**DELEGATED REPORT**

**Application Reference:** PL/2023/09066

**PROPOSAL**

The application is for the storage of hazardous substances at Langley Burrell Farm, Sutton Lane, Langley Burrell. It comprises the storage of an additional quantity of liquid petroleum gas at existing broiler farm which is to be expanded. The LPG is to be stored in tanks close to existing buildings and would be of a quantity of some 36 tonnes.

During the life of the application, additional information was submitted which placed armco type barriers next to the LPG tanks along with additional drainage information.

Separate health and safety law ensures measures are in place for the safe use of hazardous substances. However, even after measures have been taken to prevent major accidents, there will remain the residual risk of an accident which cannot entirely be eliminated. Hazardous substances consent ensures that this residual risk to people in the vicinity or to the environment is taken into account before a hazardous substance is allowed to be present in a controlled quantity. The extent of this risk will depend upon where and how a hazardous substance is present; and the nature of existing and prospective uses of the application site and its surroundings.

The application is not seeking a planning permission.

**SITE DESCRIPTION/CONTEXT**

The application site forms part of Langley Burrell Farm. Langley Burrell Farm lies immediately east of Sutton Lane, to the north east of Langley Burrell Village and due south of the Village of Sutton Benger. The surrounding land use is agricultural.

The holding is a specialist broiler unit, rearing chickens for meat. It is understood the unit has capacity for approximately 440,000 birds annually, however it is currently run with capacity of 220,000 birds. Planning permission was previously granted for the replacement of poultry buildings to increase the capacity at the site. The proposed new buildings will increase bird places by approximately 180,000.

The unit is operated by Devonshire Poultry Ltd, who are understood the largest independent producer of broilers in the south west. The wider operation produces approximately 4m broilers annually across seven sites in south west England. The applicant's freehold land at the farm comprises approximately 4.4 ha (10.84 acres).

Sutton Lane Meadows SSSI is located approximately 300m from the site and several others within 10km of the site. There are 4 local wildlife sites and 4 areas of ancient woodland within 2km of the site. Sutton Benger Conservation Area is approximately 890m from the site, and the closest listed buildings (Grade II) are some 400m to the south of the site, and Carpenter's Farmhouse approx. 890m to the south east.

**PLANNING HISTORY**

- PL/2022/01747 - Demolition and replacement of poultry buildings and associated infrastructure – Approved with Conditions
- PL/2022/01381 – Provision of three buildings to support the existing poultry enterprise – Approved
- 96/01203/DC – Cond 3 pursuant to 95/02454 – Approved
- 96/00781/FUL – 3 Poultry Houses – Approved
- 95/02456/FUL – Temp site of mobile home – Approved
- 95/02454/FUL – Farm managers replacement dwelling – Approved
- 93/01174/OUT – Renewal 2 poultry houses- Approved
- 90/02225/OL – Poultry Houses - Approved

**POLICIES**

Wiltshire Core Strategy 2015 (WCS)

CP34 Employment
CP50 Biodiversity and Geodiversity
CP51 Landscape
CP57 Ensuring High Quality Design and Place Shaping
CP60 Sustainable Transport
CP61 Transport and Development
CP64 Demand Management

North Wiltshire Location Plan 2011 (NWLP)

NE18 Noise and pollution

National Planning Policy Framework 2023 (NPPF)

**ISSUES**

The principal considerations in the determination of this application are:

- Principle
- Health and Safety
- Impact on neighbour amenity
- Highway safety and parking
- Ecology
- Character and appearance of the area and heritage assets

**CONSULTATION**

Sutton Benger Parish Council: No comment received

Health and Safety Executive: Initial comments were received requesting additional information. Additional information was provided and there was a delay in response from HSE until October 2024. Those later comments received 16/10/24 raise no objections and recommend conditions. Extracts below:

> *In considering this application for Consent, HSE has made the assumption that the requirements of the Health and Safety at Work etc. Act 1974, and all relevant statutory provisions, will be met at the establishment should Consent be granted. Accordingly, HSE advises that you should direct the applicant's attention to section 29 of the Planning (Hazardous Substances) Act 1990. On this basis, HSE has concluded that the risks to the surrounding population arising from the proposed operation(s) are so small that there are no significant reasons, on safety grounds, for refusing Hazardous Substances Consent.*
>
> *Following Government advice that particulars in the application form do not automatically become conditions of consent, it would be beneficial to include the following conditions:*
>
> *The Hazardous substances shall not be kept or used other than in accordance with the particulars provided on the Application dated 30/05/2024, nor outside the area(s) marked for storage of the substance on the drawing 200_01 revision C 14.12.2022 which formed part of the application and the decanting of the road tanker deliveries should be made at a distance of no more than 10 metres from the fixed storage vessel.*

Environment Agency: No objection but make following comments:

