited on the range. 64,000 birds will therefore produce 33,920 kg nitrogen, with 6,784 kg nitrogen deposited on the range area.

The minimum range area required for 64,000 birds is therefore 40ha ($6784 / 40 = 169.6$ kg/N/ha year), in order for the unit to comply with the NVZ Action Programme Regulations.

The applicant's agent, and their Environmental Consultant have agreed with this, and have submitted a revised plan showing 40 hectares of free range which, according to the calculation above, will reduce the nitrogen deposition to 169.6Kg / hectare / year

There are several issues with this, as follows:

i) having a 40 hectare range leaves a headroom of only 400 grams per hectare or 0.24% until the NVZ limit is breached, so although compliance is calculated in theory, there is next to no allowance for variation in any of the estimations / assumptions made in the calculation, or for unexpected / extreme / future weather conditions

ii) taking the higher end of the estimation of weight of droppings per day to 150g per bird - the nitrogen / hectare / year figure works out to be 192.72Kg, way over the NVZ objective ... calculated as follows 150g / bird / day droppings x 64000 hens = 9600 Kg x 365 days a year = 3,504,000Kg or 3504 tonnes of droppings a year. 20% of this (on the free range) is 700,800Kg and 1.1% (the nitrogen percentage) of this is 7708.8Kg. 7708.8Kg / 40 hectares = 192.72Kg/Ha

iii) taking the figures mentioned in correspondence, of 64000 hens producing 33920Kg nitrogen, which is 1.1% of the droppings, this equates to the flock producing 3084 tons of droppings a year or /365 / 64000 = 132g per bird per day ... which is just over the middle of the range 100 - 150g / bird / day. It is therefore not unreasonable to expect the droppings per day figure of 132g per bird to be exceeded

iv) hen droppings will not be distributed evenly across the free range, and as free range hens spend the majority of their time within 100 metres from the sheds, it can be expected that the parcels of land closer to the sheds will receive a much larger quantity of nitrogen than elsewhere on the free range, and certainly exceeding the upper limit set by RPID

v) in an effort to safeguard exceedance in an NVZ, RPID stipulate that farmers in an NVZ must comply with the conditions of the NVZ action programme, and must ...

1. prepare and implement a Fertiliser and Manure Management Plan before 1 March each year. This must contain the following elements if relevant to their business:

- Risk Assessment for Manures and Slurries (RAMS) map
- a calculation and record of the capacity of slurry storage facilities
- a calculation and record of the 170 kg/N/ha loading limit for livestock manure
- an Nmax (maximum permitted amount of nitrogen from any source that a crop can receive) calculation for each crop type grown on the farm, including grassland

2. keep adequate records for each year, containing the following information:

- the area of each field within the NVZ
- the soil type in each field
- the crop or crops grown in each field
- the quantity and type of chemical and organic fertiliser applied to each field and the date of application
- the number of livestock kept on the farm, detailing the species, the age category and the length of time kept on the farm
- the type and quantity of any livestock manure is moved onto or off of the farm
- the date that any livestock manure is moved onto or off of the farm
- the nitrogen content of any livestock manure moved onto or off of the farm
- the name and address of the person receiving or supplying the manure
- the quantity and type of chemical fertiliser brought onto the farm, used on the farm and retained on the farm

The production and subsequent management of hen manure is an important aspect of the application, and my view is that the applicant should submit a detailed manure plan for public scrutiny as part of the planning application, paying particular attention to the parts highlighted above

vi) RPID stipulates in its *General Guidance* booklet for farmers, that there is a minimum storage period of 26 weeks for poultry manure. This equates (at the rate of 132g / bird / day to 1538 tonnes, 80% of which, or 1230 tonnes will be in the sheds, and I query whether or not the applicant has the facilities to store this amount for 26 weeks.

vii) in order to accommodate the RPID requirement, the applicant has increased the area of the free range from 80 acres (32.37 hectares) to 40 hectares (98.84 acres), which represents an increase of 23.55%, or another 18.84 acres of prime agricultural land which will be permanently lost, as it has already been conceded by the applicant that the arable land lost in the development will only be returned to grassland, and not used for growing crops

This is a significant increase from the original proposal, and in my opinion represents new information affecting the scale of the development, and which needs to be subject to public consultation once again

Regarding dry stone walls bordering the U467, which is the proposed access route to the development site

At the moment, I understand the plan to be that the applicant proposes to create passing places, probably three, between the entrance to the site off the U467, and to the junction where U467 meets the B961

This will result in the destruction of at least 50 - 60 metres of ancient dry stone walls, in addition to the 30 metres or so already destroyed by the applicant when creating an entrance to the development site on the pretext of allowing access for machinery when felling the nearby wood, despite there being *existing* entrances to the same field

I have clear 'before and after' photographs to back this up

Recent correspondence with the Central Scotland Branch of the Dry Stone Wallers Association, confirms that farmers are obliged to comply with Department of the Environment conditions and apply to the department for permission to remove dykes.

GAEC (Good Agricultural Environment Conditions) 7 is designed to protect landscape features, and farmers must not remove or destroy drystone dykes without the prior written consent of the department. Further to that, GAEC 7 as of December 2020 explains that this applies to dykes in all states of repair.

Recent articles in the local press confirm that the Department vigorously pursues to prosecution, cases where a breach of GEAC 7 has been identified

My opinion therefore, is that the Council should consult with the Scottish Government on this matter as part of arriving at a determination for the application, and that without formal permission from the Scottish Government alteration of the U467, and thus the application as a whole, cannot proceed.

Ref: Cononsyth Farms Ltd, Chicken Shed Planning Application 21/00337/FULM

Comments on the 'alternative sites', put forward by Cogeo

There are two points which I feel need to be made at the outset

Firstly, I question the validity of these proposed alternatives, which appear to have been rushed through at the eleventh hour by the applicant and agent, in response to continued pressure to provide details of the alternative sites, having previously argued that it should not be necessary to do that.

Previously, the applicant's position was simply that alternative sites had been considered, without offering any evidence of that at all despite, having had many months to do so. The cursory nature of the response, and the obvious absence of what in my opinion is a prime alternative, makes the recent response seem to be no more than lip service, in a bid to drive the application forwards to determination. This view is supported by arithmetical errors in calculating the score for one of the sites.

Secondly, along with the recently proposed increase in the size of the range, the information proposed about these 'alternative sites' plus other recent information which the public at large have not had sight of, all represent new information which needs to go back to public consultation for re - presentation to interested parties.

I have a number of comments regarding the alternative sites, the first of which is that the proposed scoring system is completely arbitrary, and given that it is employed by the applicant and agent, it is hardly surprising that it favours their chosen location.

The map provided is also unclear, as there appears to be no separating line between sites A and B, and between C and D

Please refer to the specific comments on the accompanying spreadsheet, which summarises and further refers to the scoring system used by the applicant, as well as applying that same scoring system to a site not considered by the applicant

The location of this site is shown below, and the scoring and further comments are on the spreadsheet, the gist of which is that the applicant has, for whatever reason, ignored what appears to be the most favourable location of all, assuming that the sheds are to be built at Cononsyth

Alternative site proposed by concerned residents



The yellow line shows the development area, confirmed above as being slightly larger than the required 40 hectares

The B961 is shown running in a straight line SW / NE, and the access point is mid - way along the proposed development area

The red line is very approximate in both scale and location, but indicates where the sheds would fit somewhere in this area; the rectangle is not intended to show the exact size and location of the sheds

Finally, and given that this proposal is for a major development, I would also have expected to see some consideration being given by the applicant to redeveloping redundant land previously used for intensive poultry units elsewhere in Angus, or other land either owned by the applicant or available for such development.

Site	Topography	Electricity	Water	Range requirements	Access	Environment	Total	Notes
A	8	4	4	2	4	4	26	<p>Site total score is 26, not 22 as applicant states</p> <p>Applicant's reasons for rejection include:</p> <ul style="list-style-type: none"> environmental factors not met; as site close neighbouring property * note: the chosen site is nearby <u>7</u> neighbouring properties * note: the chosen site is visible from at least <u>11</u> neighbouring properties, to the west, east and north
B	10	2	2	4	8	10	36	<p>Applicant's reasons for rejection include:</p> <ul style="list-style-type: none"> site located on farm's best arable land * note: this assertion is made without any supporting information, as indeed is the applicant's claim that the <i>chosen</i> site is of <u>low</u> productivity a dedicated junction for the site would be required * note: a dedicated junction for the <i>chosen</i> site is needed, which the applicant created by destroying a section of dry stone dyke on the U467 * note: an access point already exists, on the road to Woodville, ca 162 metres from the junction of the B961 site visible from the surrounding area, affecting the amenity of local residents * note: the site would not be visible from the north to the dwellings along the U467 * note: the proposed site is visible to a number of residents, far more than at site B
D	10	6	8	8	8	4	44	<p>Applicant's reasons for rejection include:</p> <ul style="list-style-type: none"> required tree planting may affect operation of nearby turbine * note: this assertion is provided with zero evidence to support it it is 49 metres, 161 feet, to the <u>hub</u> of the turbine; planted trees will be nowhere near this height it is equally simple to assert that the tree planting will have <u>no</u> effect on turbine operation orientation of the sheds would need to be north / south * note: no explanation given as to why, given that the orientation of the sheds at the chosen location is SW / NE site is close to neighbouring properties * note: as is the chosen site ... a <u>major</u> consideration ... the visual impact affecting local receptors traversing the B961 * note: strongly disagree; visually, the sheds would be read in conjunction with the large sheds already at North Mains of Cononsyth * note: bearing in mind the comments in red, raising the criteria scores as shown in red on the left, which is not unreasonable raises the total score to 52, exceeding by some way the score for the chosen site
D	10	8	8	8	10	8	52	
C	10	6	6	10	6	10	48	<p>Applicant's reasons for proposal include: NB: this is the site selected as most suitable by the applicant</p> <ul style="list-style-type: none"> land is flat, good for construction * note: the site for the sheds <u>is</u> flat, however the range to the north south is not, sloping generally northwards creating significant potential problems with drainage and pollution required tree planting can be achieved presume this refers to there being no problems regarding the turbine * note: the trees will not be mature for 15 - 20 years, meaning that their screening effect and mitigating emissions of PM10 and pollutants will not be achieved for some considerable time access proposed off the U467, via an existing junction, proposed to be dedicated as the sole access point for the development * note: the 'existing junction' is via a gap in a length of ancient dry stone wall, destroyed by the applicant on the pretext of timber work * note: a huge amount of work will be required to the U467 to make it suitable for the use proposed by the applicant this will include localised widening / passing places, enlarging splays at junctions etc etc site is located at 'an appropriate distance' from surrounding properties * note: no, it isn't; there are several properties within 400M of both the sheds and the free range site is 'nestled within the countryside' ... and unlikely to be viewed from the main road network * note: the site will not be significantly visible from the the B961. however users of the U467, every house to the north of the site will have an unobstructed view as they drive the U467 * note: the site will <u>not</u> 'nestle in the countryside', as the sheds alone are huge, far exceeding the size of any other buildings nearby, being roughly the size of Station Park, Forfar Athletic's ground, without making any allowance for the visual appearance of the range itself * note: bearing in mind the comments in red, lowering the criteria scores as shown on the left, which is not unreasonable reduces the total score to 42, 10 points less than site C <u>Justifications:</u> * topography of the range is sloping, making water management difficult, ref pollution * access via the U467, which is completely unsuited to the task * environment, site is less than 400 metres from several dwellings; significant risk of groundwater pollution, health risk to well water
C	8	8	8	8	4	6	42	
Proposec site	9	10	10	10	10	8	57	<p>Resident's reasons for proposing:</p> <ul style="list-style-type: none"> * <u>Topography</u>, although gently sloping, the land is very flat and lends itself in that way to being built upon shown by the developments at North Mains of Cononsyth, for example * <u>Electricity</u>, proposed site is very close to the existing turbine, hence a ready power supply * <u>Water</u>, proposed site is very close to existing farm buildings at North Mains, as well as the nearby pond * <u>Range requirements</u>, are fully met by the proposed location * <u>Access</u>, is directly off a perfectly straight length of the B961, with good sight lines, and no significant additional work required with no inconvenience to local traffic, and considerable advantage to the applicant ref feed and manure management * <u>Environment</u>, the sheds themselves are as far away as possible from dwellings, apart from those owned and occupied by the applicant and family, who presumably would have no cause for complaint <p>* The scoring for this location is, I believe, completely reasonable, given its features</p>



Subject: FW: Chicken Shed Planning Application 21/00337/FULM, manure management, comments
Date: 01 November 2022 08:06:25
Attachments: [JB comments on CONONSYTH FARM MANURE MANAGEMENT STATEMENT-3320304.pdf](#)
[JB comments on CONONSYTH OPINION DOCUMENT-3320303.pdf](#)

Please log and acknowledge this representation from John Bell in association with planning application 21/00337/FULM.

