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17th February 2025

Dear Simon,

Planning Application 24/01204/FUL ("the Planning Application")
Manor Farm, Pound Lane, Yarlington, Wincanton, Somerset, BA9 8DG

We write further to our letter of 18 December 2024.

As set out in Paragraph C 2) of that letter, it is not considered that the development proposed within the Planning Application is EIA development.

Background

The Environmental Impact Assessment process and procedure is governed by the Town and Country Planning (Environmental Impact Assessment Regulations 2017/571 ("the 2017 Regulations").

Regulation 2 defines "EIA development" as either (a) Schedule 1 development or (b) Schedule 2 development likely to have significant effects on the environment by virtue of factors such as its nature size or location".

Does the Planning Application constitute Schedule 1 development?

Schedule 1 of the 2017 Regulations includes at Paragraph 17 "*Installations for the intensive rearing of poultry or pigs with more than (a) 85,000 places for broilers or 60,000 places for hens; (b) 3,000 places for production pigs (over 30 kg); or (c)900 places for sows*".

The Planning Application does not propose development of a scale or nature equivalent to that described in Paragraph 17 of Schedule 1. In turn the development comprised within the Planning Application does not fall within any of the other categories of development within Schedule 1.

The Planning Application does not therefore comprise Schedule 1 development.

Does the Planning Application constitute Schedule 2 development?

To constitute Schedule 2 development, the development comprised within the Planning Application must both (a) fall within one of the categories in Schedule 2 itself and (b) be likely to have significant effects on the environment by virtue of factors such as its nature size or location.

The Planning Practice Guidance states that:
"*Only a very small proportion of Schedule 2 development will require an Environmental Impact Assessment. While it is not possible to formulate criteria or thresholds which will provide a universal test of whether or not an assessment is required, it is possible to offer a broad indication of the type or scale of development which is likely to require an assessment. It is also possible to provide an indication of the sort of development for which an assessment is unlikely to be necessary*"
"*To aid local planning authorities to determine whether a project is likely to have significant environmental effects, a set of indicative thresholds and criteria have been produced. See the indicative thresholds and criteria. The table also gives an indication of the types of impact that are most likely to be significant for particular types of development*"

The only potentially relevant category of development within Schedule 2 is set out in Part 1 C) which includes in Column 1 "*Intensive livestock installations (unless included in Schedule 1)".* The relevant threshold and criteria in Column 2 is "*the area of new floorspace exceeds 500 sqm*".

Whilst it is accepted that the new floorspace exceeds 500sqm, it is the applicant's position that the development comprised within the Planning Application does not constitute an "Intensive livestock installation".

For the purpose of considering the application of paragraph 1 C) of Schedule 2 to the 2017 Regulations the Government's indicative threshold provides as follows:

(c). Intensive livestock installations	The area of new floorspace exceeds 500 square metres.	Installations designed to house more than 750 sows, 2,000 fattening pigs, 60,000 broilers or 50,000 layers, turkeys or other poultry.	Level of odours, increased traffic and the arrangements for waste handling.

This category of development represents large scale/industrial mass production livestock facilities, permanently housing the livestock, on relatively small areas of land. This is wholly different from the nature of development proposed by the Planning Application and the Emily Estate's farming business.

The Emily Estate farm operates an *extensive* rather than *intensive* farming business. This will remain the case in the event that the Planning Application is approved. The farming business adopts regenerative techniques tailored to the Estate and the local area. The cattle are part of a Premium Cattle Health Scheme and the farm has entered the Government's Sustainable Farming Incentive Scheme. The proposal has been designed to exceed the Red Tractor Standards.

The Planning Application proposes a modest increase in cattle numbers utilising the dairy unit at New Manor Farm from 450 to between 650 and 700. In turn, the cattle will only be housed in the unit for part of the year. The proposed development will not give rise to any significant change in odour, increased traffic or the handling of waste at New Manor Farm Yarlington (or across the Estate more widely).

The Rural Solutions "Farming Requirements and Site Selection" report ("the FRSS Report") submitted as part of the Planning Application, explains how the proposed development comprised within the Planning Application at New Manor Farm Yarlington, is intended to form a new centralised farmyard to provide the operating base for the dairy, beef and arable operations across the whole of the Emily Estate farm.

The farming enterprise has evolved incrementally over the last 11 years and now includes land at Manor Farm Castle Cary (Castle Farm), Avalon Farm, Hadspen House, Lily Farm, Manor Farm Yarlington, Mill Farm Yarlington, North Town Farm Galhampton and Copplesbury Farm (see Figure 1 on Page 5 of the FRSS Report).

