



ENTERPRISE & DEVELOPMENT COMMITTEE

**SUPPLEMENTARY PLANNING GUIDANCE: THE RE-DEVELOPMENT OF REDUNDANT
POULTRY SHEDS AND INTENSIVE LIVESTOCK REARING UNITS**

REPORT BY PLANNING MANAGER

A. PURPOSE OF REPORT

The purpose of this report is to advise committee of the consultation responses which have been received in relation to the draft supplementary planning guidance that was approved in June 2006 relating to the re-development of redundant poultry sheds and intensive livestock rearing units. This will then enable members to consider a series of proposed minor revisions to the document in response to the consultation exercise undertaken in Autumn 2006.

B. RECOMMENDATION

It is recommended that the committee approves the proposed amendments to the finalised supplementary planning guidance which is appended to this report.

C. SUMMARY OF IMPLICATIONS

I Council Values

- focusing on our customers' needs;
- being honest, open and accountable;
- making best use of our resources; and
- working in partnership.

II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)

The policy on the re-development of redundant poultry sheds and intensive livestock rearing units is closely linked to the development strategy contained within the Finalised West Lothian Local Plan 2005. The policy will support the development control and development plan processes. Section 75 Agreements may be required in some instances.

III Resources - (Financial, Staffing and Property)

Nil

IV Consultations

Internal – Environmental Health, Flood Prevention Manager, Development Control, Transportation Manager, Education Services.
External – Scottish Water, SEPA, Scottish Natural Heritage, West of Scotland Archaeology Service, Bruce & Partners, TBS Planning, Montagu Evans & Cadell 2.

D. TERMS OF REPORT

Introduction

The housing chapter of the Finalised West Lothian Local Plan 2005 (WLLP05) identifies a general presumption against new development in the countryside. It does, however, recognise that there is a need to strike a balance between protecting the countryside and accommodating forms of development that would sustain a viable rural economy and enhance the environment and cites seven circumstances in which this general presumption against new development may be overcome.

- (i) *New housing to support a rural business*
- (ii) *Houses for retiring farmers*
- (iii) *Development of intrusive brownfield sites*
- (iv) *Replacement of existing houses*
- (v) *Infill development*
- (vi) *Houses which make an exceptional contribution to the countryside*
- (vii) *Farm diversification proposals*

With particular regard to category (iii), *Development of intrusive brownfield sites*, the local plan notes that there has been recent interest in redeveloping a number of former intensive pig and poultry rearing units and a commitment is given to investigating whether there is any limited potential to accommodate proposals of this nature in a way which secures the rehabilitation of sites without creating an unacceptable impact on the countryside of West Lothian.

This prompted draft supplementary planning guidance to be prepared and this was approved as the basis for consultation by the Policy Partnership and Resources Committee at a meeting on 20 June 2006.

Since that time an opportunity has been made available for various parties to comment on the draft guidance and the responses which have been received are now summarised below, together with our response.

Bruce & Partners – (Planning & Development Consultancy)

The respondents are unhappy with the scope of the draft guidance in so far as it does not apply in its entirety to all new development in the countryside of West Lothian but restricts it instead only to sites of redundant poultry sheds and intensive livestock rearing units.

It is claimed that the draft guidance is at odds with SPP15 *Planning for Rural Development*, PAN72 *Housing in the Countryside* and PAN73 *Rural Diversification*, all of which are claimed to be more permissive in terms of rural development than council policies allow for.

The draft guidance is not seen as adding anything significant to the existing planning policies and it is suggested that site specific development and design briefs would be more helpful.

Response

The draft guidance is compliant with Scottish Planning Policy 1-The Planning System. This makes it clear that protecting and enhancing the quality of the environment, in both urban and rural areas, is a key objective of the planning system while Scottish Planning Policy 3- Planning for Housing specifically tasks planning authorities with the duty of fully considering the environmental impact of housing.

While Scottish Planning Policy 15 - Planning for Rural Development recognises the changing role of the countryside and rural areas in Scotland and introduces a more permissive, imaginative and dynamic approach to rural development, it does not, support the suburbanisation of the countryside.

Rather, planning is seen as the means of 'advancing the vision' of balanced and sustainable rural development, allowing for economic development but protecting environmental interests. And while Scottish Planning Policy 3 - Planning for Housing requires development plans to recognise potential for rural housing, it balances this by also requiring them to address environmental and infrastructure constraints. As a consequence, it is considered that the scope of the guidance is satisfactorily and therefore does not require to be adjusted.