[Redacted]
[Redacted]

[Redacted]

Sent: 30 October 2022 17:22

[Redacted]
[Redacted]

Subject: Chicken Shed Planning Application 21/00337/FULM, manure management, comments

[Redacted]

I'm in close and regular contact with my neighbour Mike Rushforth, cc on here, and he has passed on to me your confirmation that comments concerning the above application can be submitted for consideration up to the end of October

To that end, I have attached two documents which are in direct response to those submitted by the Applicant's agent on the 2nd of September, titled 'Cononsyth Farm Manure Management Statement', and 'Cononsyth Opinion Document'

My documents are word for word copies of those submitted by the Applicant's agent, with my comments added in red font

I thought this method preferable, as it seems clearer and easier to cross - refer than provide

comments on a separate document

Both my documents should be regarded as objections to the application, and I would be most grateful if you would arrange for them to be uploaded to the Council's 'Documents' section on the Open Access page of the application on the Council's web site

I would be grateful if you would confirm that this will be done, or if there are any problems with my request

Thank you and regards,

John Bell
East Mains of Dumbarrow Cottage
DD8 2SR

OPINION on SQUIRE V SHROPSHIRE

in context of

an application to ANGUS COUNCIL re CONONSYTH

1. I have been asked to consider the Manure Management Statement for Mains of Cononsyth Farm, rev 1.2 dated August 2022 (and attendant documents) in the context of concern expressed by Angus Council following upon the Court of Appeal's judgment in *Squire v Shropshire* [2019] EWCA Civ 888.
2. In summary, I consider that it should satisfy any legal requirements for an EIA in respect of the possible impacts on amenity relating to spreading of manure deriving from the proposed chicken operation. From a planning perspective it may be the Council will have questions and/or suggestions but that does not prevent it relying upon the documentation. ... **or the comments and representations made by those disagreeing with this opinion. Nor should the Council overlook the numerous objections on matters other than manure, which have been submitted but not properly or fully addressed by the applicant or his agent**
3. I consider the document is self-explanatory but it may assist if I provide the following further points. It properly addresses the issues and provides a robust justification for its findings, whilst recognising the limitations in terms of scientific studies. **It is these limitations, and the risks presented if proposed mitigation methods fail to succeed, that give greatest cause for concern, and it is the individuals (who cannot afford a QC to support their opinions) and the environment surrounding the development site who are at greatest risk when and if things go wrong. Also, I find it extraordinary that the applicant and his agent have sought the opinion of a QC to support their application. Is this commonplace ? It is as though the applicant is 'sabre rattling', perhaps raising the prospect of some sort of legal appeal, should the application fail. Whatever, the QC's opinion is just that, an opinion, and unless tested in law and found to be good, it is no more nor less valid than the opinion of anyone else who has made representations opposing this application. Furthermore, and noting the inherent 'adversarial' nature of Britain's legal system, I imagine that given sufficient time and money it should be possible to find an equally eminent person who would be prepared to argue against Mr Findlay's opinion**
4. First, I note that *Squire* is English Court of Appeal authority which has been specifically endorsed in a recent case of *R (Finch) v Surrey CC & others* [2022] EWCA Civ 187. I consider that both cases would be equally applicable in Scotland.
5. Second, as to the basis of *Squire*, this is summarised in *Finch* - see in particular [48-49] (emphasis added).

"48. No difference of approach is to be seen in the domestic authorities. Though the facts were quite different, the reasoning in *Squire* is consistent with that in *Abraham, Ecologists and Commission v Spain* – as it is with other decisions of the domestic courts. The Court of Appeal held that an environmental impact assessment was defective because it failed to assess the environmental effects of a product incidental to the proposed development itself – the manure produced by chickens in the proposed poultry sheds, some of which would be sold to local farmers for

storage and spreading on agricultural land. It was common ground in that case that such effects lay squarely within the “indirect” effects of that project of development. The production of manure and its storage and spreading, with the concomitant impacts of odour and dust, was clearly an outcome of the proposed development itself and its use. **The claim for judicial review of the authority’s decision to grant planning permission for the poultry buildings succeeded on appeal because in the view of this court the authority had failed, before proceeding to its decision, to secure an environmental impact assessment in which these obvious effects of the development proposed were fully and properly assessed (see paragraphs 62 to 69 of the leading judgment).** The Court of Appeal did not take itself to be explicating the general meaning of the term “indirect significant effects”. The question was only whether those effects had been lawfully assessed as effects of the proposed development.

49. **Implicitly, therefore, the decision of this court in *Squire* acknowledges that environmental effects caused by the use of a by-product of the development under consideration – in that case a biological by-product – can be “indirect” effects of that development under the EIA regulations** (paragraph 65 of the judgment). However, that decision does not establish that the EIA Directive and the EIA regulations necessarily compel the assessment of environmental effects resulting from the ultimate consumption or use of an “end product” in the sense contended for by Mr Willers, be it a manufactured article or a commodity, where those environmental effects are not actually effects “of the proposed development” itself.”

6. It follows that odour and dust are issues that the EIA needs at least to grapple with, both on land within the ownership of the Applicant and elsewhere.
7. I am aware that there is an application to appeal *Finch* to the Supreme Court but is still outstanding.
8. Third, whilst I have had regard to the whole judgment and in particular paragraphs [71-74], the decision was quashed primarily for the reasons set out in paragraphs [62-69]. Paragraphs [66-8] are particularly relevant. See e.g., from [66] as to the criticism of the EIA in that case.

“... It did not seek to anticipate the content of any future manure management plan, including the fields to which it would relate, or the arrangements that would be undertaken for the storage and spreading of manure. It did not attempt to predict and assess the polluting effects of those activities either on land owned by Mr Bower, or on other land to which the manure management plan would not relate. The Manure Management Report did not venture to assess the effects of the arrangements to which it referred. In short, there was no relevant assessment. “
9. It was the failure to address the issue at all which was the foundation of the Court’s criticism.
10. Paragraphs 71-74 dealt with matters post the EA and of themselves the Court found that they did not fill the gaps the EA had left – but it does not mean the Court considered the expressions of opinion referred to as irrelevant as part of a properly formulated assessment. I.e. it is quite lawful to rely on professional opinion in appropriate circumstances.
11. Likewise, regard should be had to paragraphs 81-82 which describe an ex post facto attempt

to plug the gap in assessment. This failed, primarily because the court found it did not overcome the lack of a proper assessment at the correct time. If it had been done at the right time as part of a proper assessment it may well have led to a different outcome.

12. Fourth, and importantly, the Court will not require the impossible – see paragraph 71 in *Finch* (albeit the impossibility they were dealing with was slightly different however the principle is the same).

“The EIA regulations do not require the impossible (see *Frackman*, at paragraphs 72 and 73; and *Frack Free Ryedale*, at paragraphs 37 to 39). That is true.”

13. If there is no available scientific methodology that can be applied (as here), that does not mean the application cannot be supported. **Nor does it mean that it should be supported, particularly where there are appreciable risks to human health.** What it does mean is that the limitations of any assessment need to be identified and consideration given to alternative methods of assessing likely environmental impacts and their significance. **with this identification and assessment being carried out by a large team of professionals, supported by a QC, on behalf of and bankrolled by a wealthy farmer / landowner, against a group of concerned amateurs acting on their own behalf, seems to be a huge democratic imbalance ...**

14. In this regard, I note that the Courts have also been at pains to make it clear that what is in **the EIA is primarily a matter of judgment for the authority, in respect of which it will be reluctant to interfere,** see *Finch* at 15(7).

“Establishing what information should be included in an environmental statement, and whether that information is adequate, is for the relevant planning authority, subject to the court’s jurisdiction on conventional public law grounds (see the judgment of Sullivan J. in *R. (on the application of Blewett) v Derbyshire County Council* [2003] EWHC 2775 (Admin); [2004] Env. L.R. 29, at paragraphs 32, 33 and 41). The applicable standard of review has consistently been held to be the *Wednesbury*” standard (see the judgment of the Supreme Court in *R. (on the application of Friends of the Earth Ltd.) v Heathrow Airport Ltd.* [2020] UKSC 52; [2021] PTSR 190, at paragraphs 142 to 145; the judgment of the Court of Appeal in *R. (on the application of Plan B Earth) v Secretary of State for Transport* [2020] EWCA Civ 214; [2020] PTSR 1446, at paragraphs 136 to 144; the judgment of Coulson L.J. in *Gathercole v Suffolk County Council* [2020] EWCA Civ 1179; [2021] PTSR 359, at paragraphs 53 to 55; the judgment of Laws L.J. in *Bowen-West*, at paragraphs 27 to 46; and the judgment of Lang J. in *R. (on the application of Friends of the Earth) v North Yorkshire County Council* [2016] EWHC 3303 (Admin); [2017] Env. L.R. 22 – otherwise known as *Frack Free Ryedale* – at paragraphs 21 to 23). The “*Wednesbury*” standard of review in its modern application has been elucidated by the Divisional Court (Leggatt L.J. as he then was, and Carr J. as she then was) in *R. (on the application of the Law Society) v The Lord Chancellor* [2018] EWHC 2094 (Admin); [2019] 1 W.L.R. 1649 (at paragraph 98).” **That being said, I find it odd why Mr Findlay has chosen to become involved in this application, which has yet to be determined by the local authority**

15. Finally, it is worth noting that an EIA is not a Habitats Regulations Assessment, where adverse impact has to be ruled out as a scientific certainty. The purpose of the EIA is to provide information, not to rule out effects. It can deal with uncertainty provided it recognises such exists.

James Findlay QC

Terra Firma Chambers

28th August 2022



COGEO

planning and environmental expertise

MANURE MANAGEMENT STATEMENT

Mains of Cononsyth Farm

Applicant: Cononsyth Farms Ltd.

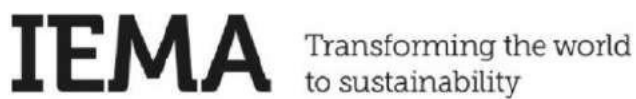
Version 1.2

EXPERTISE | KNOWLEDGE | SUPPORT

Document Version Control

Revision Control Table

Issue	Date	Change	Prepared	Approved
1.0	07/22	Initial Report for Review	BL	
1.1	08/22	Updated Report for Review	BL	
1.2	08/22	Updated following Review	BL	DA



Cogeo Planning & Environmental Services Ltd IEMA Partnership number: C0136400

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Contents

1. Document Attachments	4
2. Introduction	5
3. EIA Directive and Regulations	5
4. Shropshire Council Determination	6
4.1. Odour Assessment.....	6
4.2. Dust Assessment	8
4.3. Reporting Layout.....	9
5. Cononsyth Farm	10
6. Risk and Receptors.....	11
6.1. Pollution Pathways.....	11
6.2. Storage of Poultry Litter.....	12
6.3. Spreading of Poultry Litter	13
7. Management Plans.....	15
7.1. Current Guidance and Regulations	15
7.2. Adoption of Management Plans	16
8. Conclusion	18

1. DOCUMENT ATTACHMENTS

Table 1.1 Document Attachments

Document Title	Description
Appendix 1	Manure Storage Restrictions for Cononsyth Farm
Appendix 2	Manure Spreading Restrictions for Cononsyth Farm
Appendix 3	Manure Management Plan

2. INTRODUCTION

An application seeking full planning permission for the erection of two 32,000 capacity hen sheds for the rearing of free-range hens for egg production at Cononsyth Farm, Angus, is being considered by Angus Council (Planning reference 21/00337/FULM). The site will accommodate a total capacity of 64,000 free-range hens within the shed and its associated range area external to the units.

