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<b>Appeal Reference:</b>	2022/A0089
<b>Appeal by:</b>	W&M Anderson Portmore Farms Ltd
<b>Appeal against:</b>	The refusal of full planning permission
<b>Proposed Development:</b>	Proposed new free range poultry house 32k birds, new meal bins, litter store, swale and improved access onto Ahoghill Road.
<b>Location:</b>	Approximately 76m NW of 196 Ahoghill Road, Randalstown.
<b>Planning Authority:</b>	Antrim and Newtownabbey Borough Council
<b>Application Reference:</b>	LA03/2021/1103/F
<b>Procedure:</b>	Informal Hearing on 13 <sup>th</sup> September 2024
<b>Decision by:</b>	Commissioner Paul Duffy, dated 11 <sup>th</sup> October 2024

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## Decision

1. The appeal is allowed, and full planning permission is granted, subject to the conditions set out below.

## Reasons

2. The main issues in this appeal are whether the proposal would have an unacceptable impact on natural heritage, residential amenity, public health and visual amenity.
3. Section 45(1) of the Planning Act (NI) 2011 (the Act) requires the Commission, in dealing with an appeal, to have regard to the local development plan, so far as material to the application, and to any other material considerations. Section 6(4) of the Act states that where regard is to be had to the Local Development Plan (LDP), the determination must be made in accordance with the Plan unless material considerations indicate otherwise.
4. The Antrim Area Plan 1984-2001 operates as the relevant LDP. In that plan, the site is located within the countryside. The Plan offers no specific policy or guidance pertinent to the appeal proposal. I now turn to consider regional policy.
5. The Strategic Planning Policy Statement (SPPS) sets out transitional arrangements that will operate until a Plan Strategy for a Council area is adopted. In this Council area, no Plan Strategy has been adopted yet. As such, during the intervening transitional period, the SPPS retains certain Planning Policy Statements (PPSs) including PPS21 – ‘Sustainable Development in the Countryside’ (PPS21). The SPPS sets out the transitional arrangements to be followed in the event of a conflict between it and retained policy. Any conflict

arising between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the SPPS. As no such conflict arises in this instance, the retained policy contained in PPS21 applies.

6. Policy CTY1 of PPS 21 identifies a range of types of development which, in principle, are considered acceptable in the countryside. One of these is Policy CTY 12 – ‘Agricultural and Forestry Development’ which is engaged in this appeal.
7. The appeal site is located off the Ahoghill Road, Randalstown and is sited beside an existing farm associated with No 196 Ahoghill Road. The proposed site is set back some 220 metres from the road and access is obtained from the existing farm lane serving No. 196 and its associated farm complex. The lane rises from the road until it reaches the farmhouse. It then falls away towards the farmyard to the rear. No. 196 is a detached two storey farmhouse situated on the crest of a hill with its associated farm buildings located within a dip on the other side of the crest to the northwestern side of the farmhouse. Unlike the farmhouse, the farm buildings are largely screened from public view when viewed from Ahoghill Road due to the undulating topography.
8. The site for the proposed poultry shed traverses two fields. These fields are located within a natural hollow in an undulating landscape. The southern field, adjacent to the existing farm buildings is the smaller of the two fields and its boundaries are defined by native hedgerows. The boundaries of the northern field are also defined by native hedgerows. The section of the proposed poultry house located in the northern field would be located within its eastern side, with the land rising in the western side of this field. An agricultural lane runs along the eastern field boundaries of the proposed site connecting the farmyard to a larger field to the north, which is included within the proposed ‘bird range area’ and is directly adjacent to the neighbouring farm complex at No. 202 Ahoghill Road. The northern half of the farm lane which forms the eastern boundary of the site is defined by mature trees.
9. In respect to Policy CTY 12, there is no dispute between the parties that the existing farm business is currently active and has been established for at least 6 years and that the proposed development is necessary for the efficient use of the agricultural holding. However, the evidence indicates that, the Council and Third Party are of the view that criteria (b) & (c) of Policy CTY 12 in respect to scale and integration have not been met. The Council confirmed at the hearing that its objections were in relation to the size and scale of the building which it considered inappropriate, rather than its detailed design and materials.
10. The Council identified two critical views from Ahoghill Road, comprising a section of road approximately 310m in length beginning at the entrance of 202 Ahoghill Road and extending south to approximately 90m beyond the entrance to 196. The Council is of the view that the roof of the proposed building will be visible when travelling this section of road in both directions and, due to its length being over 177m, it will have a significant impact on the visual amenity of the area. In the Council’s view the landscape does not have the capacity to visually integrate a building of the scale and size proposed and given its elevated position, it will be a prominent feature within the landscape when viewed from the critical views identified.

