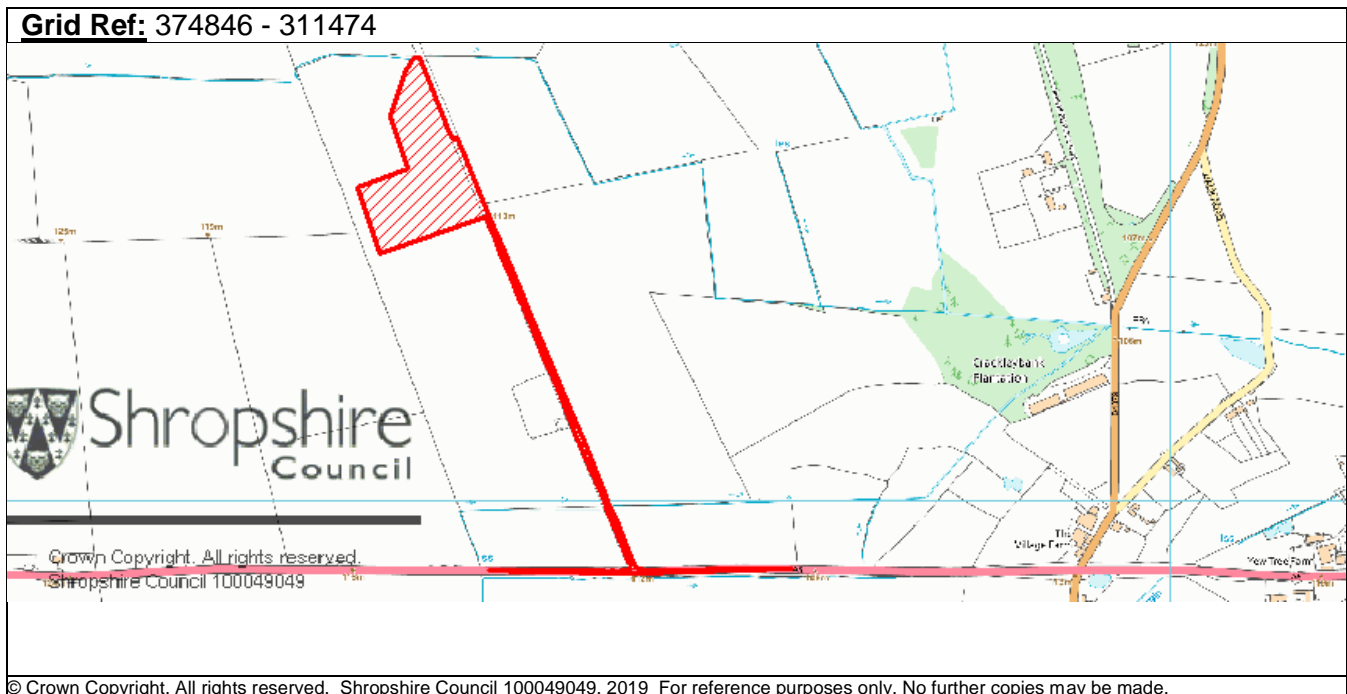


Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

Application Number: 20/00820/FUL	Parish:	Sheriffhales
Proposal: Formation (relocation) of pig farm including erection of two pig rearing buildings, two straw storage buildings, one hospital/lairage building, one workshop/machinery storage building and one bio-security building; with all associated works		
Site Address: Proposed Pig Farm South West Of Manor Farm Sheriffhales Shropshire		
Applicant: Meadow Farm Ltd		
Case Officer: Richard Fortune	email :	richard.fortune@shropshire.gov.uk



Recommendation:- Grant Permission, subject to the completion of a Section 106 Agreement to secure the permanent cessation of intensive livestock operations at the existing Manor Farm buildings on commencement of the use of the livestock buildings hereby approved and to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

1.1 This proposal is for the erection of new pig farm buildings on the western side of the holding to allow for the re-location of an existing intensive pig rearing business which takes place in buildings immediately to the west of Sheriffhales village. The existing pig rearing operation is the source of a statutory nuisance with respect to odours. The applicants are currently responding to the statutory nuisance notice and the Court Order/Abatement Notice by employing best practicable means (BPM) to mitigate the odour impact by operating at a reduced capacity. While this has had the effect of reducing the odours it does not fully address the statutory nuisance. The solution proposed is to move the intensive pig rearing to a location on the holding that is further way from residential properties.

1.2 The proposed location for the new group of pig farm buildings would be some 550 metres to the north of the A5, on a site adjacent to an unclassified road, and some 800 metres to the west of the village. These buildings would comprise of two pig rearing buildings, measuring some 60 metres by 15.3 metres; two straw storage buildings also each 60 metres by 15.3 metres, a hospital/lairage building of some 45 metres by 15.3 metres, a workshop/storage building that would be 42.67 metres by 30.5metres, and a bio-security building some 12 metres by 7 metres. They would be positioned on the western side of the unclassified road with the buildings on a north west-south east axis parallel to that road. The five buildings which would form the southern, closely spaced group would have the two straw storage buildings on the western side, the shorter hospital/lairage building in the centre, and the two pig unit buildings on the eastern side, closest to the access road. These buildings would all have a very similar external appearance, with shallow dual pitched roofs and ridge heights of some 7.73 metres. Raised ridges would provide ventilation. The lower two metre sections of the external walls would be of concrete panels, with the upper walls areas being a mix of cladding and a gale breaker vent system (which lowers and retracts depending on weather conditions) provided for the livestock buildings. The grey fibre cement roofs would incorporate roof lights. One bay on each side elevation would be a full height opening. Their southern end elevations would contain no openings, with the lower wall areas functioning as a retaining wall. Their north elevations would feature sliding access doors. (The straw storage buildings have subsequently been amended to remove the ridge vents and to have fully open northern gable ends). The small bio-security building immediately to the north of them would have a ridge height of some 4.0 metres with vertical cladding to the walls and also similar cladding for the roof. The workshop and machinery storage building would be positioned on the northern part of the application site and would be a combination of two dual pitched roof structures abutting each other, with a central valley formed by the roofs and with monopitch roof elements on either side. Its ridge height and external finishes would match those of the main building group, with two large roller shutter doors and two personnel doors in the south eastern end elevation.

1.3 The road junction of the unclassified road with the A5 would be improved by the

provision of improved turning radii on either side and widening to allow for passing of entering and emerging vehicles to avoid the former having to stop on the A5. This work would require the removal of three trees on the eastern side of the junction. The roadside hedge on either side would be cut back or relocated outside of the visibility spays that would be provided in each direction.