An EIA application has been compiled and submitted following the earlier scoping stage undertaken. During the determination process of this application, comments have been received from a number of members of the public, raising concerns over the proposal installation sought on the open farmland at Cononsyth Farm. Attention has been drawn to the recent judgement delivered by the English and Welsh Court of Appeal in the case of *Squire, R (On the Application Of) v Shropshire Council* [2019].

Cogeo Planning & Environmental Services Ltd., working on behalf of the applicant Cononsyth Farms Ltd., have been requested by Angus Council, as the determining authority, to provide further information. This statement seeks to address the issues raised by the Court of Appeal's judgement in *Squire* and to provide fuller information on the appraisal of impacts, having particular regard with potential impacts on nearby residents. This document will look at two main issues; the potential for water course pollution, and impact on amenity as specified in the *Squires* judgement. **This is all very well, however the *Squire* case can be viewed only as an indication of the types of risk and mitigating factors that apply in that case alone, and as the specifics are not immediately 'transferrable' from the *Squire* case to Cononsyth, it should not be implied that they can. Furthermore, it is difficult to see how a judgement according to English law can be 'translated' into Scotland without being formally tested in Court or some other sort of formal judgement which is acknowledged below**

It is important to stress that the regulations, guidance and general binding rules detailed within this statement are based on current Scottish guidance, where applicable. Local rules and regulations must be followed where a site is located outwith Scotland. The restrictions and guidelines set forth within this statement and associated Management Plans must be updated as and when required to follow the most recent and up-to-date publications.

3. EIA DIRECTIVE AND REGULATIONS

As per Circular 1/2017 in relation to the EIA Directive:

"The main aim of the EIA Directive is to ensure that the authority granting consent (the 'competent authority') for a particular project makes its decision in full knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed for certain types of project before they can be given 'development consent'. This procedure - known as Environmental Impact Assessment or 'EIA' - is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. This helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the competent authority before it makes its decision".

Referring to the highlighted parts of the above, there is a risk of adhering slavishly to 'the procedures' while overlooking or simply ignoring other risks that are staring us in the face ... avian 'flu being a very good example, plus the significant risk of pollution which, despite similar assurances, has been such a problem in England

As is the case for the proposal at Cononsyth Farm, EIAs undertaken within the Planning EIA regime, are required by The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 ('the EIA Regulations') for which an application for planning permission has been submitted to Angus Council under the Town and Country Planning (Scotland) Act 1997 (the "Planning Act"), as amended by the Planning etc. Scotland Act 2006.

It is widely understood that "Environmental Impact Assessment (EIA) is a means of drawing together, in a systematic way, an assessment of the likely significant environmental effects arising from a proposed development". The procedure covers all projects, including both private and public projects, as a means of assessing their overall impact on the environment.

An EIA Report will, as expected per the Directive, embrace four standard elements, including:

- Gathering environmental information **which was done poorly, and based on assumptive data**
- Describing the project **which has changed significantly in its scope since the original submission, and has failed to properly consider alternative sites**
- Predicting and describing the environmental effects of the project **based upon promises of 'best practice', manufacturers performance data, all without any plan for routine monitoring of actual performance, as safeguards**
- Defining ways of avoiding, reducing or compensating for the adverse effects¹ **again, without any substantial promise of monitoring performance, and nor do I recollect seeing anything about compensating for adverse effects**

The process is to identify, describe and assess the direct and indirect significant effects of the proposal on the environment and its receptors.

4. SHROPSHIRE COUNCIL DETERMINATION

It is understood that the request for further comment in relation to the proposed development at Cononsyth Farm, stem from the outcome of a challenge to a decision issued by Shropshire Council in relation to the proposed erection of a broiler rearing shed at Footbridge Farm.

The 'Shropshire issue' formed the basis of a request for further information from Angus Council, but this is only part of a far wider group of objections to the Cononsyth proposal, many of which differ significantly from the situation in Shropshire

The Court concluded that the determining authority, Shropshire Council, failed to adequately consider the effects of odour and dust arising from the storage and spreading of manure at the Farm. This decision has been brought to the attention of the Angus Council. Angus Council have therefore requested further comment on the potential impact relating to the storage and spreading of manure from the hens occupying the proposed units at Cononsyth Farm, sought under planning reference 21/00337/FULM.

With a lack of scientific certainty and/or recognised assessment methods, it is not possible to undertake detailed calculations or assessments of impact with any robust scientific certainty in results. The details of this limitation is set out below. **So, in the absence of any meaningful methods of assessing the risk to human health, how can an application such as this, which poses a tangible risk to human health, even be considered at all?**

In the absence of accurate calculation and software limitations, a more descriptive methodology can be used to assess the potential significance of impact from odour and dust arising from the storage and spreading of manure. In line with the EIA Regulations, by identifying the potential effects, receptors, pollution pathways and impacts, a robust assessment can be carried out with suitable mitigation proposed. Due to the absence of scientific certainty, it will be necessary to rely on both experience and professional judgement to assess impact. The gist of the first sentence is that there are no existing data on the potential impact significance of odour and dust, nor are there any existing methods of obtaining such data. Because of that, it should be borne in mind that the '*descriptive methodology*' can be presented in a way that very much favours the applicant, without any firm data to support it. This suggests that the views and experiences of receptors should also be taken into account, and, as Shropshire has been mentioned, it would be worthwhile seeking the views of those affected by developments in and around that county.

Otherwise, we will be asked to rely solely on the experience of the farmer, and the judgement of his agent and wider team, and without any checks and balances, it is easy to imagine how that will be presented.

Acknowledging the limitations, ie the lack of facts the assessment seeks to identify ways of reducing potential impacts, to reach a view on significance. This methodology will provide a robust assessment to support the planning application in line with current EIA guidance. This statement suggests that the methodology has been designed with the sole purpose of supporting the application, rather than to provide any quantitative analysis and meaningful insights and comments on the obvious risks.

4.1. Odour Assessment

Being able to use odour assessment tools and understanding the meaning of the results are two distinct skills. Most of the odour assessment tools measure odour exposure (i.e. impact), or some other parameter; very few of

¹ Scottish Natural Heritage & Historic Environment Scotland, Environmental Impact Assessment Handbook: Guidance for competent authorities, consultation bodies, and others involved in the Environmental Impact Assessment process in Scotland, April 2018, version 5.

the tools measure the resulting effect (e.g. annoyance or nuisance) directly and none measure detriment specifically. ...and aren't nuisance and detriment what we should really be concerned about? Whilst modelling can be a useful source of predictive information to assess the likely impact of odour, short or infrequent episodes of very high odours are averaged out by the modelling and would not be able to properly represent the reality of the situation being assessed and would need to be considered separately.

Odour emission rates (OERs) are usually estimated as an annual constant value obtained by multiplying the mean live mass of the animals by a constant odour emission factor (OEF). This means that the increasing of the live mass of the animals and time variation are usually not considered. If the 64000 hens are going to be housed in one location, and their droppings are to be dried in the sheds, the odour has to go somewhere ... out through the 'pop holes' being most likely. It should be possible to determine an odour emission rate, which in this case will be pretty much

constant, especially (but not exclusively) as will be experienced by those living downwind of the sheds. Therefore, assuming an annual mean and a constant OEF to calculate a short term OER is inappropriate (Conti 2019)². In the case of passive area sources, i.e. landfill surfaces, wastewater treatment tanks or manure land application, the estimation of the OER is a rather complicated process, as it is difficult to measure a representative odour concentration, and, principally, to determine a well-defined air flow rate. Fugitive sources note to self, for clarity: phrase means any source of emissions not controlled by an air pollution control device are scarcely modelled because of uncertainties regarding timing, location and emission rates (Capeli, 2013)³. So, the flow of air through the pop holes, which are not managed by any pollution or odour control device, are not properly modelled, meaning that the potential for foul odour and the passage of pollutants is similarly unknown, ditto the flow of air over the free range

Results of published studies show that, dispersion model impacts compared and discussed both in terms of long-term (hourly) concentrations and short-term events provided more equivalent results for hourly mean concentrations, chiefly in the far-field. On the contrary, the 'peak to mean ratio' method to evaluate short-term concentrations can deliver contrasting results, thereby revealing a potential risk of poor assessment conclusions (Invernizzi, 2020)⁴. Also attempts to use short term models, in an attempt to characterise 'real time' exposure episodes over relatively short periods of time, do not provide a better estimate of annoyance than the use of multiyear long-term models (Cavalini, 1992)⁵.

The inherent uncertainty of the peak to mean ratio method of measurement is mainly determined by the inaccuracies involved in characterising the turbulence in the mixing layer of the atmosphere, and the relatively poor capabilities of models to accurately predict short-term downwind concentrations. Furthermore, the capability of a model to predict concentrations during a specific hour is less favourable, mainly because it is very difficult to obtain a good estimate of the turbulence of the mixing layer within that timeframe. Until validated studies on improvement of prediction of annoyance through application of peak to mean ratios for short term odour assessments is available, the use of the peak to mean ratio method in environmental impact assessment is not advisable (EA, 2002)⁶.

In simple common sense terms, doesn't all of the above serve to undermine Cogeo's previous assumptions and reassurances that 'all will be well'? The above text seems to do little more than to demonstrate the poor quality of previous submissions, whilst attempting to justify what is believed (by the applicant) to be a *better* submission

Also in SEPA's Environmental Classification Scheme for Air under Category 3 Minor Odour incidents, incidents involving the release or potential release of odorous substances which may or may not be considered to be a minor odour incident and be taken as likely to be minor pollution if: 1) it would involve a minimal effect on

² Measurements techniques and models to assess odour annoyance: <https://www.sciencedirect.com/science/article/pii/S0160412019319774>

³ Measuring odours in the environment vs. dispersion modelling: A review: https://www.researchgate.net/publication/255991471_Measuring_odors_in_the_environment_vs_dispersion_modelling_A_review

⁴ Odour impact assessment by considering short-term ambient concentrations: A multi-model and two-site comparison: <https://www.sciencedirect.com/science/article/pii/S0160412020319450>

⁵ It's an ill wind that brings no good: studies on odour annoyance and the dispersion of odorant concentrations from industries, dissertation: <https://pure.rug.nl/ws/portalfiles/portal/14624701/cavalinni.PDF>

⁶ Assessment of Community Response to Odorous Emissions: R&D Technical Report P4-095/TR Environment Agency: <https://olores.mma.gob.cl/wp-content/uploads/2019/03/Assessment-of-Community-Response-to-Odorou-Emissions.pdf>

humans, e.g. a change in odour emissions, which is short-term and/or intermittent and is confined to a small localised population during the daytime, or 2) it could result in a minimal effect on amenity which, in relation to odour, means a localised, minor or brief effect on local amenities that aren't necessarily considered to be sensitive receptors, such as sports pitches etc. and only a small proportion of the amenity area would be affected and people would still be using the area, despite complaints being received. **Given SEPA's apparent lack of follow through on previous pollution events in the locality, and their intention not to carry out any routine monitoring, this provides no reassurance whatsoever that they will deal quickly and firmly with complaints about 'a bad smell' from a few 'sensitive receptors' in a relatively remote rural area, where these sorts of odours 'should be expected'**

As per the IAQM Odour Guidance 2018 :

"The observational/empirical tools, by definition, require some form of measurement of ambient odour levels at sensitive receptors local to the source. This is challenging due to the nature of odour exposure as it is perceived over very short time periods **not necessarily; for example, the sheds would probably emit a constant odour, driven by the prevailing wind** making most conventional sampling periods inappropriate and the difficulty of measuring odour at ambient levels as no analytical techniques can currently match the sensitivity, speed of response and breadth of application of the human nose. Therefore, current odour assessment cannot be applied to short-term events." **Again, in simple terms, why cannot it be acknowledged that chickens and their droppings create dust and have an offensive odour, and that any operations of this sort need to be sited > 400 meters away from residences, without any of the tortured and confusing 'explanations' and attempted mitigations above and elsewhere**

The PPC Sector Guidance note SG8 on animal rendering processes provides that Best Available Techniques (BAT) may be seen to be undertaken in relation to odour if the operator is taking all reasonable steps and exercising due diligence. In particular, the guidance indicates that as a threshold there should be no more than two incidents per year and that these incidents last no more than two hours. An incident lasting no more than two hours may be considered to be a minor odour incident subject to the impact criteria identified.