11. The Appellant rejected the charge that the proposed poultry house would be a prominent feature in the landscape, given that the building is to be situated within a natural dip and therefore the landform will obscure views. To support this position, the Appellant identified several other farm complexes in the vicinity which they considered to be more visually prominent. It was argued that from Ahoghill Road, only a small section of the roof would be visible and given that it would benefit from a backdrop of rising land, it could not be considered prominent.
12. I acknowledge that the scale and size of the proposed poultry house would be significantly bigger than the traditional vernacular farm buildings found in the locality. Nevertheless, it is not whether the scale and size of the building is appropriate, but rather, has the landscape the capacity to visually integrate the development. Two critical views of the site have been identified. From my observations the views from Ahoghill Road would be significantly shorter than those identified by the Council. When travelling in a southern direction towards Randalstown, views would begin approximately 10m south of the entrance to 202 and continue until approaching the entrance to No. 199 Ahoghill Road. The views would be intermittent given the mature roadside hedgerow and only a small section of the roof of the proposed building and the meal silos would be visible due to the undulating topography. Given the setback from the public road and the intervening vegetation and topography, the proposed poultry unit would not be a dominant feature within the landscape, nor would it have an unacceptable visual impact. When travelling in the opposite direction, the critical view would be past the entrance of No. 196 Ahoghill Road until the entrance of No. 199. Again, when travelling this section of road, views of the proposed building would be intermittent given the roadside hedge and the topography, which would allow only glimpses of a section of the roof. With the setback from the public road and the fact that the proposed building and meal silos would be located on the far side of rising land, within a natural dip, the development would not be prominent or have a significant visual impact when viewed from Ahoghill Road.
13. The Appellant identified two applications for similar sized poultry units approved by Antrim and Newtownabbey Borough Council, which they consider are on sites much more visible from public vantage points. The planning references are LA03/2019/0461/F & LA03/2020/0270/F. The Council however was of the view that these two applications could be distinguished from the appeal proposal as one was an extension to an existing facility whereas the other was clustered with the established buildings on the farm holding. No details were provided for comparative purposes. In any event, given the Councils depiction they do not appear to be direct comparisons to the appeal proposal. It would therefore appear that they are distinguishable from the present case. Nevertheless, no two sites are exactly the same and therefore each application needs to be assessed on its own merits, within the evidential context provided.
14. The third party raised concerns regarding views from Whiteside Road to the north of the appeal site given the 'factory' size of the building not being in keeping with other farm buildings in the locality.
15. The views from Whiteside Road consists of a section of road approximately 100m in length located halfway between the farm complex at No. 51 Whiteside Road and

the junction with Ahoghill Road. There will be views of the proposed development when travelling in both directions along this section of road. However, the views will be distant and given the roadside hedge and other intervening vegetation, views will be intermittent. The existing mature trees along the site's eastern boundary together with the farmhouse and existing farm buildings will provide a backdrop to help with integration. The proposed development will therefore not have an unacceptable detrimental impact on visual amenity from these views.