- 1.4 The agent has explained that a 3m high concrete block wall is proposed around the rear muck area of the buildings. This area is intended to be large enough for muck to be stored during each daily muck out, for the duration of the batch. It will be fully cleared and stored on a field elsewhere on the farm (as is current situation) during the clean down period where the building are fully disinfected ready for the next batch of 3 week old piglets to be brought onto the site and reared to finishing weight. The unit will house 2000 fattening pigs per batch. There is predicted to be approximately 2.2 batches per year. The pigs will be delivered to the site at a weight of approximately 10kgs and will be grown to finishing weights in the range of 90-110kgs. It is proposed to be based on a 'bed and breakfast system'. Whereby the pig producer supply 3 week old weaned pigs at around 10kgs in weight and the farmer then raises the pigs to the finishing weights over an approx. 22 week period. The pigs will be grown by the farmer on behalf of a pig producer, who supplied the weaned piglets, their feeds, haulage and technical support/vets. The producer also provides field staff to offer technical assistance to the farmers rearing the pigs. The farmers inputs are buildings, labour, equipment and straw. The buildings are of a standard design and size suitable to raise 2000 pigs. The system is straw based with a scrape through system, automatic ab lib feeders and drinkers. The pigs are in pens of 50 all through the batch. The building will not be heated but the ventilation will be required and is shown on the submitted drawings. Ridge vents are shown along the roof of the buildings and gale breaker systems along the side. These are controlled via sensors and extend and retract as the weather changes throughout the day to control the temperature within each building.
- 1.5 A screening opinion has been issued stating that the proposal is not EIA development requiring an Environmental Impact Assessment. The proposal would replace an existing intensive livestock facility of the same scale in the locality and so would not lead to a cumulative increase. The potential localised impacts of the proposed development are however a very important consideration and matters to be assessed in appraising this proposal.
- 1.6 The application is accompanied by a Planning Statement, Archaeology Report, Drainage Report, Flood Risk Assessment, Transport Note, Odour Assessment, Noise Assessment, Heritage Impact Assessment, a Landscape and Visual Impact Assessment and an Ecological Appraisal.
- 2.0 **SITE LOCATION/DESCRIPTION**
- 2.1 The proposed new site for the pig unit is located off an unclassified road which connects to the A5. The site is bound by existing agricultural fields with the A5 to the south. It is an open, relatively flat site and part of a large, rectangular field. The village of Sheriffhales and properties at Crackley Bank are some 800-900 metres to the north east and east/south east.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Parish Council view is contrary to the Officer recommendation. The Principal Planning Officer, in consultation with the Chair and Vice Chair of the South Planning Committee consider that the context which has resulted in the submission of this application and the matters raised by this case warrant consideration by Committee.

4.0 Community Representations

- Consultee Comments

(Where consultees have submitted more than one set of comments the latest are listed first below, in order to show whether any earlier concerns/issues have been addressed through submitted amendments. Please note also that the revised National Planning Policy Framework was published on 20th July 2021 which has changed some of the paragraph numbers quoted by Consultees).

4.1 Sheriffhales Parish Council (04.03.2021) - Objection:

This application is closely linked to an enabling works proposal outlined in 20/00821 in which it is proposed by the applicant that housing development at the Manor Farm site is permitted despite this being contrary to national and local planning policy. This to finance the relocation of a currently profitable private business (the current pig farm) . A number of reports required to appropriately evaluate the proposal 20/00820 were not provided at the time the application was validated despite the significant concerns raised not least the application being outside of existing national and local planning policy. In the period since reports relating to Heritage Impact and Landscape and Visual Impact reports have incrementally been submitted by the applicant. All these 3 proposals need to be considered together to appreciate in full the significant impacts these changes may have on our community. We understand they were considered together in the pre-application process.

These additional comments principally relate to 20/00820. We note the comments of SC Conservation (Historic Environment) submitted on 15 February with respect to inter-visibility impact and would agree that provided the mitigation suggested is undertaken this risk should be minimal.

There remain significant community concerns in respect of odour particularly given the prevailing wind direction. Given the footprint of the site we note there is potential for well over 2000 pigs in the space. SC Regulatory Services were a key consultee with regard to the granting of Planning Permission in respect to the existing pig unit and we assume they must have been satisfied this could be undertaken without causing a nuisance to neighbouring properties. This has clearly not proven to be the case and has resulted in the same SC Regulatory Services serving a Statutory Nuisance abatement notice on the operators of the existing pig unit who in this case are the applicants.

Consequently Sheriffhales Parish Council quite reasonably has little confidence in

any assessments made of unacceptable impacts of this new application or SC Regulatory Services ability to adequately enforce any conditions or monitoring required Having permitted a development previously which was subsequently found to be operating outside of the environmental standards required by law why would SC planning services wish to repeat this ?

The landscape assessment submitted notes in 8.1 and 8.2 that although there will be a direct impact on landscape and landscape character the impacts are not significant and there is no significant impact on residential receptors. It further states in 5.3 as it replaces the existing Pig Unit (replacing it with a large housing development) this should benefit the conservation area and represents a net betterment in terms of impacts on our community.

We are not convinced by this argument at all.

4.1.1 Sheriffhales Parish Council (17.01.2021) - Objection:

- Comments on Transport Assessment:

- report weakened by only considering the residential development proposal and not all three related applications.

4.1.2 Sheriffhales Parish Council (13.05.2020) - Objection:

The existing pig unit was extended, and the numbers of pigs doubled in 2015. Prior to this no significant nuisance had been reported by our community. In response to the planning application enabling that extension the Environmental Protection service of Shropshire Council commented "due to the betterment in waste water provisions, the management of the current operations and the site setting and location I have no objections to this proposal and do not anticipate any odour or noise implications to surrounding receptors. As a result, I have no conditions to recommend."

This is the same service that is now championing the relocation of the pig unit as "the only solution " to the established environmental nuisance.

It is unclear how the planning application in 2015 was managed and the process followed but Sheriffhales Parish Council cannot confirm it received notice of this application which was subsequently approved through officer delegations.

In the period since 2015 the pig rearing unit has been subject to enforcement notices from Shropshire Council relating to nuisance arising from its operation. In subsequent appeal proceedings a Court Order was made that required the applicant to reduce pig numbers and to alter the cycling period between batches of Pigs. These changes were to be made over a period of time. It also required an Odour Management Plan to be established and adhered to. No direction from the Court was or could have been made to relocate the Pig rearing Unit.

Despite our best efforts we have found it difficult to get information from Shropshire Council that verifies if they believe all requirements of the Court Order have been met including the establishment of an Odour Management Plan and adherence to it. It is not accepted Shropshire Council has used all of its powers of enforcement available under the Environmental Protection Act 1990 and no evidence has been provided to demonstrate the "only solution" to enable the pig business to operate

within the terms of its environmental obligations is through its relocation to another site

We note the conclusions of Pre- application discussions between the applicant and Shropshire Council PREAPP/ 18/00212 were submitted on 11 July 2019. The Parish Council was not given an opportunity to participate in these discussions.

We are disappointed this Full application has been validated and submitted with so much material information unavailable to assist in our response.

We note that no attempt by the Applicants to engage publicly with the Community has been undertaken.

2. Specific Objections and concerns

A. Planning Policy and Enabling case

PREAPP/18/00212 prepared by Shropshire Council examines the proposal that the relocation of the existing Pig Rearing Unit can be facilitated by redevelopment of the existing farmyard and buildings using this as a means to generate the funds required rather than other means of financing the relocation. Continued use of the Farm and Farm buildings for other agricultural activity has not been considered even though they are not associated with any "nuisance" issues.

The submission assumes the Pig Rearing Unit cannot continue to operate from its current location at the number of Pigs currently. We note historically the unit had been able to operate at albeit a lower number of Pigs without reportable nuisance, but the preferred decision is to relocate. The evidence that supports this case has not been provided to us within this application. We agree with Pre App observations that the proposed development that "enables" ie finances the relocation of the pig rearing unit is a very significant departure from both the NPPF and Shropshire Core Strategy.

We do not accept the very special circumstances required to set aside relevant Planning Policy have been demonstrated.

B. Environmental context

We have been given no evidence to support the contention that moving to the proposed new location is the only option available to deal with nuisance caused or what other options were considered.

In respect to the existing pig rearing unit we are not given the reasons why nuisance would be unmanageable at a lower number of pigs specifically or how the number of Pigs deemed suitable for the location was arrived at in discussion with Shropshire Council.

We are concerned that at present no conditions on the maximum number of Pigs the unit in the new location could process is given in material submitted. The footprint of the site would also potentially allow for significant growth in Pig Rearing Capacity.

As there is also the potential for expansion of the proposed unit to a much larger unit given the Plans submitted and this needs to be considered at this stage in Planning given the way the existing unit had expanded by doubling in size.