4.2. Dust Assessment

Manure spreading is recognized as a contributor to primary PM (**JB note: particulate matter**) emissions in the agricultural sector. In line with the EA, Defra, and SEPA guidance, there is no emission factor assigned to the spreading of manure and **there is no literature or studies to establish assessment of short-term dust emissions from agriculture. There are virtually no measured emission factors available in literature regarding environmental impact assessment** (Sharratt, 2014)⁷. Due to the short-term nature of effect, in line with other agricultural practices, such as harvesting of crops or spreading of lime, these activities are not considered to be of significant risk as to require specific regulation and therefore prior assessment. SEPA⁸ and Defra⁹ guidance do however address dust from livestock buildings and foodstuff materials. **In the absence of any literature or studies on the effects of short term dust emissions, how can it be assumed that they are of no significant risk?** It is effectively saying, 'the matter hasn't been studied, so it must be

safe', which is ridiculous. Also, this document so far has focussed on manure spreading and its possible effects, overlooking that a very large amount of guano will deposited on the free range every day, and will continue to accumulate, causing odour, especially when fresh and / or wet, and dust when dry. There are likely to be fly problems as well, during the summer

For manure and fertilizer spreading, practically no technical solution has been evaluated for its capacity to reduce PM emissions and by reviewing the literature on PM emissions from agricultural activities, it was evident that some activities such as tillage, residue burning and harvesting have been addressed more often than others, such as manure and fertilizer spreading or sowing. Moreover, these last two operations have been mainly studied from a very specific perspective, focusing only on a fraction of the total PM produced (namely the bio-aerosol

⁷ Dust pollution from agriculture in: Van Alfen, N.K., editor. Encyclopedia of Agriculture and Food Systems Volume 2. Cambridge, MA: Elsevier 1098 Academic Press. p. 487-504: https://www.researchgate.net/publication/280716463_Dust_Pollution_from_Agriculture

⁸ Prevention of environmental pollution from agricultural activity: guidance 2005. <https://www.gov.scot/publications/prevention-environmental-pollution-agricultural-activity-guidance/pages/4/>

⁹ Protecting our Water, Soil and Air A Code of Good Agricultural Practice for farmers, growers and land managers 2009. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/268691/pb13558-cogap-131223.pdf

component for manure spreading and the seed coating for sowing). Moreover, it was observed that for many countries in the world, such as Africa, India and South America, few of any specific emission factors are available in scientific literature (Maffia, 2020)¹⁰.

It can be assumed that PM concentrations will significantly decrease with distance from the emission source (Thiel 2020). As per the IAQM Dust Guidance 2016¹¹, there are no standards that apply to short-term exposure, e.g., one or two-hour, for human exposure. "The likely scale of short-term exposure would not normally be considered sufficient to change the conclusion that with mitigation the effects will be 'not significant'"¹². This is pure speculation Account for the rate of application of manure to land under appropriate conditions, exposure events will be in the duration of minutes and well under the guidance period. What does this sentence mean? It seems that the only factors being considered about spreading hen manure are odour and dust – particulate matter. No mention has been made of fly activity, and the significantly increased risk of nitrate (and other) pollution

4.3. Reporting Layout

In accordance with the EIA Process, to adequately assess the spreading and storage of manure, this statement will set out the following:

- Acknowledgement of Risks posed by the activity noted
- Identification of Receptors at potential Risk
- Identification of Impacts, including Pollution Pathways
- Detailing of Mitigation and Management Measures

- Conclusion of assessment

¹⁰ Airborne bacterial emission fluxes from manure-fertilized agricultural soil: <https://www.scinapse.io/papers/3045055042>

¹¹ Institute of Air Quality Management Guidance on the assessment of dust from demolition and construction 2016.
<https://iaqm.co.uk/text/guidance/construction-dust-2014.pdf>

¹² Institute of Air Quality Management Guidance on the assessment of dust from demolition and construction 2016.
<https://iaqm.co.uk/text/guidance/construction-dust-2014.pdf>

5. CONONSYTH FARM

It is acknowledged that at Cononsyth Farm, the housing and rearing of free-range hens for egg production will inevitably result in the **valuable by-product of hen litter**. Renowned as an effective non-chemical fertiliser, hen litter/manure is consistently collected and distributed to agricultural land throughout the country. Increasing environmental concerns over the risk of pollution from agricultural practices is recognised, with measures adopted to control the spread of products such as poultry litter to minimise risks. Quantity, composition (i.e. nutrient content) and acceptable location of spreading is controlled through various methods. The measures are to be adopted at Cononsyth Farm and are discussed in detail within this statement.

Given that Cononsyth Farm is located within the recognised Nitrate Vulnerable Zone (NVZ), deposition on the ranging area is in accordance **only just, with very little allowance for small positive increases to either deposition or leaching, or more droppings being produced than has been allowed for ... refer to my further comments on the latter in the second paragraph below** with the limit advised by RPID as 170kg/hectare under the Action Programme for Nitrate Vulnerable Zones (Scotland) Regulations 2008. The NVZ regulations stipulate where manure can be spread, the amount per hectare, and the time of year where spreading can and cannot be undertaken. This in itself will present a form of risk management for manure treatment onsite. **assuming that it is adhered to** However the NVZ rules do not address issues with odours and dust. **The free range area had to be increased during the application process in order to accommodate the calculated rate of droppings that the hens would produce. We have shown that the calculations produced by the applicant and agent leave hardly any headroom before the PRID limit is breached, either by the birds producing more manure than calculated, or because of increased soil absorption during periods of heavy rain**

Current practices at Cononsyth involve the purchase of dried hen litter from a third-party supplier, spread on the surrounding fields as fertiliser. Following best practice for spreading and storage on the farm to date has ensured that no complaints have been made in relation to ongoing farming practices. With the proposed hen shed at the farm, the valuable by-product of litter from the hens onsite will eliminate the requirement for imported material. **but will increase the demand for exported material, so there will be no reductions in vehicle traffic** Dried on industry-recognised belts, **where are these belts going to be ?** reducing its weight, volume and odour, **where will the odour go?** the ongoing practice will continue but only with onsite litter rather than that transported to the farm. By continuing to adopt best practice measures during the spreading and storage of chicken litter from Cononsyth Farm, complaints would not be expected. **This is another assumption, as the proposed processes differ from those already in place, and it remains to be seen if they are successful in minimising odour**

Figures gathered suggest that 30 tonnes of manure is produced per week from 64,000 hens. This tonnage equates to 1,560 tonnes per year; note is made that this is wet product. **A laying hen normally produces 100 – 150g of droppings over a 24 hour period ... source, The British Hen Welfare Trust. Taking the middle of this range, 125g / hen / day, this works out to ... $0.125\text{Kg} \times 64000 \times 7 \text{ days} = 56000 \text{ Kg}$, or 56 tonnes a week, or over a year 2912 tonnes a year. This document underestimates by 1352 tonnes the quantity of guano which will be produced, even at the mid – range of the figure above. Other sources (eg Red Tractor, estimate that 64000 hens would produce 4160 tonnes a year) At Cononsyth**

Farm, the litter will be dried **within the shed on industry-recognised belts**, **only the litter (droppings) produced in the sheds will be dried in the sheds, the rest will be anywhere on the free range** reducing its weight, volume and odour, prior to being stored within covered trailers adjacent to the shed. As all drying occurs internally and trailer units are sealed, the risk of odour and dust to air is not significant. **Another untested assumption; the sheds are designed to have a through draught, and the odour will most likely exit through the pop holes** Depending on the farming practices undertaken throughout the farm, approximately 240T will be used onsite, with the remaining 1,320T sold for use offsite on third-party land. Anticipated final outputs when accounting for drying, would be a total of 468T of dry manure per year, depending upon the extent of drying undertaken. This would equate to 72T of dried litter for use onsite at Cononsyth and 396T sold for use offsite on third-party land. From experience with other UK producers, the industry-**assumption** is that dried hen litter is around a third of the weight of wet litter.

Our calculation of 2912 tonnes of litter being produced, would equate to 971 tonnes of dried litter, depending on the final moisture content

6. RISK AND RECEPTORS

Whilst manure is a known by-product of such poultry farming practices, risks associated with its collection, storage and spreading are recognised.

With the manure proposed to be used at Cononsyth itself and also third-party land outwith the ownership boundary of Cononsyth Farm, the risks and receptors are expanded. Though not possible to identify third-party land expected to use the manure at this stage, as contracts have not been formed and site information received, consideration is given to likely receptors that could reasonable be expected to be in the vicinity of such land.

Cononsyth - Located on open farmland in rural Angus, the development is suited to its agricultural surroundings. **No, it isn't, for reasons we have been at pains to identify and discuss throughout the process of representation; bland statements such as that above are highly misleading** Scattered third-party residential properties are noted within the local area, alongside other working farmsteadings and associated land. These dwellings and properties are recognised as sensitive receptors, not owned or occupied by the landowner or those directly associated with the farming business.

Third-Party Land – Residential properties located within the local area surrounding any third-party land, unconnected to the farm itself are deemed to be sensitive receptors.

The local water environment and riparian habitat are considered, alongside their interaction with the wider ecological environment. **Previous documents submitted on behalf of the applicant have not considered ground water at all, and there is no plan in place to carry out routine water sampling to monitor for pollution events**

Odour, dust and fly infestation are also noted as being potential risks associated with the handling of hen litter.

Also disease

6.1. Pollution Pathways

As noted, environmental impacts associated with the mismanagement or accidental mishandling of manure is of

increasing importance given well-publicised incidents in recent years. Defra, SEPA, and the EA regulate minimising odour, nutrient, pathogen and surface water impacts from poultry manure land application through management plans and onsite practices. The SEPA¹³ and Defra¹⁴ guidance address dust from livestock buildings and foodstuff materials. **Those agencies may well 'regulate' the factors mentioned above, but this seems to amount to nothing more than setting acceptable limits of one sort or another. There seems to be no provision for routine monitoring of working practices and / or environmental indicators – water sampling, for example – to ensure that no pollution takes place, and no organisation seems to be willing to take that on ... meaning that the surrounding land, water and people will bear the brunt of that inattention, should any of the risks come to fruition**

Pathways of pollution to consider include air, water and land, with measures implemented to stop these pathways occurring in the first instance as standard. Potential pathways of note are deemed to be as follows:

- Dust to air during spreading and storage, exacerbated during dry periods is noted as a risk to receptors. **What about guano dust being produced on the free range, exacerbated by the hens trampling the grass to mud? Also collection by third parties for use elsewhere?**
- Odour impacts to sensitive receptors during spreading and storage. **What about the odour produced from the largest most concentrated source – the sheds themselves, plus odour from the free range?**

The above noted effects are recognised as potential sources of nuisance for those third-party receptors residing in a countryside location, unassociated with farming operations.

¹³ Prevention of environmental pollution from agricultural activity: guidance 2005. <https://www.gov.scot/publications/prevention-environmental-pollution-agricultural-activity-guidance/pages/4/>

¹⁴ Protecting our Water, Soil and Air A Code of Good Agricultural Practice for farmers, growers and land managers 2009. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/268691/pb13558-cogap-131223.pdf

- Run-off and leachate of litter to the water environment. Contamination of water courses, water supplies and potential damage to habitat and loss of aquatic biodiversity.

Understanding the potential pollution pathways will aid the process of implementing the necessary controls to manage the environmental risks and reduce the chances of onsite activities causing pollution, which could potentially lead to environmental damage.