> *We have no objection to the proposed development, however the applicant should note the following advice. Please include the following informatives in any permission granted.*
>
> *Source Protection Zone and Pollution Prevention*
> *According to our records the site is located within a Source Protection Zone 2 (SPZ2), on a geology of Kellaways Sands and Oxford Clay with a superficial sands and gravels deposits (a Secondary A aquifer). The application form says the proposal is for an Above Ground Storage tank for liquid petroleum gas (LPG).*
>
> *We are unable to determine from the information provided whether an Environmental Permit is required so the applicant must refer to our informative below. Due to available resources currently there may be a delay in obtaining any Environmental Permit.*
>
> *We would expect the storage facility to adopt appropriate engineering standards for the storage tank, proportional to the nature and volume of fuel stored. Consideration should be given to pollution prevention measures, regular maintenance and the identification of leaks so as to avoid pollution incidents.*

*The applicant should refer to chapters C and D of our Groundwater Protection Position Statements. If they are unable to comply with any aspect of the regulations or are likely to deviate from the guidance, please consult us in advance of construction work.*

*Informative - Storage of materials/chemicals/oil likely to cause pollution Materials and chemicals likely to cause pollution should be stored in appropriate containers and adhere to guidance for the storage of drums and intermediate bulk containers.*

*Any facilities, above ground, for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.*

*Appropriate procedures, training and equipment should be provided for the site to adequately control and respond to any emergencies including the clean-up of spillages, to prevent environmental pollution from the site operations. We advise that polluting materials and chemicals are stored in an area with sealed drainage.*

*Please contact the Environment Agency's National Customer Contact Centre (Tel: 03708 506 506) for further information and guidance. Additional information and guidance is available at: Groundwater protection position statements - GOV.UK (www.gov.uk)*

*Informative - Environmental Permit*
*Please note any discharge of trade effluent to watercourse or ground associated with this development may require an environmental permit under the Environmental Permitting (England & Wales) Regulations 2016 from the Environment Agency. Further information is available online at https://www.gov.uk/environmental-permit-check-if-you-need-one or contact us on 03708 506506 for further advice. The applicant should be aware that the Permit may not be granted. A permit will only be granted where the risk to the environment is acceptable*

Highways Engineer: The site is located on with existing access from Sutton Lane, a C Classified section of public highway subject to a speed limit of 60mph, it is not proposed to alter this access.

Storage tanks for LPG associated with heating the sheds are proposed to be located within the northwest of the site, access has been indicated as a track running between the sheds and the storage tanks, this appears to have a turning head at the end of the track which will enable the delivery lorry to access/egress the public highway in a forward gear.

The trips associated with this would not be considered of detriment to the surrounding highway network, this would constitute a single 20T lorry delivering to site when required which I do not consider would be a frequent occurrence. Therefore, I would not wish to raise a highway objection to the proposal.

Council Environmental Health Officer: No adverse comments regarding the proposal

Council Drainage Engineer: No comments to make

**REPRESENTATIONS**

No representations have been received.

**ASSESSMENT**

Principle

The proposal is for the storage of additional liquid petroleum gas at the existing broiler farm. Planning permission was granted previously for an expansion of the site which will result in an increase of bird places by approximately 180,000. Additional gas storage is required to heat the poultry buildings. CP34 of the WCS is of some relevance which supports sustainable farming and food production through allowing development required to adapt to modern agricultural practices and diversification The development enables the expansion of the existing farm unit and is considered acceptable in principle in accordance with CP34.

Health and Safety

The new LPG storage tanks are to be located within an established agricultural operation, which is some distance from residential properties.

The Health and Safety Executive have been consulted on the application. After review of the proposed hazardous substances and application site, the HSE has concluded that the risks to the surrounding population arising from the proposed operations are so small that there are no significant reasons on safety grounds for refusing Hazardous Substances Consent. A condition in recommended in relation to the proposal according with the details provided, and in relation to road tanker deliveries (noting that additional plans were received which places barriers around the new LPG tanks).

The Environment Agency were also consulted on the proposal and have no objection subject to informatives in relation to a Source Protection Zone, the storage of materials/chemicals likely to cause pollution and environmental permit. Given this is a broiler unit of significant size, an Environmental Permit is required for poultry operations exceeding 40,000 bird places, which is issued by the Environment Agency (EA). A permit is only issued when the EA are satisfied that significant pollution will not be caused and the operator has the ability to meet the conditions of the permit.

There is no objection from the Council's Public Protection Officer.

It is considered that the site has been adequately assessed in terms of health and safety. The site will be monitored going forward as part of the EA Environmental Permit process which sits outside of the planning system. Subject to conditions and informatives, the proposal is acceptable in health and safety terms and accord with policy CP57(vii) to the Wiltshire Core Strategy and Saved Policy NE18 of the North Wiltshire Local Plan.