Most importantly we clearly need to have reassurance that whatever the eventual solution is the requirements for "Environmental Protection" in the broadest sense across our Community are met.

Critical to this are the comments in both the Pre App and subsequently from Shropshire Councils Regulatory officers, emphasizing the need for detailed and specialist Odour and Noise assessments to test the suitability of the proposed new site. It is alarming therefore that neither of these assessments are available and makes it impossible to fully consider the appropriateness of this application at this time.

We also note the strong prevailing wind direction towards the settlement of Sheriffhales is similar from both the existing and the proposed new location and Nuisance may still occur and actually spread along Crackly Bank North of Sheriffhales.

C. Waste Management and/or Manure Management Plan

We have not had sight of a plan of this sort in submitted literature. This is needed to support this application in addition to the Odour Impact and Noise assessments mentioned previously. Again this makes it impossible to fully evaluate the application at this time.

D. SC Conservation (Historic Environment)

The comments on impact due to the topology of the land which is flat and the likelihood of intervisibility and visual impact between sites in the Village and a large pig Unit is clearly a very significant concern.

As suggested a correctly conducted Impact assessment requires submission but the enclosed document does not meet this requirement.

We note this phrase in the submitted response the statement is made that "as a private enterprise it is not considered the proposal has any public benefits as such " With respect to Visual Impacts the report suggests mitigation of impacts by use of associated landscaping appropriately coloured materials and hedging as appropriate is provided. No detail is provided. We require this to be able to fully evaluate the application.

We note the comment the application is contrary to paragraphs 189190 and 196 of the NPPF and policy MD13 of SAMDev

E. Financial Viability Assessment.

The "funding model "being proposed through the 3 related applications and how they interrelate requires a detailed Financial Viability assessment which can be independently reviewed.

We note within the enclosed PREAPP /18/00212 in the section on Planning Policy it is stated "it is going to be necessary to submit a robust financial appraisal which breaks down the cost of relocation of the pig farm in detail".

This has not been provided and again makes full evaluation of the application impossible.

Clearly if the funding model for this application was not reliant on application 20/00821/OUT there may not be a need for such an assessment.

F. Landscape and Visual Impact Assessment

Noting the comments in "D "above regarding SC Conservation we are concerned no Landscape and Visual assessment has been provided. The potential visual impacts in a locality such as Sheriffhales are significant and it is essential such an assessment is provided to be able to fully evaluate the application.

G. Highway and Site Access

A transport note is provided within the submission as the only Highways assessment provided. Section 3.4 of the note suggests at the number of Pigs being processed currently no capacity modelling is required and that no highway safety issues anticipated. We note an assessment from Highways England has been obtained now and expresses no concern. We believe a detailed Highways assessment should still be undertaken as slow-moving traffic moving onto the fast A5 road at this junction and stationary lorries waiting to turn across the fast A5 down the access road at this site is a new hazard that must be Risk assessed.

H. Validation Dates and Outstanding Reports

As highlighted above there are a whole series of additional reports and assessments required to enable the application to be fully evaluated.

3. Summary and Conclusion

Due to the reasons set out above Sheriffhales Parish Council has no option other than to Object strongly to this application and recommend its refusal.

Taking our objections to application 20/00820 / OUT (as set out in a separate response) as read we do not accept the " enabling case " or the " very special circumstances " to been established to set aside existing national and local planning policy .

We do not accept that alternative solutions may not be available to the existing pig business meeting its environmental obligations or if it was relocated that sufficient evidence has been provided to determine if problems related to environmental nuisance associated with intensive pig farming would be eliminated .

It is virtually impossible to fully evaluate the suitability or otherwise of this specific application due to the absence of detailed assessments in respect to a whole range of critical issues including Odour, Noise, Waste management, Heritage, Highways and transportation and Visual amenity. The very significant concern amongst local residents has been expressed to us and is reflected in submissions to the Planning Portal.

4.2 SC Highways (24.03.2021) - No Objection:

It is considered that the relocation of the pig rearing unit will overall provide betterment to the existing highway network as the existing unit is accessed via the

village of Sheriffhales and the proposed unit will have direct access off the A5. It should be noted that as per the submitted transport statement, the A5 at the proposed access location is the responsibility of the local highway authority and does not form part of the trunk road network. It is considered that the anticipated number of vehicle movements likely to be generated by the proposed development are not likely to have a detrimental impact on the surrounding highway network, especially in view of the existing number of vehicles using the A5.

Details of the upgrade of the existing junction with the A5 have been submitted in support of this application and are detailed on drawing SA29727_H_02. It is considered that the proposed visibility splays are acceptable and meet the required standard for the vehicle approach speeds. However, any visibility splay should be kept clear of any obstruction it is therefore recommended that the existing hedge line is relocated so the proposed visibility splay is not obstructed. It will also be necessary to relocate the existing telegraph poles referenced on the submitted drawing. It is recommended that a planning condition is attached to any permission granted that requires the applicant to submit details of construction prior to commencement of any works onsite to ensure these matters have been fully addressed.

It is also recommended that a condition is placed upon any permission granted that requires a construction management plan to be submitted to ensure that the construction works are fully controlled.

1. New Access

No development shall take place until details of the means of access, including the layout, construction and sightlines have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved is commenced.

Reason: To ensure a satisfactory means of access to the highway.

2. On-site Construction

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period.

The Statement shall provide for:

the parking of vehicles of site operatives and visitors

loading and unloading of plant and materials

storage of plant and materials used in constructing the development

the erection and maintenance of security hoarding including decorative displays and

facilities for public viewing, where appropriate

wheel washing facilities

measures to control the emission of dust and dirt during construction

a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To avoid congestion in the surrounding area and to protect the amenities

of the area.

4.3 SC Archaeology (24.04.2020) - No Objection:

The proposed development site lies in an area rich in archaeological sites of the Prehistoric and Roman periods. The line of Watling Street Roman road (PRN 00099) runs c. 500m to the south of the proposed development site, and cropmarks of an enclosure (Shropshire Historic Environment Record [HER] No. PRN 02004) and a double-ditched enclosure (PRN 01391) marking the site of Iron Age or Roman farmsteads are located adjacent to the Roman road to the south and southeast of the proposed development site. The development site is therefore deemed to have some archaeological potential.

An archaeological evaluation in the form of a geophysical survey (TigerGeo, February 2020, PFS191) has been undertaken of the proposed development site and an adjoining area to the south down to the line of the Roman road. The geophysical survey located responses that were probably associated with the cropmark enclosure PRN 02004 and another possible enclosure immediately to the north. The proposed development site itself was shown to be relatively free of geophysical anomalies.

RECOMMENDATION:

In the light of the above, and in relation to Paragraph 199 of the NPPF and Policy MD13 of the SAMDev component of the Shropshire Local Plan, it is advised that a programme of archaeological work be made a condition of any planning permission for the proposed development. This programme of archaeological work should comprise a watching brief during ground works associated with the development. An appropriate condition of any such consent would be: -

No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works.

Reason: The site is known to hold archaeological interest.

4.4 SC Conservation (15.02.2021) - No Objection:

These comments supplement those previously submitted on 24/4/20, where there was objection with regards to the lack of a Heritage Impact Assessment (HIA), in accordance with paragraphs 189-190 of the NPPF, Historic England guidance GPA3 and HEAN12, along with policy MD13 of SAMDev. This is required in order to assess the setting of the Sheriffhales Conservation Area, Lilleshall Registered Park and Garden (grade II), Manor Farm (grade II listed) and St Mary's Church (grade II* listed).