6.2. Storage of Poultry Litter

Risks associated with the storage of litter are acknowledged to be impact to amenity, through odour, dust and potential fly infestation. To address these risks, **measures including separation buffers for appropriate positioning is to be adhered to.** **Presumably this means keeping the manure stores a certain distance away from residences? So if the storage area is to have a 'separation buffer', why not the main source of the droppings, ie the sheds and the free range?**

As per the Non-Domestic Permitted Development Rights, Class 18 provides for a "cordon sanitaire". This cordon excludes permitted development for the construction, extension or use of buildings for housing, in this instance, poultry, or for the storage of slurry or sewage sludge within 400 metres of a "protected building". A "protected building", as defined in this class is any permanent building which is normally occupied by people or would be so occupied, if it were in use for purposes for which it is apt.

As such, the permanent store of manure within 400m of a third-party dwelling would require full planning permission, dictated and determined by the Local Planning Authority. **At this stage, there is no intention for there to be a permanent manure store within this allocated 'cordon sanitaire'**, hence its omission from the planning application under consideration. This buffer is however acknowledged, and as per the Prevention of Environmental Pollution from Agricultural Activity (PEPFAA), **new slurry/manure store sites should not be located within 400m of a residential development, unless planning permission is sought.** **So, there's no plan just now to site a manure store within 400M of a dwelling, and any future intention to do so would have to go to planning approval, so why are the sheds themselves, the main location litter production, planned to be within 400M of dwellings, with same applying to the free range?**

In the absence of a specified separation distance for storage within guidance, the 400m separation dictated by the cordon sanitaire is considered to be a pertinent constraint. Experience gained of dried poultry manure is that the odour created from such product is minimal, **What experience, and by whom? Where are the data to support this assertion? Personal experience is that it is not minimal** therefore it is deemed that 400m from third-party residential properties is more than sufficient distance to avoid any impact from odour from storage in field heaps or storage building. This is sufficient distance to avoid issues with dust and flies. **Again ... where are the data to support this ?**

Small watercourses, with little dilution, are more likely to be adversely affected by diffuse pollution than larger rivers¹⁵. To mitigate risk of water contamination via leaching to ground or wash-off to waterbodies, no manure store will be positioned within 50m of a watercourse, borehole or spring well, or 10m from a surface or land drain. **But what about the sheds themselves? The same risks surely apply to these as to a manure store ?**

As detailed on the attached 'Storage Restrictions' plan (Appendix 1), specified buffers stipulated within regulations, guidance and general binding rules limit the area available for storage of manure at Cononsyth Farm. Storage of manure will not be undertaken without planning permission within the areas constrained by factors, including buffers for watercourses, supplies and drains, or within the 400m third-party residential

¹⁵ Scottish Government: Prevention of Environmental Pollution from Agricultural Activity code 2005. <https://www.gov.scot/publications/prevention-environmental-pollution-agricultural-activity-guidance/>

separation buffer. This will also be a requirement of the Manure Management Plan to be signed by all parties purchasing the dried litter from Cononsyth Farm.

Restrictions on the storage of manure are enforceable at Cononsyth Farm and all third-party land.

6.3. Spreading of Poultry Litter

Intended to be used as a fertiliser, the litter will be spread to land at Cononsyth Farm, and also third-party external land following sale. Located within the NVZ, limitations on quantity and timing of spreading will be regulated to ensure no exceedances of nitrate to soil and potentially to water.

The process of spreading manure to land is controlled through legislation, being the Action Programme for Nitrate Vulnerable Zones (Scotland) Regulations¹⁶ and the PEPFAA¹⁷. As is standard agricultural practice, regular analysis and monitoring of the manure ensures spreading onsite adheres to the NVZ guidelines. **Who does this regular analysis, and what visibility of this do the public have, particularly those residents who live close by areas where spreading is to be carried out?**

Minimum legal distances that apply when spreading slurry and manure next to watercourses dictate no spreading:

- within 10m of a watercourse, and/or
- within 50m of an uncapped spring, well or borehole.

Records held for private water supplies within the area encompassing the development site at Cononsyth, confirm two private supplies as detailed on the submitted plan. **These properties were firstly overlooked by the applicant and his agent, and only pointed out by those objecting to the application, which isn't encouraging ...**

Spreading also raises the risk of amenity impact to sensitive residential receptors in the local area. Whilst terms such as 'in proximity' are used throughout documentation, there is no prescriptive definition of distance to residences within any guidance. With no set distance detailed within published documentation for residential dwellings, spreading undertaken onsite will follow other specified separation requirements; this will be set at 10m in line with the prescribed distances for watercourses which is considered to be more than sufficient. **Does this mean that spreading is permitted up to 10 metres from dwellings ?** By adhering to best practice measures which have been built-up over years of farming practice and adopting common sense when spreading under appropriate conditions, risks are reduced. **Isn't it a bit much to ask sensitive receptors to take the above assurance simply on trust, when it could conceivably have a very significant effect on their health, and lives in general?**

For sites within the NVZ, including Cononsyth, manure is to be cultivated into the soil within 24 hours of spreading, as stipulated within NVZ guidelines. As such, any potential impacts arising from the spreading of manure would be minimised by the requirement for cultivation to soil within a set timeframe of 24 hours, minimising exposure to air, and potential dust and odour concerns.

To mitigate the risk of contamination of the water environment, it will be essential to maintain a suitable distance from any watercourse including ditches (at 10m) or drinking water supplies (at 50m) when handling or applying the litter to surrounding fields.

¹⁶ Scottish Government: Guidance booklets to help farmers to comply with the Action Programme for Nitrate Vulnerable

Zones (Scotland) Regulations 2008. <https://www.gov.scot/publications/nitrate-vulnerable-zones-guidance-for-farmers/>

¹⁷ Scottish Government: Prevention of Environmental Pollution from Agricultural Activity code 2005.

<https://www.gov.scot/publications/prevention-environmental-pollution-agricultural-activity-guidance/>

As detailed on the attached 'Spreading Restrictions' plan (Appendix 2), specified buffers stipulated within regulations, guidance and general binding rules limit the area available for spreading at Cononsyth Farm to that outlined. Spreading will not be undertaken within the areas demonstrated to be constrained by other factors, including the range area, within the buffers for watercourses and drains, alongside areas deemed unsuitable (turbine area and access, farmland planted to Honeyberries). These restrictions will also be a requirement dictated within the Manure Management Plan to be signed by all parties purchasing the dried litter from Cononsyth Farm.

Restrictions on spreading are enforceable for onsite spreading at Cononsyth Farm and all third-party land.

7. MANAGEMENT PLANS

By following guidance and procedures stipulated by the regulatory authorities through the permitting process, risks associated with the spreading and storage of manure are deemed to be low.

7.1. Current Guidance and Regulations

Currently, the spreading of manure is covered by the Prevention of environmental pollution from agricultural activity: guidance¹⁸ which states *"inject or incorporate applications of slurry and solid manures to uncropped land as soon as practical, preferably within 6 hours for slurry and 24 hours for solid manures. Seek to immediately plough or work slurry into the soil on arable land, as this can reduce emissions by up to 90%. Rates of loss are highest during the first few hours after spreading."*

SEPA General Binding Rules (GBRs) provide statutory controls over certain low risk activities. The following activities are already covered by GBRs:

- The storage, transfer and application of slurry, manure and other fertilisers to land
- The storage and application of digestates and sewage sludge to land
- The use of plant protection products by all application methods
- The use of herbicides in or near to water to control invasive species
- The operation of sheep handling facilities when using pour on chemicals
- Specific types of work carried out to protect riverbanks from erosion
- The storage of agricultural fuel oil

The amendments, due to come into force on 1st January 2022, have been produced to provide clarity, and six new GBRs have been included. These cover:

- Making and storing silage in bales or bulk bags (GBR 29)
- The treatment of lightly contaminated silage and slurry through a constructed farm wetland (GBRs 30 and 33)
- Consolidation of SSAFO rules on the storage of silage and slurry (GBRs 31 and 32)
- Storage of liquid digestate, a by-product of the energy production process using anaerobic digestion (GBR 34)

Prevention of environmental pollution from agricultural activity: guidance¹⁹ states in paragraphs 14 and 15 of section 4:

14. Be a 'good neighbour' and:

- *avoid spreading close to domestic or public buildings*
- *avoid spreading at weekends or public holidays*
- *spread livestock slurries and manures when the wind direction is away from public/residential areas and areas designated for their conservation value*

¹⁸ <https://www.gov.scot/publications/prevention-environmental-pollution-agricultural-activity-guidance/pages/4/>

¹⁹ <https://www.gov.scot/publications/prevention-environmental-pollution-agricultural-activity-guidance/>

- avoid, where possible, spreading in the hours of darkness

15. Locate any field heap of farmyard manure:

- at least 10m away from any clean surface water or field drain or watercourse and at least 50m from any spring, well or borehole
- as far away from residential housing as possible

Further to this, Section 13: Prevention and Control of Emissions to Air expands on this further with guidance declaring:

9. Spread slurries and manures when the wind direction is away from public/residential areas and areas designated for their nature conservation value.

14. Incorporate applications of slurry and solid manure to uncropped land as soon as practical, preferably within 6 hours for slurry and 24 hours for solid manure.

Nuisance provisions of the Public Health etc (Scotland) Act 2008: guidance²⁰ further details practices to follow to negate impacts, including Section 8: Good Practice for Manure Handling:

24. Manure should be incorporated by deep cultivation within 24 hours of spreading. This is in accordance with the DEFRA Air Code 1998 and will minimise odour and ammonia emissions...

These buffers and restrictions have been established, encapsulating years of experiences gained in the working environment. Adoption of such measures can effectively address risks associated with spreading and storage of poultry manure, as evidenced in the field. Industry practice of drying manure is recognised as being an effective measure to reduce the odour of such material, therefore increasing the effectiveness of existing guidance in avoiding nuisance.

7.2.

Adoption of Management Plans

Defra, SEPA, and the EA regulate minimising odour, nutrient, pathogen and surface water impacts from poultry manure land application through management plans and onsite practices. **When I asked SEPA about monitoring for odours and potential water pollution, they told me it was the responsibility of the environmental health department of the local authority (Angus Council) who would attend site if requested by a member of the public. Going by my experience, and what others have said, SEPA have seemed determined to avoid getting involved whenever possible in my view, and I seriously doubt that will change**

Exporting of manure is a normal and lawful practice and is subject to the Nitrate Vulnerable Zone (NVZ) rules²¹. The NVZ rules stipulate the following requirement for record keeping: **It may be normal and lawful, but I can't help but wonder how regulated it is ... are spot checks carried out on farmers, to ensure that they have accurate records of their manure imports and exports, and who would carry out those checks?**

"Records of imports/exports of livestock manure"

If you bring livestock manure onto your farm, or send it off, you will need to keep the following records:

- The type and amount of livestock manure;

²⁰ <https://www.gov.scot/publications/guidance-accompany-statutory-nuisance-provisions-public-health-etc-scotland-act/pages/25/>

²¹ Scottish Government: Guidance booklets to help farmers to comply with the Action Programme for Nitrate Vulnerable Zones (Scotland) Regulations 2008. <https://www.gov.scot/publications/nitrate-vulnerable-zones-guidance-for-farmers/>

-
- the total nitrogen content of that manure, **either from standard figures** or sampling and analysis; **shouldn't it really be by sampling and analysis every time, given the sensitivity of NVZs?**
- the date it was brought onto/sent off your farm; and
- the name and address of the supplier/recipient.

You will also need to keep details of a contingency plan to be used if an agreement to send the manure off your farm fails" I guess the implication here is what the exporter will do with all the excess manure if his clients pull out of the agreement, so shouldn't the contingency plans be stated as part of the application?

As an agricultural unit within the NVZ, operating under a SEPA Regulated PPC Permit, records will be kept of all transactions relating to manure sale, with Management Plans implemented, monitored and enforced throughout the operational lifespan of the site. Plans will include, as a minimum, a Manure Management Plan and Odour Management Plan. A draft Manure Management Plan (MMP) has been compiled and attached to this submission for reference. This MMP sets out the provisions for manure onsite to be managed in accordance with the Prevention of Environmental Pollution from Agricultural Activity code (PEPFAA).

The adoption and implementation of the MMP will be a required procedure for **all** parties purchasing and spreading the manure generated at the proposed hen shed sought²². Whilst third-party land is unidentifiable at this time, the adoption of the MMP will address the risk associated with the handling of manure off-site. All third-party purchasers of the manure will be bound by the terms of the MMP and in the unlikely event of these terms being contravened by the

purchaser, Cononsyth Farm will terminate the contracted sale and will not provide future products.