The preparation of a planning brief for every single privately owned site of this nature is not a particularly practical proposition. There is unfortunately no means of knowing which of the many sites may be the subject of development proposals and it would therefore not represent the most efficient use of the council's resources. The mechanism selected by the council by which a general framework and series of criterion is established is held to represent a more satisfactory approach.

TPS Planning – (Planning Consultants)

Overall, the draft guidance is considered to be a useful document with adequate flexibility built in to it. However one specific aspect is identified which it is feared could compromise the policy's usefulness and this concerns the scope of the policy. The assertion that the policy will not apply to sites which have not been in continuous use for livestock purposes for at least the last ten years is considered to be arbitrary and inequitable and discriminates against sites which have been redundant for a longer time but whose remediation would nevertheless be equally beneficial.

Response

The "10 year clause" was designed to guard against opportunist developers from establishing a poultry shed, piggery or livestock rearing unit with the intent of closing it within a relatively short period of time in order to exploit the redevelopment potential of the site.

It is however recognised that the wording of the policy guidance could also be taken to preclude the rehabilitation of sites which have been disused or derelict for more than 10 years. This was never intended and it is acknowledged that there are some sites no less deserving of rehabilitation than those which have closed more recently for genuine economic and other reasons. It is therefore proposed to clarify the wording of the policy to reflect this and thus address the respondents concerns .

Scottish Environment Protection Agency (SEPA)

SEPA is generally satisfied with the draft guidance. However several adjustments and revisions to the text are suggested in order to afford greater attention to issues of pollution control, water quality and sustainable drainage.

Response

The revisions which SEPA has proposed are acceptable and can for the most part be inserted straight into the guidance.

Flood Prevention Manager

The Flood Prevention Manager is keen to ensure that potential developers are alerted to the issues of flooding and surface water and drainage at an early stage and a very detailed schedule of criteria has been suggested for incorporation as part of the guidance that would help mitigate these issues in any re-development.

Response

The principle of drawing specific attention to issues such as flooding and drainage is accepted and the draft guidance can be amended to accommodate this. It is not practicable to incorporate the suggested text in its entirety but judicious editing will ensure that none of the key requirements are omitted.

Scottish Natural Heritage (SNH)

SNH is generally supportive of the re-use and restoration of redundant farm buildings, and in some limited circumstances, would also support the re-development of these sites providing the rural character is maintained or enhanced and that other environmental benefits such as habitat creation and access to the countryside can occur.

SNH however feels that the draft guidance does not give enough emphasis to restoration and re-use of these brownfield sites and is critical of the omission of policy references in this regard. It recommends that re-development should only be promoted where retention and conversion is not practicable.

In order to determine the impacts of potential developments it is recommended that the council should set out its own criteria for the form and density of new development.

Finally, there is concern at the potential cumulative impact of such development and it is suggested the guidance should be more focused by identifying all existing sites and setting out clear criteria for selecting which of these could best be taken forward.

Response

It is accepted that the guidance should place greater emphasis on the promotion of rehabilitation and restoration as the preferred option and this can be shown to relate to existing national policy. However the suggestion that guidance should be more focused and individual sites identified and ranked is rejected as being impractical and does not represent the most efficient use of the council's resources.

There have been a number of objections to the Local Plan 2005 in relation to the re-development of redundant livestock units at Drumshoreland and Pumpherston. These objections will be considered by the Reporters who have been appointed to conduct the Public Local Inquiry and their recommendations will be presented to committee as part of the outcome of the Inquiry process in due course. Further revisions to the proposed guidance can be made at that time if it is considered necessary.

E. CONCLUSION

The revised supplementary planning guidance incorporates the aforementioned amendments and is attached to this report as Appendix 1. Members are invited to formally approve and endorse it.

F. BACKGROUND REFERENCES

Finalised West Lothian Local Plan 2005
Scottish Planning Policy 3 (SPP 3) Land for Housing (2003)
Scottish Planning Policy 15 (SPP) 15 Planning for Rural Development (2005)
Planning Advice Note 72 (PAN 72) Housing in the Countryside (2005)
Planning Advice Note 73 (PAN 73) Rural Diversification (2005)
Planning Advice Note 44 (PAN 44) Fitting New Housing Development into the Landscape (1994)
Finalised West Lothian Local Plan 2005 – report to Enterprise and Development Committee, 19 April 2005 and report to Enterprise and Development Committee, 22 November 2005
Report to Policy Partnership and Resources Committee, 20 June 2006.

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