The submitted HIA and Landscape report is noted where it states that there shall be a lack of intervisibility between the site and the relevant heritage assets and from a landscape perspective that impact is 'not considered to be significant'. It is

acknowledged that there is some tree cover and high hedges which characterise the locality mitigates impact despite the topography of the site being flat. It is noted that further mitigation shall be provided by consolidating the existing hedges with further planting rather than extensive new planting or the erection of new bunds.

Overall it is considered that impact shall be 'slight-adverse' considering the existing setting of the site and distance from the relevant heritage assets subject to the full implementation of the mitigation measures. This is also balanced against the Environmental concerns with regards to residential amenity and the benefits of removing the existing operation from the site in this regard and also to aid the existing heritage assets and Manor Farm in particular which should be afforded some weight.

Overall therefore previous objection is withdrawn subject to conditions with regards to proposed finishes of the new building (cladding) and relevant landscaping.

4.4.1 SC Conservation (24.04.2020) - Objection:

In considering the proposal due regard to the following local and national policies and guidance has been taken, when applicable: policies CS5, CS6 and CS17 of the Core Strategy and policies MD2 and MD13 of SAMDev, and with national policies and guidance, National Planning Policy Framework (NPPF) revised and published in February 2019 and the relevant Planning Practice Guidance. Sections 16, 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended).

There are concerns that the proposal may have an impact upon the setting of the following

designated heritage assets:

- Sheriffhales Conservation Area;
- Sheriffhales Manor (grade II listed) and associated farmstead that contains curtilage listed barns (which is subject to accompanying outline application 20/00821/OUT);
- Sheriffhales Lodge (grade II listed);
- Sheriffhales War Memorial (grade II listed); and
- Church of St Mary (grade II* listed) where the churchyard contains three tombs (Hughes, York and Glover) which are all grade II listed structures in their own right.

Whilst many of the designated assets are up to 900m away such as the border with the conservation area, the topography of the land is very flat so there would be likely visual impact and intervisibility between the respective sites, especially with The Manor. Therefore a Heritage Impact Assessment should be submitted in accordance with paragraphs 189-190 of the NPPF, Historic England guidance GPA3 (with regards to setting) and policy MD13 of SAMDev. This should also include the paragraph 196 balance with regards to harm versus public benefits. As a private enterprise it is not considered that the proposal has any public benefits as such though the environmental health implications are acknowledged in terms that the proposal tries to deal with the smell issue that has adversely impacted the amenity of the residents of Sheriffhales, where this could be afforded some weight. Also the proposal needs to provide relevant details on how the visual impact could

be mitigated such as the use and colour of facing materials for the sheds and any associated landscaping, especially given that the topography of the site is flat.

Therefore there is objection to this proposal where it is considered to be contrary to paragraphs 189-190 and 196 of the NPPF, Historic England guidance GPA3 and policy MD13 of SAMDev.

4.5 SC Regulatory Services (15.02.2021) - No Objection:

Since previous comments were submitted on this application no new information has been provided which would alter comments on the technical documents, namely noise and odour, which have previously been provided. It is noted that several comments made on the application make reference to an abatement notice served on the current pig rearing site. For clarity the following points are made to help explain the regulatory controls in place and the scope of regulatory regimes to deal with, primarily, odour from the pig rearing units.

Prior to a second pig rearing building being built at Manor Farm no justified odour complaints had been received by the Council. Following the installation of the second shed complaints were received in respect of odour. An investigation ensued and found a statutory nuisance, under the Environmental Protection Act 1990 s79, existed. The Council served a notice as required by the aforementioned legislation. An appeal was lodged as is the right of anyone served with a notice of this type. During legal proceedings two experts, independent from the Council and the operator of the Manor Farm pig rearing operation, provided reports considering odour and what may be considered best practicable means. Both reports provided commentary on what the site could do to reduce odour. It was concluded that even if the applicant employed what is called Best Practicable Means (BPM) that odour may be a nuisance at closest residential receptors. If BPM is taking place this provides an operator with a defence against any further action under the Environmental Protection Act 1990 provisions for statutory nuisance. The operations at Manor Farm have been considered following the court case by officers of Shropshire Council and by an external expert on behalf of Shropshire Council. Compliance with the notice issued by Shropshire Council has been found to exist. Commentary has been provided by the external expert who audited Manor Farm to Shropshire Council's Regulatory Services. This suggests BPM is available on the site.

The reason for providing this commentary is to highlight a couple of important points. The current site can continue to operate and cause a statutory nuisance on an ongoing basis as long as it applies BPM at all times. As such the Council has no further way to address the odour nuisance being created. No further significant betterment to odour is likely to be available by following statutory nuisance provisions. Secondly the relocation of the site to a different location has assessed odour. Due to the large distances involved the new site is not considered likely to have a significant impact on amenity. I would go as far as saying it will have a negligible impact on amenity at nearby residents and other sensitive receptors including the school. This is taking into account prevailing wind and management practices. No significant likelihood of the new site creating a statutory nuisance is found having considered the documents provided with the application.

It is noted that concern has been raised as to the ability to the new site to expand in future. This is not subject to scrutiny through this planning application which must be judged on its merits. However, it is perhaps fair to point out that should any increased operation be sought in future planning approval would be required. This would ensure an odour assessment is provided to consider odour impact of any increased activity. The relocation site has the advantage of being in a location where future expansion would be likely to be available in respect of odour impacts.

In conclusion the odour assessment provided is considered acceptable. A negligible odour impact is considered likely which would be a significant improvement from the current scenario. The current site is creating a statutory nuisance and could continue to do so as long as it can continue to demonstrate BPM is in place.

4.5.1 SC Regulatory Services (20.10.2020) - No Objection:

With regard to the submitted odour assessment and management reports, the modelling information indicates that the odour impact, in terms of accepted benchmark parameters Odour Units for the 98th percentile, will be negligible to nearest sensitive receptors as identified within the report. This is by the main virtue of the dispersal distance of approximately 800m to Sheriffhales and approx. 600m to the nearest resident. The assessment details a 98th Percentile of 0.5 OU, at the boundaries of the nearest sensitive receptors and naturally reducing further on approach to the properties and village which, given the distance dispersion, it would not be to a standard to interrupt amenity or cause nuisance.

Mitigation is also further achieved by building design and husbandry techniques including feed content, ventilation, temperature control, bedding arrangements, water controls and manure storage as detailed in the management plan. As with other intensive rearing techniques, it is the clearing out of the buildings, which is an infrequent occurrence during the cyclical process of rearing, which will likely result increased odour for the duration of the process, but this is a very short duration. It must be noted that as manure will be spread on local agricultural land for fertilization of soil, there will be increased odour for the duration of spreading and ploughing in within the typical weeks associated with such practices, namely after Autumn Harvest and to a lesser extent the spring preparation of land. This common agricultural practice currently occurs, with manure sourced either from the farm at its existing location or manure imported from other farms.

The decision maker ought to be aware that the existing pig units which are located on the immediate outskirts of the village, at Manor Farm within tens of meters of sensitive receptors, and have been subject to statutory nuisance enforcement of which a resolution is to relocate operations to a location which allows the pig numbers wanted by the business and also minimising the impact on receptors. As such, the supporting information indicates that this outcome will be achieved by moving the operation to an increased distance from receptors and facilitate an increase in animal numbers. If the proposal is granted, it should be conditioned that, as based on the number of pigs to formulate the assessments, that the capacity of the units should not exceed 2000 pigs without further assessment on

odour, as to exceed this would bring the number within the units within the Environment Agency permitting regime and further odour assessments will be necessary. Previous comments on vehicle movements and times of operation should be conditioned.