Through the implementation of appropriate Management Plans, and through following best practices set by regulatory bodies such as SEPA and others²³, agricultural practices such as spreading on land is managed, outwith the planning realm. Following guidance will work towards minimising the environmental risks associated with the storage and spreading of manure.

Control of mitigation would further be implemented by the Planning Authority through the issuing of planning permission for ongoing and proposed activities. Should mitigation measures be contravened, including following of the agreed and signed MMPs by third-party landholdings, the authority will have the right to take Enforcement Action on those individuals in contravention of the rules in place. **If I've understood this ... Angus Council will be able to take enforcement action on individuals who contravene the manure management plan ... but how would they get to know? Furthermore, I would like to see 'sensitive receptors' surrounding Cononsyth to have input to the development of the MMP as it pertains to the proposed development site, if the proposal goes ahead, and before building commences**

²² Including Cononsyth Farm

²³ For example, Scottish Government Environment Directorate, the National Farmers Union Scotland, and the Scottish Agricultural College with guides such as the PEPFAA Code.

8. CONCLUSION

The emissions associated with manure spreading are considered an acute emission and to accurately predict when the spreading will be undertaken, the weather conditions, and wind direction at the time of spreading is not achievable. Additionally, research and regulatory benchmarks consider chronic emissions and therefore, have very little relevance to acute emission events.

There is substantial research and regulatory guidance on the assessment of odour and dust emissions from livestock buildings; however, there is no guidance available on the assessment of odour and dust from spreading activities. As a result, meaningful scientific assessment of the odour and dust impacts from manure spreading is essentially impractical to provide.

The odour and dust impacts of the proposed development cannot be meaningfully quantified as there are too many variables involved and very high levels of uncertainty. Therefore, the most practicable approach is to follow the mitigation measures set out by the Scottish Government within PEPFAA²⁴ in order to reduce the impacts. **So, if despite the absence of any quantifiable data on the impacts of odour and dust from developments such as this, the proposal goes ahead, and despite the development being so close to dwellings, keeping fingers crossed that the 'mitigation measures' will a) be strictly adhered to and b) will actually work, in that there are no impacts from dust or odour**

Whilst there is a lack of scientific certainty in the calculation methods of manure storage and spreading, including odour effects²⁵, through the adoption and enforcement of appropriate binding Management Plans, constructed in accordance with good management practices, the risks associated with the operations proposed at Cononsyth Farm are considered to be low and acceptable in terms of the EIA process. **Considered as low and acceptable by whom ... the applicant and his agent? What does everyone else think ... bearing in mind my comments above?**

Guidance and binding rules detailed have been honed over many years, informed by experiences gained in working environments. The effect of drying manure will increase the effectiveness of the odour management due to the reduced ammonia levels and is likely to be less effective for the dust management; however not significantly so as these regulations account for a variety of states of manure. A draft Manure Management Plan, attached as Appendix 3, could be enforced in a planning condition where the operator must adhere to the requirement of holding records for all manure sales from Cononsyth Farm. The precise terms of the MMP are to be agreed, however through the adoption of such measures noted, impacts to receptors identified are minimised and manageable. **... and the receptors around Cononsyth should also have input to the MMP**















²⁴ Scottish Government: Prevention of Environmental Pollution from Agricultural Activity code 2005. <https://www.gov.scot/publications/prevention-environmental-pollution-agricultural-activity-guidance/>

²⁵ Short-term

NB: the two maps below are very difficult to read, and I'm sure that there are more drainage ditches on the ground, both near the shed themselves and on the free range than are shown on the maps

APPENDIX 1 MANURE STORAGE RESTRICTIONS

Legend

-  Cononsyth Farm Land Holding
-  Range Area (no field storage permitted)
-  Incompatible Landuse
-  Woodland
-  Existing Grass Buffer
-  Residential Receptors
-  Cordon Sanitaire (Third Party Properties)
-  Watercourses
-  Water Feature
-  Watercourses Storage Buffer (50m)
-  Registered Private Water Supply
-  Private Water Supply Buffer (50m)
-  Drainage Ditch
-  Drainage Ditch Storage Buffer (10m)

Map Details

Constraint plan for open field manure storage heaps based on current guidance.

0 250 500 m

Scale at A3: 1:10,000
OS Mapping Licence Number: 100022432

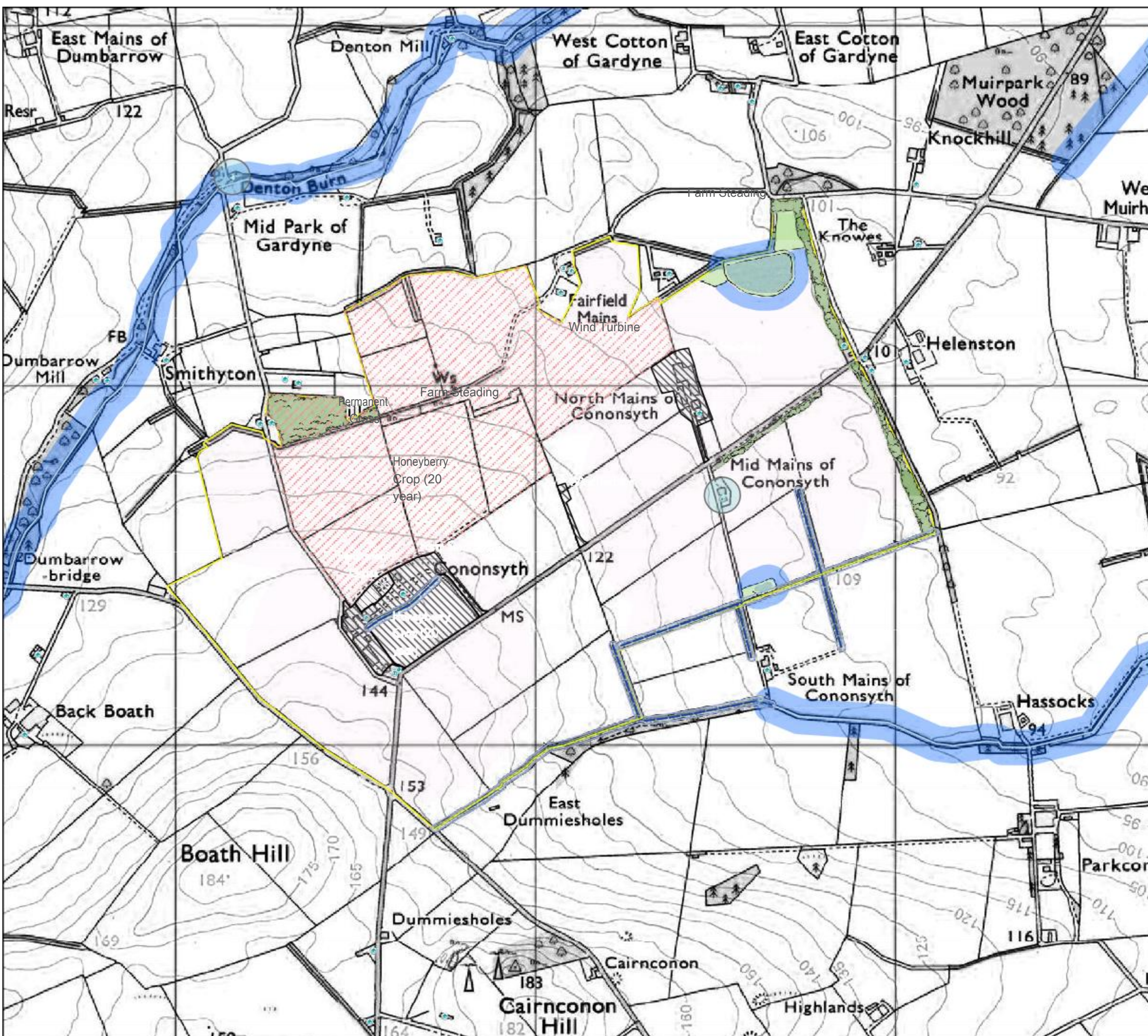
Client: Cononsyth Farms Ltd.
Site: North Mains of Cononsyth
Drawing Reference: COG184/APP/061/b
Date: 12/07/22

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COGEO
planning and environmental expertise

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APPENDIX 2

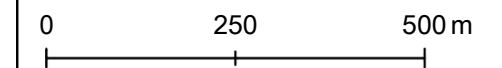
MANURE SPREADING RESTRICTIONS

Legend

-  Cononsyth Farm Land Holding
-  Range Area
-  Incompatible Landuse
-  Woodland
-  Existing Grass Buffer
-  Residential Receptors
-  Registered Private Water Supply
-  Private Water Supply Buffer (50m)
-  Water Feature
-  Watercourses
-  Waterfeature Spreading Buffer (10m)
-  Drainage Ditch
-  Drainage Ditch Spreading Buffer (10m)

Map Details

Restrictions for spreading of hen litter on Cononsyth Farm land based on current guidance.

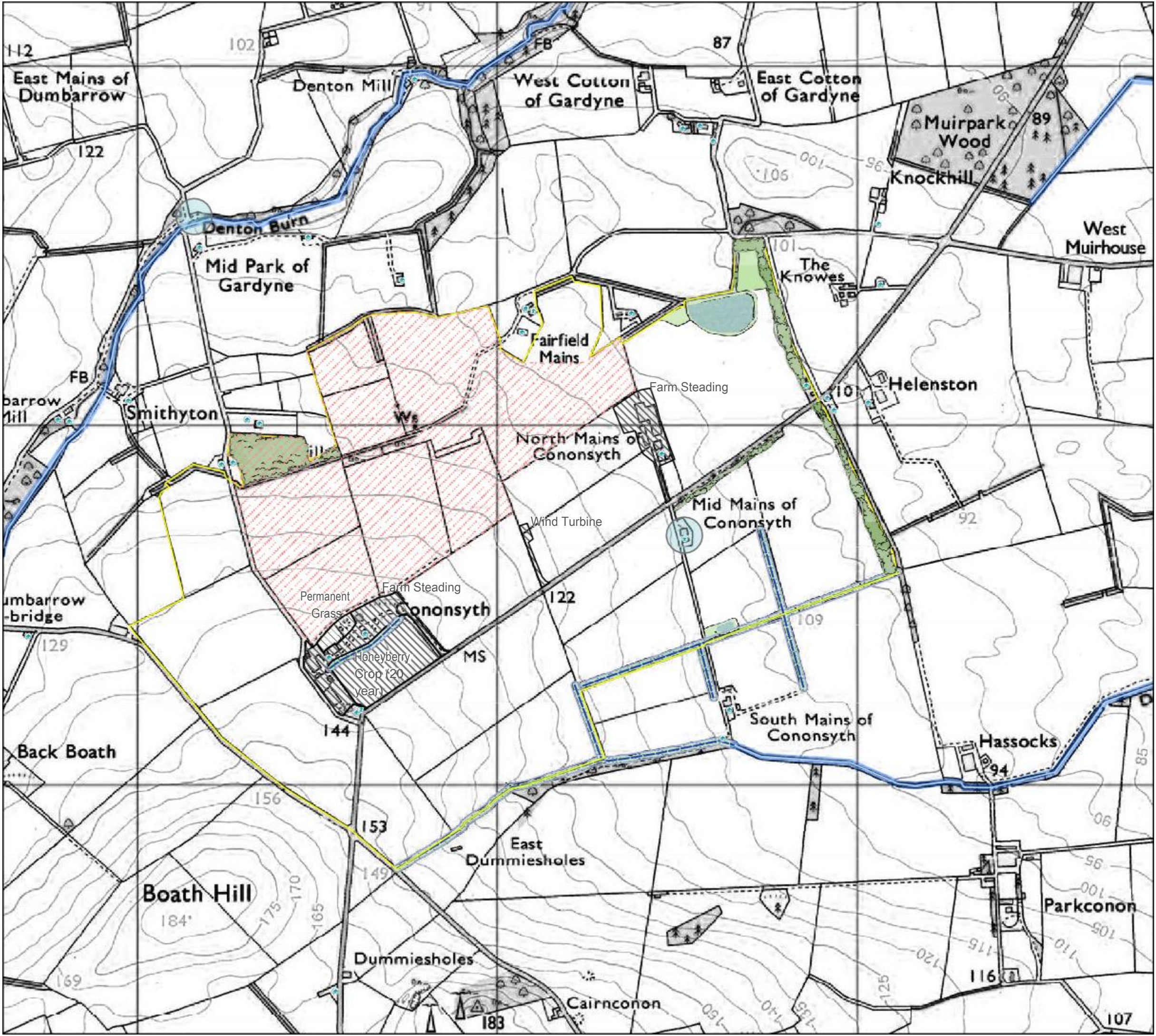


Scale at A3: 1:10,000
OS Mapping Licence Number: 100022432

Client: Cononsyth Farms Ltd.
Site: North Mains of Cononsyth
Drawing Reference: COG184/APP/062/a
Date: 11/07/22

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DRAFT MANURE MANAGEMENT PLAN

CALCULATE YOUR AREA OF SPREADING CHICKEN LITTER FROM CONONSYTH FARM

1. Map Your Site

Start by preparing a map of the farm using a colour coded system to identify areas where:

- manure must **not** be spread (e.g. within 10m of a watercourse);
- where spreading is possible but with some restrictions; and
- areas where spreading can be carried out throughout the year.