However, following the acquisition of these farms by the Emily Estate, there has been a de-intensification rather than an intensification of the collective farming operations – including a very significant reduction in overall livestock numbers. Prior to the Emily Estate's ownership, there were 1650 cows farmed across Manor Farm Yarlington, Manor Farm Castle Cary, Lily Farm and Copplesbury Farm. There are now between 650 and 700 cattle across the whole Emily Estate farm at any one time.

The European Commission has published guidance "Interpretation of definitions of project categories of annex 1 and annex 11 of the EIA Directive", which provides:

- "*The EIA Directive does not define the terms used in Annex 1 (17). Case law provides that the meaning and scope of terms must be determined by considering their usual meaning in everyday language whilst also taking into account the context in which they occur and the purposes of the rules*"
- "*Annex 2 (Intensive Livestock Installations)" – This project category can be considered to include installations for the concentrated rearing of livestock either in purpose-built units or in areas dedicated to this activity either indoor or outdoor. When interpreting the term "intensive", similar reasoning as the one for intensive fish farming can be used*"

- "*Intensive fish farming would imply using techniques designed to increase the production of the species in question beyond the natural capacity of the environment or culture, up to and including harvesting. Typically this practice will involve the input of an additional compound feed to compensate for the lack of naturally available food at the density at which the animals are farmed*"

The following factors are of particular relevance in light of this guidance:

First – the new yard will serve the whole of Emily Estate farming business which operates across c760 hectares. It is not therefore considered that the development will increase the production of the relevant livestock beyond the natural capacity of the environment. Secondly – the Estate will generate sufficient feed for all the livestock such that the farming operations will not involve the input of any material quantity of additional compound feed due to a lack of naturally available food at the density at which the animals are farmed.

The proposals are very different in character and nature to an intensive fish farm – where fish are fed almost entirely by humans with food from external sources - as set out in the European Commission's Guidance.

If, however, contrary to the representations above, the Council does consider that the proposals constitute an "Intensive agricultural installation" it will need to consider whether the proposed development is "likely to have significant effects on the environment by virtue of factors such as its nature size or location".

The Government has published an Environmental Impact Screening Checklist to "help ensure that the relevant issues are considered and to provide a clear audit trail".

The applicant has provided relevant information in the Screening Checklist for the purpose of the Planning Application to assist the Council in its consideration of this issue. We enclose a copy of the checklist with this letter.

For the avoidance of doubt, for the reasons set out in the attached checklist, the applicant does not consider that the proposed development is likely to have significant effects on the environment by virtue of factors such as its nature size or location.

Cumulative Impacts

Regulation 5(4) provides that where a Local Planning Authority has to decide under the 2017 Regulations whether Schedule 2 development is EIA development, the relevant LPA must take into account (a) any information provided by the applicant, (b) the results of any relevant EU environmental assessment reasonably available to the LPA, and (c) such of the selection criteria set out in Schedule 3 as are relevant to the development.

In turn, Schedule 3 sets out criteria for screening Schedule 2 development relating to the characteristics of the development, the location of the development, and the types and characteristics of the potential impact.

Schedule 3 includes a requirement for consideration of cumulation of the proposed development with other existing development and/or approved development.

Various representations made in respect of the Planning Application have referred to the potential for future housing development at New Manor Farm. As we explained in our letter of 18 December the vast majority of the existing New Manor Farm land is included within the Planning Application redline boundary. The Planning Application proposes the demolition of the majority of the existing agricultural buildings and the landscape restoration of this area. There remains a small parcel of existing farm buildings which is expected to be the subject of future minor development proposals to convert one barn to a dwelling and replace other barns with another single dwelling. These proposals are neither existing nor approved development for the purpose of Schedule 3 to the 2017 Regulations. However, in any event, even if such future (currently uncertain) development were to be taken into account in combination with the development comprised within the Planning Application, given the very limited scale and nature of the contemplated housing development, it would still not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location.

Reference has also been made to the need to consider the cumulative impact of the wider Emily Estate operations (including both the farming operation and other businesses). As set out above the FRSS Report explains how the development comprised within the Planning Application will form part of the wider Emily Estate farming business. The applicant does not consider that the development comprised within the Planning Application in combination with the existing and approved development within the Emily Estate farming business will give rise to any significant cumulative effects.

Likewise, it is not considered that there is any relationship with existing or approved development within the wider Emily Estate such that in combination, the development comprised within the Planning Application will give rise to any significant cumulative effects.

Finally, the applicant is not aware of any third party existing or approved development which in combination with the development comprised within the Planning Application will give rise to any significant effects on the environment.

Yours sincerely

Martin Harradine BA MA MSc MRTPI
Director (Planning)