4.5.2 SC Regulatory Services (04.05.2020) - Comment:

The proposal to relocate the pig rearing enterprise from the current location to one more remote is supported as the only way to remove the Statutory Nuisance that has been found to occur as a result of the pig rearing units at the current site. This is the opinion of Regulatory Services having considered the existing site and hearing information from two specialist consultants in this field. Indeed, it was the conclusion of experts that with 1000 pigs being reared at the current site, which has been the case historically for several years, there would likely be a statutory nuisance at nearest residential properties. Currently the pig rearing operation is creating an odour nuisance at a number of properties in Sheriffhales with odour also impacting on the school. For this reason the proposal is supported in general by Regulatory Services as this would be likely to remove the odour nuisance in full.

To provide the necessary detail on both odour and noise assessment is necessary. Preapplication advice suggested this would be the case when the following information was provided, " In order to ensure no new issues are raised by any location in terms of noise and odour a suitable assessment will be required with any future application". However, having given thought to the actual location being brought forward it is noted that this is some 700m away from nearest downwind receptors. As such no noise assessment is considered necessary as noise from the unit is not anticipated to be a concern over this distance. It would however be advised that in lieu of a noise assessment a condition is placed to ensure that feed deliveries take place between the hours of 0700 - 1900 hours only to protect against noise created by this activity.

It is imperative that an odour assessment is provided with the application. Once this has been provided please consult regulatory services for additional comment.

4.6 SC Drainage (04.05.2020) - No Objection:

The proposed surface water drainage strategy in the Flood Risk Assessment is acceptable in principle. The final drainage calculations of the attenuation pond should be submitted for approval.

Details and plan on how the contaminated water in the yard from spillages or cleaning of sheds will be managed/ isolated from the main surface water system should be submitted for approval to ensure that polluted water does not enter the water table or watercourse.

Condition:

No development shall take place until a scheme of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

4.7 SC Rights of Way (12.05.2020) - Comment:

Although not acknowledged within the Design Statement or on the block plan there is a public footpath that runs along the southern boundary of the proposed development and the continuation of the footpath continues on the eastern side of the access track which will be used as access to the pig farm.

Officers have strong concerns that by placing the development so close to the public footpath there will be a considerable impact on both the enjoyment and safety of users of the public footpath and the size and noise created will detract from the open countryside which at present can be viewed for the footpath. The size, noise and odours produced by the farm will all impact on the usage of this public footpath which will be detrimental to the connectivity within the local area. The footpath should be taken into consideration at the early planning stage particularly with regards to the safety of walkers crossing the track to use the continuation of the footpath which continues to the village.

The applicants should liaise with the Rights of Way Officer for the area to discuss measures to alleviate any potential conflict of use across the access and the applicants will need to adhere to the criteria stated below:

- The right of way must remain open and available at all times and the public must be allowed to use the way without hindrance both during development and afterwards. If this is not possible then we would like to see a temporary diversion application submitted to close the Definitive line and create a safe alternative for users through the site as soon as development starts to take place.
- Vehicular movements (i.e. works vehicles and private vehicles) must be arranged to ensure the safety of the public on the right of way at all times.
- Building materials, debris, etc must not be stored or deposited on the right of way.
- There must be no reduction of the width of the right of way. A 2 metre width is required throughout with a clear demarcation boundary between the site and the footpath to ensure the public's safety whilst walking the footpath.
- The alignment of the right of way must not be altered.
- No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation.

4.8 Shropshire Fire and Rescue - Comment:

Specific consideration should be given to the following:

Enclosed Agricultural Buildings over 280m²
Access for Emergency Fire Service Vehicles

It will be necessary to provide adequate access for emergency fire vehicles. There should be sufficient access for fire service vehicles to within 45 metres of every point on the projected plan area or a percentage of the perimeter, whichever is less onerous. The percentage will be determined by the total floor area of the building. This issue will be dealt with at the Building Regulations stage of the development. However, the Fire Authority advise that early consideration is given to this matter.

THE BUILDING REGULATIONS, 2000 (2006 EDITION) FIRE SAFETY APPROVED DOCUMENT B5. provides details of typical fire service appliance specifications.

Water Supplies for Fire fighting Building Size

It is important to note that the current Building Regulations require an adequate water supply for firefighting. If the building has a compartment of 280m² or more in area and there is no existing fire hydrant within 100 metres, a reasonable water supply must be available. Failure to comply with this requirement may prevent the applicant from obtaining a final certificate.

4.9 Historic England (24.02.2021) - Do not wish to offer any comments.

Suggest that views of the Council's specialist conservation and archaeological advisors be sought.

4.10 SC Ecology - No comments. (Reference made to standing advice).

-Public Comments

4.11 20 Objections to application as originally submitted:

-Moving pig farm to another location will not change how the pig unit is run and reason for abatement order.

-Not a satisfactory solution to the odour nuisance.

-Prevailing westerly winds will bring odours across open fields back to the village and school.

-With good husbandry there should not be smells and aromas.

-Application will go back to full capacity during all months of the year and odour will be back to the levels when original complaints were made.

-Study needed into disbursement of likely odours.

-Odours should not reach edge of village and the proposed dwellings in winds.

-Total area of relocated site will be 2625sqm compared to 5000sqm on the existing site, only a quarter of which is occupied by the pig farm - how can increase in size be justified to accommodate no more than 2000 pigs?.

-Matters could get worse as proposal significantly increases the capacity of the farm.

-No Environmental Impact Assessment to assure local residents that history would not just be repeating itself with this re-siting.

-Smells would affect properties in Back Road, Crackley Bank, some 800 metres from the proposed site, as would others due to the westerly winds.

-Reduction in the number of pigs at the existing site last year has significantly reduced the odour nuisance and this application appears to be based on the desire to grow the business.

-Pig farm has only operated for six or seven years and since that time there has been many complaints to Shropshire Council.

-Increased traffic through the village and past the school and preschool.; concern for welfare of children and parents.

-Detailed assessments required on odour management and impacts, noise, waste

management, highway management, landscape and visual impacts and heritage, and the financial appraisal link to application 20/00821/OUT to determine whether this is an acceptable development.

-May become a statutory nuisance.

-Contrary to National Planning Policy and Core Strategy policy CS5 which states there should be no environmental impacts from developments.

-Manor Farm Limited is in a sound financial position.

-Provided existing pig farm remains capped at under 2000 and cycling runs to fit in more appropriately with the seasons when people are most likely to be enjoying their outdoor space and the historical rural location it should not be a problem.

-Existing pig unit should not have been granted planning permission in the first place.

-Believe that use of the 'straw units' which are identical to the pig units could result in up to 5000 pigs being housed at any one time.

-Site too close to existing chicken rearing farm at Crackley Bank and a second site involving intensive farming is too much to impose upon this small community.

-The four large buildings would be harmful to the setting of designated Heritage Assets and therefore contrary to the NPPF.

-Detrimental impact on both the enjoyment and safety of users of the public footpath, with views of open countryside obscured by the four large farm buildings in addition to the smell and noise that would be produced; path would effectively be out of bounds during construction work due to health and safety risks.

4.12 Shifnal Town Council (23.02.2021) - Object to support the concerns of the local parish council and residents and the impact of increased traffic flow in respect of this application.

Shifnal Town Council (15.05.2020) - No comments.

4.13 5 Objections following re-consultation on receipt of additional supporting information:

-No requirement to relocate the current pig unit at Manor Farm following service of notice by Shropshire Council's Regulatory Services to abate odour nuisance.

-No requirement to re-locate if correct protocols for odour control are adhered to.

-Has an odour management plan been submitted to the Council to demonstrate that there are other solutions available so as not to cause nuisance to nearby residents?

-Has Shropshire Council used all of its powers of enforcement under the Environmental Protection Act 1990 following service of notice.