16. The third party also raised concerns regarding the visual impact of the development when viewed from her property including the impact of poultry proof fencing and the nuisance of birds escaping and becoming a daily pest.
17. Although not a public vantage point, when viewed from No. 202 Ahoghill Road, the existing mature trees defining the northern part of the proposed site's eastern boundary would partially screen the proposed building. There would be views of the gable end of the building, however, there is sufficient separation distance and intervening vegetation to help to visually integrate the development, to the extent that it would not have an unacceptable visual impact when viewed from No. 202.
18. The range area for the birds would surround two thirds of the third party's home. In her view, the stock proof fencing would need to be much higher than the 1.1m proposed to stop birds escaping. Regarding the impact of the birds roaming, the Appellant advised that for 32k birds, regulations require a range area of 40 acres, with only 20% of birds outside the house at any one time and I was also advised that they do not stray far, normally no more than 50m, which seems plausible. The farm holding comprises some 70 acres meaning that a buffer of 30/40 metres could be provided between the range area and the third-party property to mitigate any perceived impacts, if considered necessary. As regards the stock proof fencing, the appellant advised that DAERA recommend fencing of 1.1 to 1.2 metre in height to contain birds, which he contended was permitted development. Although no details of the stock proof fencing have been provided, and this appeal is limited to the matters included within the description of the proposal, it is open to the appellant to apply for a Lawful Development Certificate to ascertain if the fence is permitted development or not.
19. For the reasons outlined above, I am not persuaded that the proposed development would have an unacceptable impact on visual amenity, accordingly, the Council's sole refusal reason in relation to Policy CTY 13 of PPS 21 is not sustained, including the concerns raised in relation to criteria (b) & (c) of Policy CTY 12.
20. The Department of Agriculture, Environment and Rural Affairs updated its standing advice on ammonia emitting projects in December 2023 and advised that its Environment Agency (NIEA) will no longer rely on its Ammonia Standing Advice as the basis for statutory advice on planning applications. As the decision to refuse planning permission in this case pre-dated DAERA's updated position, the parties were asked in advance of the hearing if this change impacted the assessment of the development. The Council confirmed at the hearing that DAERA did not raise any issues regarding their updated position in respect to the appeal proposal. This matter was not disputed at the hearing.

21. The appellant's air quality consultant explained that the updated Air Quality Impact Assessment (AQIA) takes account of DAERA's interim position on the assessment of ammonia emitting projects which is based on the Joint Nature Conservation Committee (JNCC) guidance on Decision Making Thresholds. He further explained that although the Process Contributions at the three designated sites are above the nugatory 0.08% threshold, that of itself, does not make the development unacceptable or contrary to policy. Rather, the Process Contributions are no longer considered de-minimis and therefore the proposal requires further assessment on a 'case by case' basis to identifying the Site Relevant Threshold (SRT). For the three designated sites, the updated AQIA has identified the SRT as 0.75%, which is considered very low. This evidence was not disputed at the hearing. However, the Third-party did query the threshold being applied to priority habitat. It was confirmed by the appellant's air quality consultant that the SRT is only applied to designated sites and that NIEA's guidance still applies a 50% threshold for priority habitats. In the evidential context before me, it has not been demonstrated that the ammonia levels associated with the proposed development would be harmful to protected sites or priority habitats. However, to protect the integrity of such sites, it will be necessary to limit the number of birds in line with the modelling carried out and to attach conditions to control emissions and protect watercourses.
22. The Third-party raised health concerns in relation to the impact the development may have on her children, mainly regarding the decrease in air quality and its impact, particularly given they live upwind of the proposal. The Appellant advised that the proposed poultry house will comply with best practice in order to reduce emissions and obviously it would be in his interests to do so to avoid complaints. I have also referred to control measures above that can be put in place to ensure emissions are controlled via enforceable conditions on any approval.
23. The Council also raised an additional matter in relation to the disposal of poultry litter to an Anaerobic Digester (AD) in Stranmore Co. Down which, they say, has exceeded capacity. However, the Council are incorrect as the Litter Utilisation Statement submitted with the planning application confirms that the litter from the facility is to go to an AD Plant at 36 Taughlumny Road, Donagheycloney, some 13km away. The Council did not dispute this at the hearing. This matter can also be controlled through a condition to ensure the disposal of poultry litter in a sustainable manner.
24. In the Third-party's Statement of Case concerns were also raised regarding localised flooding, contamination of watercourses, odour and the impact on local wildlife. However, a Drainage Assessment was submitted, and the Appellant has indicated that surface water will be disposed to swales. Moreover, the Department for Infrastructure Rivers and Water Management Unit were consulted and were content regarding impact on watercourses and flood risk as no objections were raised. Watercourses can be protected from contaminated runoff using appropriate conditions and in respect to odour, the AQIA concluded that odour levels from the proposed development will not exceed 3 odour units per second at the nearest sensitive receptor. This can be secured by condition to protect residential amenity. Regarding the impact on local wildlife, the Northern Ireland Environment Agency, the statutory nature conservation body were consulted and