2. Calculate Your Available Area

Using the details from the map, calculate/estimate the total areas available for spreading.

What	Where	Spreadable Area	When – Identify Restrictions
Very High-Risk Areas	Fields likely to flood (usually most winters); adjacent to a watercourse, spring or borehole; where surface is severely compacted, waterlogged or have a steep slope and the soil is a field capacity, has a moderate slope and slowly permeable soil.		
High Risk Areas	Fields next to a watercourse, spring or borehole with soil at field capacity with moderate slope or slowly permeable soil; where soil depth over fissured rock is less than 30cm; with effective pipe or field drains. Land near the boundary of third-party residential properties not associated with the farm (within 10m).		
Low Risk Areas	All other areas not already marked.		
Don't Spread Areas	Areas where manure shouldn't be spread. At least 10m either side of <u>all</u> ditches and watercourses; 50m around springs, wells and boreholes; steep slopes with a high risk of run-off throughout the year; and Environmentally Sensitive Areas, SSSI's, or other land subject to management agreements.	n/a	<u>DO NOT SPREAD</u>
Water	Any ditches, watercourses and ponds. Springs, wells or boreholes where water is used for human consumption and farm dairies, including any on neighbouring land close to the farm boundary.	n/a	<u>DO NOT SPREAD</u>
Non-spreading Areas	Fields where manure would not normally be spread; non-farmed fields, woodlands, gardens.	n/a	<u>DO NOT SPREAD</u>
Total Area Available for Manure Spreadable =		X	

IMPORTANT NOTE – NITRATE VULNERABLE ZONES

Farms within the NVZ should have a Manure Management Plan in place.

Those sites within the NVZ are subject to additional rules and requirements in relation to storage and spreading of manure.

NO SPREADING OF POULTRY MANURES OF A HIGH READILY AVAILABLE NITROGEN CONTENT (>30% N) DURING THE CLOSED PERIOD OF 1ST OCTOBER – 31ST JANUARY.

MANURE MANAGEMENT PLAN AGREEMENT

THIS MMP RELATES TO THE HANDLING OF CHICKEN MANURE FROM CONONSYTH FARM ONLY.

ACTIONS DETAILED ARE TO ENSURE THE CONTROL OF IMPACT ON 3RD PARTY RESIDENTIAL PROPERTIES NOT ASSOCIATED WITH THE FARM HANDLING CHICKEN MANURE SOURCED FROM CONONSYTH FARM.

Manure Storage

If stored in field heaps, the heaps should not be sited within 400m of 3rd party residential properties (i.e. dwellings not associated with the farm which is handling the manure).

- So, field heaps of manure cannot be stored within 400 metres of residential properties, but the development proposal is to site a 64000 bird shed producing tons of manure within that distance from several dwellings, and to have other dwellings well within 400 metres of the free range
- Farms that produce livestock manures with high available N (>30%), such as poultry manure, must provide the storage capacity for 26 weeks.
- Farmers will be required to use the standard procedure and standard manure and litter volumes found in the NVZ regulations¹ to calculate the volume to which this 26 week equates.

Poultry litter and solid manures with low available nitrogen content (<30%) must be stored:

- In the livestock house
- At a suitable, temporary field heap (as detailed above), or
- On concrete constructed to the appropriate standard, not within 400m of 3rd party residential properties (i.e. dwellings not associated with the farm which is handling the manure).

The location of the field heaps required by the NVZ regulations, include the following:

- Field heaps must not be located within 50m of a spring well or borehole or
- Within 10m of a surface water or land drain
- Field heaps must not be located in any single position for more than 12 successive months
- There must be a 2-year gap before returning to the same field site.

Manure Land Application

Spreading chicken manure to land is a lawful and acceptable practice. The process is controlled in part by the Action Programme for Nitrate Vulnerable Zones (Scotland) Regulations¹ and is also subject to the PEPFAA² guidance. Guidance must be adhered to when handling and spreading manure to land.

The following mitigation procedures will be used in order to diminish the impacts of the manure spreading operations on farms using litter sourced from Cononsyth Farm:

1. Timing of Application

The application of chicken manure should be when grass and crops can make efficient use of nitrogen. Spring applications on all soil types is considered the most optimal use of nitrogen in the manures.

Do not spread chicken manures when:

- the soil is waterlogged; or
- the soil is frozen hard; or
- the field is snow covered; or
- the soil is cracked down to field drains or backfill; or
- the field has been piped or mole drained or subsoiled over drains in the last 12 months; or
- heavy rain is forecast within the next 48 hours; or
- at weekends, bank holidays, or in the evening.

¹ Scottish Government: Guidance booklets to help farmers to comply with the Action Programme for Nitrate Vulnerable Zones (Scotland) Regulations 2008. <https://www.gov.scot/publications/nitrate-vulnerable-zones-guidance-for-farmers/>

² Scottish Government: Prevention of Environmental Pollution from Agricultural Activity code 2005. <https://www.gov.scot/publications/prevention-environmental-pollution-agricultural-activity-guidance/>

Spreading chicken manure will be done **only**:

- When the manure will be cultivated into the soil within 24 hours; and
- If land is within an NVZ, **do not** spread poultry manures that have a high readily available nitrogen content (>30% N) during the closed periods (1st October – 31st January).

Weather forecasts should be utilised to help choose appropriate conditions for spreading. The optimal conditions are where air mixes to a great height above the ground, such as:

- Sunny, windy days, followed by cloudy, windy nights.

These conditions cause odours and dust, recognised risks to amenity, to be diluted quickly, ensuring impacts to 3rd party residential receptors are minimised.

Wind direction must be established in relation to nearby housing before spreading.

- Spreading should be undertaken when the wind is blowing away from sensitive 3rd party residential properties (opposite to direction of property from area of spreading).
- When wind direction is unfavourable, i.e., directing odour/dust towards sensitive 3rd party properties, adopt a precautionary approach and avoid spreading until conditions are suitable (as detailed).

2. Land Restrictions for Spreading

Do not apply chicken manures:

- Within 10 metres of any ditch, pond or surface water; or
- Within 50 metres of any spring, well, borehole or reservoir that supplies water for human consumption; or
- On very steep slopes where run-off is a high risk throughout the year; or
- Any areas where you may not be allowed to spread for reasons such as a tenancy agreement, an abatement notice due to smell, Sites of Special Scientific Interest, agri-environmental, agreement or other reason.
- The surface is rocky or uneven so that your equipment cannot be used effectively or safely.

3. Spreading Equipment and Operations

- All equipment is to be maintained and in good working order before field activity starts.
- Any and all repairs are to be completed as necessary.
- Spreaders are to be operated according to manufacturers' instructions and adjusted to an appropriate application rate and uniformity of spread for the type of manure.
- Appropriate manure spreading procedures are to be used at all times including manure spreader filling and manure transport.

I, (Business/Customer Name), agree to the binding terms stipulated within this Manure Management Plan as part of the purchase of manure from Cononsyth Farm.

I acknowledge that any contravention of these terms will result in the termination of the contract between ourselves and Cononsyth Farm, and that any contravention will be liable to Enforcement Action by the Local Planning Authority and potentially Regulatory Authority (e.g. SEPA).

JB suggestion: I have notified all potential sensitive receptors within a distance of ??? metres from the areas of intended application, of the proposed date(s) and duration of application, and provided them with the name, position, and contact details of the person to report to if they have cause for complaint

Signed:

Position:

Date:

Planning Application 21/00337/FULM

I object to this planning proposal because the present site is within 400 metres of residential properties which goes against PEPFAA guidance. Residents believe that not enough serious consideration has been given by the applicant to find alternative sites for the proposed development which would not impact their health and amenity.

A Freedom of Information request has revealed that COGEO have submitted a plan of "Alternative Sites" (COG184/App/061/a). This document shows sites which COGEO claim to have been considered as alternatives. Whilst it is possible to take issue with individual scores allocated by COGEO to the various sites proposed, it is concerning that they rate the Environment for the preferred site as "10 Excellent", which totally disregards the multiple residential properties which will be affected adversely if this site were chosen.

Local residents have previously proposed an option for the site on the north of the B961 in the fields adjacent to the wind turbine. Using the same methodology as used by COGEO, this site is judged excellent in terms of Topography; Range; Electricity; Environment; Access (scoring in excess of 50 points) and would therefore be the most viable and suitable location within the land ownership boundary. Most importantly it is remote from residential housing. The industrial unit would be read in conjunction with the existing industrial buildings at Cononsyth and would not require the destruction of the U467, which is an amenity highly valued for leisure activities by local residents. Unlike the site currently proposed by COGEO, the B961 site would comply with most of the requirements of the Local Development Plan. The visual impact of the buildings might be a concern but would be limited by the rise and fall in the landscape and arguably would be less impactful than the location currently preferred by COGEO.

Mike Rushforth

Summerhill House

DD8 2SR



21/00337/FULM Field 530m West of North Manis of Cononsyth Farm

Date:

01 November 2022 08:12:41

Please log and acknowledge this representation from Mike Rushforth in association with planning application 21/00337/FULM.

Thanks for your help



From:

Sent: 31 October 2022 18:23

To:

Subject: Ref No 21/00337/FULM Field 530m West of North Manis of Cononsyth Farm



I would appreciate it if you could include my objection below on the Planning Portal.

Kind regards

Yours sincerely

Mike

Mike Rushforth

Summerhill House

Guthrie

Forfar

DD8 2SR



The value of the Manure Management Statement (MMS) submitted by COGEO in support of the application is of questionable value because it grossly understates the annual amount of manure which will be associated with the proposed industrial unit.

Based on wet manure, adult hens produce up to 180g manure per day (www.organicfertilizermachine.com) whereas young chickens will produce approximately 70g per day. Using an average manure production rate of 125g/per bird/ per day, allowing for the fact that young chickens will be introduced at the start of the egg production cycle, this equates to 56 tonnes of wet product per week. This is probably an understatement because the body weight of the hens

will increase rapidly over the first 3-4 months, so the average weight during the production cycle will almost certainly be more than 125 grams. The true figure of 56 tonnes per week for wet manure production contrasts with the 30 tonnes per week which COGEO have used in their calculations and discussion of the potential impact on odour. Therefore what is the value of the MMS if they do not have an accurate figure for the amount of manure produced and were these same assumptions made in the calculations for conformance to NVZ requirements? If so the requirements will be exceeded.

The MMS states *“As all drying occurs internally and trailer units are sealed, the risk of odour and dust to air is not significant.”* The sheds are not hermetically sealed but will be ventilated by a forced draught system with air exiting through the pop-holes. This will have to be an essential part of the process otherwise the humidity will become excessive for birds in the shed as well as a build up of fumes from the drying process. No mention is made in the MMS of the potential for the emission of odour from the sheds yet the odorous compounds in the wet manure must go somewhere because they are naturally volatile.