-Not prepared to risk odours from a large proposed pig farm only approximately 800 metres on the prevailing wind from their property.

-Would move the nuisance to Crackley Bank instead.

-Expect a certain amount of farm odours living in the countryside, but this is at a whole different level.

4.14 1 Support:

- A shame that a historic and innovative farm has been forced to take this action to relocate due to odour.
- Farming allows for open countryside to be maintained and offered to residents of rural villages and it is a tragedy that Sheriffhales has treated a farm in this way.
- Believe odour from the proposed farm location will no longer affect the village due to the new distance from the village and expert odour modelling showing complete dispersion over a 400m radius regardless of wind direction.
- Hope that this farm can continue to provide British food which complies to high welfare standards in a future where food security and supporting local produce is paramount.

5.0 **THE MAIN ISSUES**

Principle of development
Siting, scale and design of structures
Landscape and Heritage Setting Impacts
Highway Safety
Residential Amenity
Right of Way
Drainage
Ecology
Archaeology

6.0 **OFFICER APPRAISAL**

6.1 **Principle of development**

6.1.1 The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990.

6.1.2 Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material considerations which 'indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations." The Development Plan consists of the adopted Shropshire Core Strategy 2011 and the adopted Site Allocations and Management of Development Plan (SAMDev Plan) 2015.

6.1.3 Core Strategy policy CS5 relates to development in the Countryside and Green Belt. (This site is outside of the Green Belt, whose northern extent in Shropshire is defined by the A5). It states that agricultural related development will be permitted in countryside areas, with the proviso that proposals for large scale new development will be required to demonstrate that there are no unacceptable adverse impacts. Policy CS13 relating to Economic Development, Enterprise and Employment recognises in rural areas the continued importance of farming for food

production and supporting the rural economy. SAMDev Plan policy MD7b is also supportive of agricultural development in the countryside where it is of a size/scale and type consistent with it required agricultural purpose and nature of the agricultural enterprise; well designed and located and will have no unacceptable impacts on environmental quality and existing residential amenity. These policies are consistent with the National Planning Policy Framework (2021) which, at paragraph 84, is supportive of a prosperous rural economy, stating planning decisions should enable development for agricultural purposes.

6.1.4 There is, therefore, no in-principle planning policy objection to the proposed development. The acceptability or otherwise of the proposal rests on the detailed matters which are examined below.

6.2 **Siting, scale and design of structures**

6.2.1 Core Strategy policies CS6 and CS17 seek to ensure that developments are appropriate in scale, density, pattern and design taking into account the local context and character. This objective is further bolstered by SAMDev Plan policy MD2. The application site is in an area with no special landscape designations and the proposed buildings would be of designs typical of the modern farm buildings found throughout countryside areas. It has been queried with the agent how the design details of the store storage buildings, which have similarities to the livestock buildings, would render them suitable for the stated 'straw shed' and 'straw store' uses and it is hoped to receive a response in time for the Committee meeting. The impact of agricultural buildings on the rural landscape can be mitigated by the external finishes/colours used. Their scale and grouping would not appear incongruous in this rural location but would benefit from some boundary landscaping to soften their form and in the selection of colours for their external finishes: These are both matters which can be controlled through conditions attached to any grant of planning permission.

6.3 **Landscape and Heritage Setting Impacts**

6.3.1 In considering the proposal due regard to the following local and national policies, guidance and legislation has been taken; CS6 Sustainable Design and development and CS17 Environmental Networks of the Shropshire Core Strategy, the National Planning Policy Framework (NPPF), Planning Practice Guidance and Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The Council's Conservation Officer for the area initially raised concerns about the potential visual impact and inter-visibility between the site of the proposed buildings and the listed buildings and conservation area at Sheriffhales some 900 metres away, due to the topography of the land being very flat. A Heritage Impact Assessment was requested to explore this issue and meet the requirements of the NPPF. A Heritage Impact Assessment and a Landscape and Visual Impact Assessment have now been supplied. This information has been reviewed by the Conservation Officer who acknowledges on the inter-visibility issue that there is some tree cover and hedges which characterise the locality and have the effect of providing some local mitigation despite the flat topography. He notes also that further mitigation would be provided by consolidating existing hedges with new planting. Overall, he concludes the impact would be 'slight-adverse' which, in accordance with paragraph 202 of the NPPF (2021), must be weighed against the public benefits of removing the exiting intensive pig activity from a location much

closer to residential properties and the designated heritage assets. His previous objection is withdrawn subject to there being conditions with regard to the external finishes of the buildings and relevant landscaping. (As recommended at 6.2.1 above). The Case Officer concurs with his assessment and a refusal on the grounds of harm to the setting of designated heritage assets or to the visual amenity of the wider landscape could not be sustained in this case.

6.4 **Highway Safety**

- 6.4.1 The NPPF, at section 9, seeks to promote sustainable transport. At paragraph 110 it advises that sites should give opportunities to promote sustainable transport modes appropriate to the type of development and its location, have a safe and suitable access for all users and that whether any significant impacts on the transport network or highway safety can be cost effectively mitigated to an acceptable degree. It continues at paragraph 111 stating development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Core Strategy policy CS6 seeks to achieve safe development and pertinent matters to consider include ensuring the local road network and access to the site is capable of safely accommodating the type and scale of traffic likely to be generated.
- 6.4.2 The Transport Note submitted with the application states that at present heavy goods vehicle traffic accessing the existing pig units at Manor Farm are travelling through Sheriffhales along 'The Rock' from the B4379 and the proposal would enable that traffic to be redirected away from the village and the B4379 and would travel to and from the site via the A5 using the unclassified road. The existing junction of the unclassified road with the A5 has radii of some 6 metres on either side and is of a single vehicle width but has good visibility. Improvements to the junction are proposed as part of the application. These improvements include the widening of the unclassified road to 7.3m over a length of 20m, tapering down to tie-in with the existing road width of approximately 4.6m. The junction radii would be increased with a 12m entry radius and 15m exit radius, including a 1:10 exit taper onto the A5. The proposed junction geometry has been selected to avoid prejudice to the free flow of traffic along the A5, by allowing simultaneous entry and exit movements. 215m visibility will be achievable from a 4.5m set-back. The agent advises that the applicants are willing to repair and improve drainage along the unclassified road from the A5 junction to the access point of the proposed pig farm buildings. Traffic count data has established that traffic volumes mean a simple major/minor road junction (Without for example a right-hand turning lane) would be appropriate provision.
- 6.4.3 The proposed development is predicted to generate a total of 71 2-way vehicle movements per 20 week batch duration. of this total 51 would be HGV movements connected with piglet delivery, feed delivery, fallen stock removal and finished pig removal, with a detailed breakdown being provided in the Transport Note. (All manure and slurry would be retained on site for reuse as per the existing operations). No additional traffic movements would arise on the highway network as a result of this application, but it would remove HGV traffic associated with the farm from the village.

6.4.4 The Council's Developing Highways Manager considers that the proposals would overall provide a betterment to the existing highway network and would not be detrimental to highway safety. The anticipated number of vehicle movements likely to be generated by the proposed development are not likely to have a detrimental impact on the surrounding highway network, especially in view of the existing number of vehicles using the A5. The proposed junction improvements and visibility splays shown on the application drawings would be acceptable, but the relocation of the existing telegraph poles within the visibility splays would be sought. A condition attached to a grant of planning permission requiring the submission of details of construction relating to the access improvements prior to the commencement of site works would enable these matters to be fully addressed. With respect to comments made that vehicles could still use the unclassified road through the village to access the site during the construction period and subsequently, this can be addressed by requiring the approval and adherence to a construction traffic routing plan as part of the Construction Method Statement to be submitted for approval. A traffic routing plan for the pig farm unit when it is in operation, to ensure that HGVs servicing it only use the improved access route from the A5 could also be conditioned on a grant of planning permission.

