This consultation outlines a proposed revision of existing permitted development (PD) rights which allow certain agricultural buildings to be erected without the need for planning permission. The revised document proposes to increase the size of permitted agricultural developments up to 500m² from the present limit of 300m². This equates to an intensive poultry unit of approximately 8,000 birds, or a sizeable slurry tank at 75m from a neighbouring dwelling.

Whilst Environmental Health has no objection in principle to the application of the permitted development rights currently set out in Part 6 of Schedule 1 to the Planning (General Development) Order (NI) 1993, the proposed relaxation of limits has the potential to increase impact on neighbouring premises from odour, noise, pests etc.

It has been suggested that the current proposals would bring the size of agricultural buildings that can be erected under PD rights, approximately into line with GB. However, the conditions that apply to those PD rights in GB also require a separation distance of 400m to the curtilage of any unconnected dwelling. Environmental Health are not aware of how the GB separation distance of 400m was derived, but coincidently it is aligned with Agricultural Advisory and Development Service (ADAS) advice, which notes that at a distance of 400m from an intensive poultry unit the risk of odours at a nuisance level would be minimal. ADAS also note, at 100m, odour is very likely to be detectable on occasion and at 50 m is inevitable on occasions.

In NI the current required separation distance to an unconnected dwelling is 75m and this distance is proposed to remain unchanged. This discrepancy is of concern as it is the experience of Environmental Health that securing adequate separation distances between agricultural developments and residents is essential if potential impact of odours, early morning and night-time noise, as well as insects and pests upon the amenity of non-associated families is to be minimised. In many cases other forms of mitigation e.g. alternative design, creation of bunds/barriers, etc. may not be feasible options.

Environmental Health recognises the merits of providing PD rights to certain types of agricultural development but is of the view that where there is potential to generate a loss of amenity and nuisance, a precautionary approach should be applied.
Proposals to extend existing PD Rights should be based on robust evidence demonstrating that such proposals would not have a significant impact on residential amenity. Such evidence is absent from the current consultation document. Accordingly Environmental Health recommend that if the size of the permitted development is to be increased, an increase in the required separation distance should also be applied proportional to the increased size, concurrent with existing GB PD rights.

Anaerobic Digestion

Current proposals also provide for the installation of structures up to 500m² to house anaerobic digestion (AD) plant on agricultural units. Environmental Health are supportive of renewable energy technologies however there is a concern that the application of PD rights to anaerobic digestion facilities may result in adverse impacts upon the health of nearby residents due to air pollution, in addition to amenity issues. All modern AD plants incorporate a gas powered engine to convert methane to electricity and heat. Emissions from these engines can give rise to adverse impacts upon the air quality and health of residents if located in close proximity; this would include the farmer and his or her family who typically reside near to the farm buildings. In order to determine the distance from the stack at which the emissions no longer present an adverse impact it is necessary to know the height of the stack and the amount of combustion gases produced by the engine, together with the background levels of pollution for the relevant area (published by DoE).

Accordingly, Environmental Health do not consider that the proposal to extend PD rights to anaerobic digestion is appropriate given the potential for combustion gases to impact upon human health to both the farmer (less than 75m) and neighbouring residents (at 75m).

In addition, noise from the exhaust of the engine can be in excess of 100 decibels (unabated) and bearing in mind these plants typically operate continuously, there is a potential impact upon the amenity of nearby residents if not appropriately abated. Background noise levels in quiet rural locations may mean that exhausts not appropriately abated could give rise to a noise nuisance during the night at neighbouring dwellings if only 75m away.

In order to support the development of anaerobic digestion in Northern Ireland, the Department may wish to consider providing an additional condition specifying a greater than 75m separation distance between the engine stack and the location of human receptors, based on robust evidence. This would require the development of worst-case scenarios based around air emissions and noise impact. Furthermore there are some queries in relation to the currently proposed conditions. One such condition is that the ground area covered by the AD plant should not exceed 500m². This condition should explicitly state whether this includes the area of new feedstock storage buildings/bays as to exclude such areas would result in relatively large plants being granted PD rights.

Secondly, it is noted that the PD rights are also to be limited to anaerobic digestion plant where the feedstock must be materials generated on the agricultural unit.
Environmental Health consider that it should be recognised that this condition would be difficult to regulate and, even if complied with at a point in time, the situation could quickly change due to adverse weather and the availability of new markets.

Although conditions may be able to be drafted to overcome Environmental Health’s concerns (e.g. air emissions, stack height, noise limits, acceptable feedstocks) it is likely that such conditions would be cumbersome and difficult to enforce, leading to the conclusion that the status quo of considering the acceptability of AD plants via the existing planning regime is the most appropriate means of determination.

Please note that this is a technical response issued by

Senior Environmental Health Officer (Environmental Protection)

on behalf of
Ballymena Borough Council Environmental Services

Dated 11th January 2013