Additionally, the drying process raises concerns about the formation and emission of particulate matter which was not specifically addressed in previous versions of the EIA. The MMS does highlight the difficulties in modelling odour and I question whether it is possible to trust the modelling conducted on particulates where it was noted that there was “limited headroom for error”.

The MMS focuses on emissions in manure spreading which is an occasional event and certainly less hazardous than being situated near a unit which is continuously producing manure. It ignores the fact that approximately 10 tonnes of manure will be deposited on the range area every week, and this will remain on the surface of the ground whereas it is turned into the ground within 24 hours during the manuring process. This is another potential source of odour affecting sensitive receptors.

It is claimed in the MMS that Cononsyth Farm operates best practice during the spreading of manure (Ref) and complaints would not be expected. However, contrary to best practice, Cononsyth Farms were spreading manure on the afternoon of 9 September 2022, in the field upwind from the properties at Summerhill and we and our neighbours were aware of the odour and had to move indoors. What farmers in general fail to take into account is the goodwill routinely shown to them by the people who live in the countryside and who accept the occasional loss of amenity and do not make formal complaints due to unpleasant odours or mud on the road. However, the situation with odour release from an industrial unit operating 24 hours per day and 365 days per year is totally different to the occasional spreading of manure.

The MMS recognises the fact that it is not possible to calculate whether or not odour will be an issue for sensitive receptors and one senses that they want to adopt an approach of “let’s build it and see if anyone complains!”. However, many of the issues associated with this application would disappear if the applicant did follow best practice and build this unit so that it was not adjacent to residential properties.

It is disappointing that the applicant has failed to respond to comments regarding

Alternative Sites and it is hoped that the Planning Department will ensure that this issue is addressed more seriously by the applicant. Submissions have been made which show that the buildings could be accommodated on the existing site, but more remote from sensitive receptors and with an access road across the applicant's land which would have less impact on the amenity of residents, safer access to the B961 and shorten the distance between the sheds and North Mains Farm.

From: Mike Rushforth [REDACTED] >
Sent: 01 November 2022 12:26
To: Ed Taylor [REDACTED]
Subject: Re: Ref No 21/00337/FULM Field 530m West of North Mains of Cononsyth Farm

Dear Mr. Taylor

Thank you for the explanation which is clear and which I thought might be the case. I hope that the report will insist on a more serious consideration being given to the location of the buildings because I sincerely believe that there is a quality solution to this problem.

Further to the comments I sent yesterday regarding the Manure Management Plan, I made a comment about the assumptions made in this Plan regarding the amount of manure produced per annum per hen and implications for hens ranging in a NVZ.

Since then I have found figures for the total nitrogen produced per hen per annum (Nitrate Vulnerable Zone Wales Farmers Handbook, 2014 Edition) which quotes 0.55Kg N/unit of stock/annum. It is generally assumed that only 20% of the hen flock will graze on the 40 hectare range, so 12,800 hens will produce 7,040Kg Nitrogen, equivalent to 176Kg/Hectare, thus exceeding the permitted level of 170Kg N/annum. I believe that the figure which COGEO produced barely fell within the limit so I think there must be serious doubts about the acceptability of this development on prime agricultural land in a NVZ.

Kind regards

Yours sincerely,

Mike

Mike Rushforth
Summerhill House
Guthrie
Forfar
DD8 2SR

Comments for Planning Application 21/00337/FULM

Application Summary

Application Number: 21/00337/FULM

Address: Field 530M West Of North Mains Of Cononsyth Farm Cononsyth Arbroath

Proposal: Erection of two 32,000 capacity free-range hen sheds and associated infrastructure including feed silos, egg packing facility, vehicular access, access tracks, drainage and landscaping

Case Officer: Ed Taylor

Customer Details

Name: Mr Ian Grant

Address: Southpark of Gardyne Kirkden By Forfar

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: *Why was Shropshire-Squire case presented as relevant to Cononsyth's + why was opinion of a QC sought? Will this carry more weight than residents' concerns-as it is they who will experience any resultant effects.

*Why assume all will be ok if there is no data available re health risks from dried litter dust or pollution from seepage of wet litter.

*Airborne pollution from dried litter dust carried downwind and seepage from wet litter downhill could lead to contamination of watercourses, ditches, soil, groundwater.

*Previous pollution incidents in Denton Burn killed off all aquatic life. Denton feeds into the Vinney then the Lunan. SEPA informed but does not monitor burn +no intention to do so

*Supposedly manure is a non chemical fertilizer but does chicken feed contain chemicals?

*If there is no data/study on short term dust emissions available+no scientific certainty or recognised assessment methods+no measured emission factors available regarding environmental impact-how can we assume no risk to health?

*How can we ignore possible health risks if all is based on opinion and assumption?

*Other concerns-chicken litter odour, rodents ,fly infestation. Increased traffic movement uplifting and transporting litter if narrow U467 road is to be used.

*On a personal note-due to cancer I have a compromised immune system- so understandably "any" health risk is of great concern.

*Droppings dried in sheds-risk to workers' health.

*No mention of Asian Flu or Climate Change challenges.

*This Manure Management document is an addition to Cononsyth's original submission. We hope and trust that all previous representations, observations comments and objections on other matters relating to this development will not be ignored or overlooked.

Comments for Planning Application 21/00337/FULM

Application Summary

Application Number: 21/00337/FULM

Address: Field 530M West Of North Mains Of Cononsyth Farm Cononsyth Arbroath

Proposal: Erection of two 32,000 capacity free-range hen sheds and associated infrastructure including feed silos, egg packing facility, vehicular access, access tracks, drainage and landscaping

Case Officer: Ed Taylor

Customer Details

Name: Mr Michael Went

Address: Parkland of Murroes Kellas Dundee

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: One of the key causes of algal bloom is excessive levels of phosphate in the environment. This has been clearly shown in other areas of the UK and has contributed to the the demise of a significant number of river environments. Chicken manure has been closely associated with this occurrence. This occurs when vast amounts are used as fertiliser on local farmland and also as a result of runoff from chicken farms which runs into local watercourses and existing drains. This would have a significant effect on the Arbroath area and could impact significantly on the activities of local fishermen.

It appears that the runoff calculations relate to the buildings and near surrounds. In periods of heavy rain I would like to know how excessive levels of phosphate would be stopped from running off a site which is 40 ha in area.

It is too simplistic for the developer to simply maintain that the chicken manure would be used on the local farms - who decides what is an acceptable level to be spread on the land? To my mind this is a very convenient way to get out around the issue of disposal.

This is too critical and potentially damaging to be allowed to occur.

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Case Officer: Ed Taylor

Customer Details

Name: Mrs Susan Burness

Address: Farmhouse Fairfield Mains Gardyne Arbroath

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this planning proposal because the present site is within 400 metres of residential properties which goes against PEPFAA guidance.

A Freedom of Information request has revealed that COGEO have submitted a plan of "Alternative Sites" (COG184/App/061/a). This document has been prepared retrospectively and weighted to advantage the applicants preferred site rather than as an aid to site selection.

If this process has been undertaken independently, I would suggest it would demonstrate the proposed site is wholly unsuitable for the development.

It is hard to justify scoring allocated to Environment when the site is not remote from residential housing. It is within 400m of several residential properties. In fact, the range comes right up to the boundary of each of the three homes located at Fairfield Mains.

The proposed chicken sheds are to be constructed directly over water courses previously culverted (as evidenced by historic OS Maps) and which will have to be rerouted around the perimeter of the built development. I presume this will also require the rerouting of all the damaged and truncated field drains that currently discharge into them.

In addition, to award points for an access, that was created erroneously prior to submission of the application, is blatantly disingenuous.

The proposed site benefits from some of the best agricultural land in Scotland and the rich clay soil may have slow water absorption and quick water run off, as demonstrated by issues of surface water flooding, but does hold water well. This is particularly advantages during periods of limited rainfall as has been experienced this year. Making it excellent arable land.

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Case Officer: Ed Taylor

Customer Details

Name: Mrs Valerie Mcmillan

Address: Summerhill Cottage Forfar

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:With reference to the manure management plan, with the lack of scientific certainty, how can an assessment of the risk to human health be made, therefore surely this application cannot be considered

Regarding the spreading of manure and the impact from dust and odour, I have experienced this after manure was spread adjacent to my property, perhaps the views of receptors should be taken into account.

If 64,000 hens are to be housed, and dropping dried, the dust and odour must go somewhere, and therefore affect those closest to the sheds, how will this be monitored?

This document relies very heavily on "assumptions" surely more scientific measurements are available and required. Receptors will be affected by the emissions and there are several properties near this development.

Will SEPA follow up complaints timely, and what guarantees are in place.

What is in place to monitor ground water arising from this facility? Where will this go? I rely on a private water supply from a spring, can it be guaranteed that this will not be contaminated in any way. Who will take action in connection with any complaints relating to contravention of mitigation measures, will this be Angus Council.

I therefore would like more scientific information to be assessed before this application can be

considered.

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Proposal: Erection of two 32,000 capacity free-range hen sheds and associated infrastructure including feed silos, egg packing facility, vehicular access, access tracks, drainage and landscaping

Case Officer: Ruari Kelly

Customer Details

Name: Ms Morag Malcolm

Address: Summerhill House Guthrie Forfar

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to object to this planning proposal because it appears that COGEO and the applicant have not really given any serious consideration to alternative sites.

I refer to COGEO Drawing, Reference COG184/APP/061/a in which a matrix of site desirability is included. This matrix fails to recognise that the site preferred by COGEO (Site C) is in close proximity to several residential properties and for this reason alone cannot be scored as 10 for "Environment". It is recognised that Option A is close to residential housing and is therefore rated as 4 for Environment and because of the large number of properties affected, Option C should similarly be given a low score, which would make it appear a much less desirable choice.

It is noted that the access for Option A will impact on the amenity of a nearby residential property due to "noise nuisance" and I would like to point out that the access created for Option C will also affect our amenity at Summerhill House because the access track passes within close vicinity to our property, so it is overly generous to assess Option C as a 6 for "Access". This statement regarding "noise nuisance" is particularly significant because this is the first time that COGEO have confirmed our concerns that noise from traffic servicing the site will be an issue. COGEO should be asked to relocate the access track if they want to persist with Option C.

Finally, an option not considered is the location of the sheds in the two fields adjacent to the turbine on the northern side of the B961. This would meet all the service requirements, and most importantly is remote from residential housing. The only negative factor here is visual impact, but there is already mature hedging for screening and will be minimised by undulations in the land.

This seems to be a more acceptable solution than siting the development close to residential properties, causing potential damage to health and a major impact on amenity of many people in the area.

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Case Officer: Ed Taylor

Customer Details

Name: Ms Morag Malcolm

Address: Summerhill House Guthrie Forfar

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to object to the above development due to my concerns about dust, odour and the siting of the sheds.

The revised application gives no verifiable information about the intensity of the odour from the sheds housing 64,000 chickens.

As anyone living in the countryside knows where chicken manure is used as a fertilizer even relatively moderate amounts emit an obnoxious odour exceeding that of any other type of fertilizer. However, in this case the odour from the sheds would be constant, peaking at certain times and would be carried by the wind.

Similarly, dust emissions which, as well as contributing to the risk of respiratory disease, will coat the local environment with a coating of filth which will contain biotoxins.

Regarding the siting of the sheds, it seems to me that there is a connection between the applicant's insistence on access to the sheds being by the track along the bottom of our garden. This track was created by the applicant without planning permission or consideration of our amenity and involved the destruction of many metres of drystone walls. No explanation has been given for the rejection of other more logical access points to the main road and farm buildings. However, these other points of access would bring traffic closer to the applicant's dwelling houses on the farm. I suggest that this implies recognition by the applicant that living close to such a development would be very unpleasant indeed.

I have major concerns about the entire application. In the light of increased knowledge about the way in which environments are harmed by the thoughtless actions of humans, Angus Council must

consider seriously the negative impact of such a development on climate change. The applicant is already operating multiple biofuel plants which developing knowledge shows are harmful to the environment, see on-going issues with Drax, and replacing prime agricultural land with an industrial mega-farm can never be considered environmentally desirable.