6.5 Residential Amenity

6.5.1 Core Strategy policy CS6 seeks to safeguard residential amenity. The principal reason for this application is to seek to overcome an unacceptable adverse impact on residential amenity caused by the intensive pig rearing operation at the existing Manor Farm buildings. It is necessary to ensure that relocating the pig farm enterprise to new buildings in another location does not just displace that harm which then affects different properties. The proposed siting of the buildings would be some 700-900 metres to the west/ north west of dwellings at Sheriffhales and Crackley Bank and some 700 metres from a dwelling on the A5 to the south west. With respect to the noise likely to be generated by the pig farm in the new location, a noise appraisal has been submitted with the application. This identifies dwellings as a receptor type in three locations some 710m, 720m and 900m from the proposed farm buildings and amenity space some 900m away. Those same receptors are currently 12m, 25m, 70m and 1700m respectively from the current pig farm buildings. The noise appraisal concludes:

"This review indicates that the relocation of the pig farm would result in significant reductions in noise levels at the nearest receptor locations, with reductions of between 20dB and 38dB for the closest properties. The exception to this is location AL03 (The dwelling on the A5 to the south west of the site) which may see noise levels from the livestock increase by up to 8dB. However, the distance between the proposed relocation site and the receptor (AL03) would still be significant and in itself gives substantial reductions in noise from the new location and as such, the impact of the relocation of the pig farm is considered to be beneficial overall to sensitive receptor locations considered."

The Council's Regulatory Services Team is content with the findings of the noise study. It is considered that the noise likely to be generated by the operation of the relocated pig farm would not unduly harm the residential amenities of the locality.

6.5.2 An Odour Assessment has also been submitted with the application, along with an

Odour Management Plan produced by ADAS. The modelling carried out by the assessment used 10 receptor points comprising points in close proximity south of the site, on the western approach to and within Sheriffhales village and at Crackley Bank. The assessment concludes:

"The modelling predicts that five year average 98th percentile annual hourly mean odour exposure levels are below the suggested benchmark range of 3.0 to 5.0 ouE/m³ at all modelled discrete receptor points.

The modelled odour exposures at all residential receptors are below the EA H4 benchmarks of 3.0 ouE/m³ for moderately offensive odours, and also below the more demanding 1.5 ouE/m³ benchmarks.

Use of the IAQM guidance on odour effects results in predictions of "negligible" effects at all receptors. Based on the odour dispersion modelling undertaken, it is concluded that the proposed relocation of the pig unit would not result in any significant effects on local amenity."

The Odour Management Plan sets out how best practice would be adhered to by identifying the roles and responsibilities for site management, staff training, maintenance, record keeping, odour controls and routine maintenance, setting out an odour complaints procedure and contingency control measures. This assessment and management plan has been reviewed by the Council's Regulatory Services Team and are considered to be sound.

6.5.3 Regulatory Services comment in addition that, as with other intensive rearing techniques, it is the clearing out of the buildings, which is an infrequent occurrence during the cyclical process of rearing, which will likely result increased odour for the duration of the process, but this is a very short duration. It must be noted that as manure will continue to be spread on local agricultural land for fertilization of soil, there will be increased odour for the duration of spreading and ploughing in within the typical weeks associated with such practices, namely after Autumn Harvest and to a lesser extent the spring preparation of land. This common agricultural practice currently occurs, with manure sourced either from the farm at its existing location or manure imported from other farms. From the planning perspective of considering impact on residential amenity, this aspect of the farming operation would not change with the proposed development and the cap on stock numbers and the odour nuisance has arisen from smells emanating from the buildings.

6.5.4 It is concluded therefore that due to the large separation distances from receptors that would be achieved by the proposed site, the proposed development would not have a significant impact on the amenity of residents in the locality and other sensitive receptors including the school, taking into account the prevailing wind and management practices. It is the view of the Regulatory Services Team that there is no significant likelihood of the proposed site creating a statutory nuisance in the future. To ensure that residential amenity is safeguarded and the objective of removing the source of the statutory nuisance is achieved any grant of planning permission would need to be restricted by conditions to a maximum of 2000 pigs being housed in the buildings at any time and requiring the farming operation to be carried out in accordance with the submitted odour management plan. There would also need to be a Section 106 Agreement as part of a grant of planning permission which secures the permanent cessation of intensive livestock operations at the

existing Manor Farm buildings on the commencement of use of the livestock buildings contained in this application. The traffic routing plan for the operational phase of the development, proposed as a condition at 6.4.4 above would have all HGVs, including feed deliveries, routed from the A5 to the south and it is considered this would be sufficient to avoid the need for a specific condition on noise grounds restricting when such deliveries might take place which was suggested by Regulatory Services in lieu of a noise assessment (Which in fact was provided subsequently) in their earlier comments at 4.5.2 above. On this basis, a refusal on the grounds of the proposal being detrimental to the residential amenities of the locality could not be sustained.

6.6 **Right of Way**

6.6.1 There is a public footpath which crosses this agricultural holding and this runs along the southern boundary of the application site before then heading in a south westerly direction towards the A5 and, on the opposite side of the unclassified road, in a north easterly direction towards the village. It is accepted that the presence of the livestock buildings could affect the enjoyment of the users of this section of path, but this must be weighed against the public benefit which would be achieved by moving the intensive livestock production away from the edge of the village. It is considered that more weight should be given to the latter in the circumstances for this case. The safety of the footpath users during the build would be a matter covered by the construction management plan.

6.7 **Drainage**

6.7.1 Core Strategy policy CS18 relates to sustainable water management and seeks to ensure that surface water will be managed in a sustainable and coordinated way, with the aim to achieve a reduction in the existing run-off rate and not result in an increase in run-off. The Council's Drainage Consultants have advised that proposed surface water drainage strategy in the Flood Risk Assessment is acceptable in principle. They are content that drainage interests can be safeguarded adequately, to ensure the satisfactory drainage of the site and to avoid flooding through a pre-commencement condition requiring the scheme of surface and foul water drainage to be submitted and approved before development commences.

6.8 **Ecology**

6.8.1 Core Strategy policies CS6 and CS17 seeks to ensure developments do not have an adverse impact upon protected species and accords with the obligations under national legislation. SAMDev policies MD2 and MD12 supplement these policies. An Ecological Appraisal has been submitted, updated in June 2021. In summary it states:

“No designated sites were found within the vicinity of the site. The proposed development is not situated within a Shropshire Environmental Network core habitat or ecological corridor and therefore no negative impact is expected from the development. Records of protected species within 2km include typical bat species, badger and brown hare.

The site is formed of a smaller part of a larger agricultural field, of negligible ecological value. The north, south and west boundaries are open to the larger field,

the east boundary a species-poor defunct hedgerow along the side of the proposed buildings. Where the proposed entrance to the field is located is an area with no hedging and has a mature ash tree with low value for bats, this will be protected through development and will not be felled in the active season for bats.

The access track has mixed hedgerows along its length that won't be affected by the proposed development, the new access from the A5 will see works needed on some species rich defunct hedgerow and will pass through the RPZ of three mature trees of negligible value for bats.

The main development area is of negligible ecological value.”

The Ecological Appraisal recommends that the biodiversity is enhanced post-construction with the inclusion of bat and bird boxes and new hedgerow planting. The Ash Tree would be protected with a lighting plan and any other trees planned for removal will be removed outside the active season for bats and nesting birds.