Residential amenity

The closest residential properties comprise the Farm House on site, and then Meadow Farm and 10 Sutton Lane, which are located in excess of 280m to the south of the proposed gas storage. No objection has been received from neighbouring properties on this application. There is no objection from Public Protection. The proposal is some distance from residential properties and it is not considered to result in any adverse effects in terms of residential amenities.

Highway safety and parking

The proposals do not impact the existing parking or access at the wider site. The gas storage tanks are accessed by a track running between the sheds and the storage tanks. This has a turning head, which will enable the delivery lorry to access/egress the public highway in a forward gear.

The Council's Highway Engineer concludes the trips associated with the would not be considered of detriment to the surrounding highway network. This would constitute a single 20T lorry delivering to site when required which is not considered to be a frequent occurrence. No highway objection is raised in respect of the proposal. No parking or highway safety concerns are raised. The proposals are considered acceptable in terms of highways and parking in accordance with CP61 and CP64 of the WCS.

Ecology

Ecology has been considered as part of the previous wider development of the site. There are conditions applied to the previous permission which would not be relevant to apply to an application for Hazardous Storage Consent.

Character and appearance of the area

The application site is situated within the open countryside. Core Policy 51 states development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character and any negative impacts must be mitigated through sensible design and landscape measures. Core Policy 57 requires a high standard of design in all new developments and that development respond positively to the existing landscape.

The gas storage would be read within the context of the existing broiler unit. 18 no 4600 litre tanks are proposed and the location of these is shown on the Block Plan. These would be situated close to the Poultry Buildings. There is hedgerow and screening alongside the road, and the gas storage will have minor visual impact compared to the large poultry buildings behind. There would be no harm to the character and appearance of the area as a result. The proposals are remote from any heritage assets, and would not cause any impact to the setting of any heritage assets.

Separate permission may be required for the tanks themselves and it will be for the applicant to satisfy themselves as to that requirement.

**CONCLUSION**

The proposed gas storage is considered acceptable in principle; there are no significant reasons on safety grounds; there would be no harm to amenity, or the character and appearance of the area; and there would be no adverse parking/highway safety issues. With no material considerations indicating otherwise, the application is recommended for approval in accordance with Wiltshire Core Strategy policies CP51; CP57, CP60, CP61 and CP64; and North Wiltshire Saved Local Plan Policy NE18, and the NPPF (2023).

**RECOMMENDATION: That Hazardous Substance Consent be GRANTED subject to the following conditions:**

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location and Block Plan 200_01 C

REASON: For the avoidance of doubt and in the interests of proper planning.

2. The Hazardous substances shall not be kept or used other than in accordance with the particulars provided on the Application, nor outside the area(s) marked for storage of the substance on the drawing Site Location and Block Plan 200_01 revision C 14.12.2022 which formed part of the application and the decanting of the road tanker deliveries should be made at a distance of no more than 10 metres from the fixed storage vessel.

REASON: In the interests of health and safety

**INFORMATIVE TO APPLICANT:**

Storage of materials/chemicals/oil likely to cause pollution

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Appropriate procedures, training and equipment should be provided for the site to adequately control and

respond to any emergencies including the clean up of spillages, to prevent environmental pollution from the site operations. We advise that polluting materials and chemicals are stored in an area with sealed drainage.

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**INFORMATIVE TO APPLICANT:**

Source Protection Zone and Pollution Prevention
According to our records the site is located within a Source Protection Zone 2 (SPZ2), on a geology of Kellaways Sands and Oxford Clay with a superficial sands and gravels deposits (a Secondary A aquifer). The application form says the proposal is for an Above Ground Storage tank for liquid petroleum gas (LPG).

We are unable to determine from the information provided whether an Environmental Permit is required so the applicant must refer to our informative below. Due to available resources currently there may be a delay in obtaining any Environmental Permit.

We would expect the storage facility to adopt appropriate engineering standards for the storage tank, proportional to the nature and volume of fuel stored. Consideration should be given to pollution prevention measures, regular maintenance and the identification of leaks so as to avoid pollution incidents.

The applicant should refer to chapters C and D of our Groundwater Protection Position Statements. If they are unable to comply with any aspect of the regulations or are likely to deviate from the guidance, please consult us in advance of construction work.

**INFORMATIVE TO APPLICANT:**

Environmental Permit

Please note any discharge of trade effluent to watercourse or ground associated with this development may require an environmental permit under the Environmental Permitting (England & Wales) Regulations 2016 from the Environment Agency. Further information is available online at https://www.gov.uk/environmental-permit-check-if-you-need-one or contact us on 03708 506506 for further advice. The applicant should be aware that the Permit may not be granted. A permit will only be granted where the risk to the environment is acceptable.