raised no concerns with the proposal. As such, in the evidential context, the wildlife concerns have not been sustained.

25. Given that the sole reason for refusal in relation to Policy CTY 13 of PPS 21 has not been sustained for the reasons given, the appeal succeeds, and full planning permission is granted subject to the following conditions.

### **Conditions**

- (1) There shall be a maximum of 32,000 birds within the permitted poultry unit.
- (2) The approved poultry units shall each have mechanical ventilation of 4 No. ridge fans, each with a 0.82m diameter and flow rate of at least 10,000m<sup>3</sup>/hr as stated within 'Table 9' of the Air Quality Impact Assessment dated 19 July 2024.
- (3) Prior to the development becoming operational, the ridge ventilation fans and ventilated manure belts, as detailed within the Air Quality Impact Assessment dated 19 July 2024, must be installed and be fully operational whilst livestock are housed within the poultry unit.
- (4) The developer shall adhere to all mitigation and disposal methods for poultry litter generated by this proposal as detailed in the Litter Utilisation Statement, date stamped 10 November 2021, and the Air Quality Impact Assessment dated 19 July 2024. There shall be no deviation regarding the disposal of poultry litter without the express written consent of the Council.
- (5) A suitable buffer of 10 metres shall be maintained between the location of all construction works including refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery / material / spoil etc and any watercourses or soakaways, within or adjacent to the application site.
- (6) All watercourses, sheughs and swales within or adjoining the range area shall be permanently fenced with poultry proof fencing to ensure protection of water quality as detailed on Drawing 02, date stamped received 10<sup>th</sup> November 2021.
- (7) All contaminated run-off from the poultry house and concrete apron must be directed to an appropriate collection tank, with no overflow or outlet to any waterway or soakaway, as detailed within Drawing Number 03, date stamped, 10<sup>th</sup> November 2021.
- (8) The visibility splays shown on the approved drawing numbered 03, shall be laid out before any building operations commence and permanently retained thereafter.
- (9) All boundary vegetation / hedgerows, save that required for visibility splays and the siting of the building shall be strengthened and allowed to grow and be permanently retained at a height of not less than two metres above ground level.
- (10) The development shall be begun before the expiration of five years from the date of this decision.

This decision approves the following drawings:-

<b>Drawing No.</b>	<b>Title</b>	<b>Scale</b>	<b>Date</b>
01	Location Map	1:2500	10 Nov 2021
02	Location Map Range Area	1:5000	10 Nov 2021
03	Site Plan and Access Detail	1:500	10 Nov 2021
04	Plans Elevations and Sections	1:250	10 Nov 2021

**COMMISSIONER PAUL DUFFY**

**List of Appearances**

Planning Authority:- Ms Leah Hingston Antrim & Newtownabbey Borough Council

Appellant(s):- Ms Oonagh Given  
Mr David McMeekin  
Mr Christy Carr  
Mr William Anderson

Third Parties:- Ms Alana Steel

**List of Documents**

Planning Authority:- Statement of Case  
Rebuttal Statement

Appellant(s):- Statement of Case  
Rebuttal Statement  
Additional Comments Statement

Third Parties:- Statement of Case