The recommended landscaping scheme comprises hedging and tree planting (locally sourced native species) to gap up defunct hedges and replace hedges damaged by the new visibility splay to enhance the area for biodiversity. With respect to tree planting the Ecology Appraisal states that oak should be particularly encouraged as it is the dominant species in the vicinity and it supports a large diversity of invertebrates. Other tree species recommended include lime, rowan and silver birch. In addition it proposes the provision of two bat boxes suitable for day roosts and provision of bird boxes, together with the lighting scheme being in accordance with ILP and BCT Guidance note 08/18.

The above confirms existing hedging would be largely maintained but there would be impacts from the access works which would need to be compensated for through the recommended landscaping condition. The proposed works to improve the road junction with the A5 would entail the removal of three trees and compensatory planting would be sought through the landscaping condition. These trees would need to be checked for nesting birds and protected species before their removal and the need to ensure no breach of wildlife protection legislation can be the subject of informatives on any planning permission issued. Planning conditions relating to bat and bird boxes and external lighting are recommended to safeguard ecological interests.

6.9 **Archaeology**

6.9.1 A geophysical survey report has been submitted. The Council's Archaeology Team comment that this investigation focused on the proposed site and an adjoining area to the south down the line of the Roman road. The responses located may be associated with a crop mark enclosure and another enclosure. In the light of the findings of this investigation, it is their recommendation that a programme of archaeological work in the form of watching brief be conditioned as part of a grant of planning permission.

7.0 **CONCLUSION**

7.1 There is no in-principle planning policy objection to the proposed development in this countryside location.

- 7.2 The proposed buildings would be of designs typical of the modern farm buildings found throughout countryside areas. The impact of agricultural buildings on the rural landscape can be mitigated by the external finishes/colours used. Their scale and grouping would not appear incongruous in this rural location but would benefit from some boundary landscaping to soften their form and in the selection of colours for their external finishes: These are both matters which can be controlled through conditions attached to any grant of planning permission. The proposals would not significantly impact on the setting of designated heritage impacts in the locality or the visual amenity of the wider landscape, and the impact that would arise would be outweighed by the public benefits of removing the existing intensive pig farming activity contained in buildings from a location much closer to residential properties and designated heritage assets.
- 7.3 The local highway network would be able to accommodate satisfactorily the anticipated number and type of vehicle movements likely to be generated by the proposal, with the improvements proposed to the junction of the unclassified road with the A5, allowing for the removal of HGV traffic from the minor village roads through a traffic routing plan. This combination of highway improvements and traffic routing can be secured by condition prior to the buildings being first brought into use, with vehicle routing also being part of a construction method statement during the build phase.
- 7.4 Due to the large separation distances from receptors that would be achieved by the proposed site, the proposed development would not have a significant impact on the amenity of residents in the locality and other sensitive receptors including the school, by reason of odour and noise, taking into account the prevailing wind and management practices. The permanent cessation of intensive livestock use of the current farm buildings, to avoid any cumulative effects, is a key factor in this conclusion on amenity impacts, and would need to be secured through a Section 106 Agreement as part of any grant of planning permission. In addition, the total number of livestock that could be accommodated would be restricted by condition to a maximum of 2000 pigs to tie in with the impact studies carried out. A further planning application would be needed in the future should the current proposal be granted planning permission and built. and there then be a wish by the operator to increase stock numbers, allowing the potential impact on matters including residential amenity to be fully reviewed at that time. There would also be Environment Agency Permitting Requirements to be met should a further increase in stock numbers be sought.
- 7.5 It is accepted that the presence of the livestock buildings could affect the enjoyment of the users of the adjacent section of public footpath, but this must be weighed against the public benefit which would be achieved by moving the intensive livestock production away from the edge of the village. It is considered that more weight should be given to the latter in the circumstances for this case. The safety of the footpath users during the build would be a matter covered by the construction management plan.
- 7.6 Drainage interests can be safeguarded adequately, to ensure the satisfactory drainage of the site and to avoid flooding through a pre-commencement condition

requiring the scheme of surface and foul water drainage to be submitted and approved before development commences. Archaeological interests can be safeguarded through a watching brief planning condition and ecological interests through conditions relating to the provision of bat and bird boxes and external lighting. The landscaping condition would compensate for the works to hedgerows and trees that would be required as part of the development.

7.7 The application is therefore recommended for approval on the basis of the above assessment of the material planning considerations.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above

recommendation.

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework
National Planning Practice Guidance

Shropshire Core Strategy and SAMDev Plan Policies:

CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS13 - Economic Development, Enterprise and Employment
CS17 - Environmental Networks
CS18 - Sustainable Water Management
MD2 - Sustainable Design
MD7b - General Management of Development in the Countryside
MD12 - Natural Environment
MD13 - Historic Environment
Settlement: S15 - Shifnal

RELEVANT PLANNING HISTORY:

15/01103/FUL Erection of portal steel framed agricultural livestock building GRANT 23rd July 2015
20/00821/OUT Outline application (access for consideration) for residential development PDE
20/00822/FUL Erection of building for the stabling of horses and associated equipment

Contact: Tracy Darke (01743) 254915

including change of use of land and formation of vehicular access PDE
BR/98/0095 ADDITIONAL USE OF FARM FOR EQUESTRIAN ACCOMMODATION AND
GRAZING GRANT 20th May 1998
BR/98/0094 ERECTION OF A FARM DWELLING AND INSTALLATION OF SEPTIC TANK
REF 20th May 1998

11. Additional Information

View details online: <https://pa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) Planning Statement Archaeological Report Drainage Report Flood Risk Assessment Highways Transport Note Odour Assessment Noise Assessment Heritage Assessment Landscape and Visual Impact Assessment
Cabinet Member (Portfolio Holder) Councillor Ed Potter
Local Member Cllr Kevin Turley
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans and drawings

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

3. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

Reason: To ensure that the external appearance of the development is satisfactory, in the interests of the visual amenities of the area.

4. No above ground works shall be commenced until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The landscape works shall be carried out in full compliance with the approved plan, schedule and timescales. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in association with the development. in the interests of the visual amenities of the area and enhancing biodiversity.

5. No development shall take place until details of the means of access, including the layout, construction and sightlines have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved is commenced.

Reason: To ensure a satisfactory means of access to the highway, in the interests of highway safety.

6. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period.

The Statement shall provide for:

the parking of vehicles of site operatives and visitors

loading and unloading of plant and materials

storage of plant and materials used in constructing the development

the erection and maintenance of security hoarding including decorative displays and

facilities for public viewing, where appropriate

wheel washing facilities

measures to control the emission of dust and dirt during construction

a scheme for recycling/disposing of waste resulting from demolition and construction works
construction traffic routing plan
measures to protect safety of users of public right of way

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.

7. Before the buildings hereby approved are first brought into use a traffic routing plan for Heavy Goods Vehicles serving the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved traffic routing plan shall be adhered to for the life time of the development.

Reason: In the interests of highway safety and to safeguard the residential amenities of the locality.

8. The total capacity of the buildings hereby approved shall not exceed 2000 pigs.

Reason: To safeguard the amenities of the area and to allow for further assessments of impacts from matters such as odour and noise should it be proposed at any time to exceed the stock numbers.

9. No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works.

Reason: The site is known to hold archaeological interest.

10. No development shall take place until a scheme of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

11. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under separate planning conditions). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To minimise disturbance to bats, which are European Protected Species.

12. Prior to first occupation / use of the building(s), the makes, models and locations of bat boxes shall be submitted to and approved in writing by the Local Planning Authority. A minimum of 2 external woodcrete bat box[es] or integrated bat brick[s], suitable for nursery or summer roosting for small crevice dwelling bat species, shall be erected on the site. The boxes shall be sited at an appropriate height above the ground, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.

Reason: To ensure the provision of roosting opportunities for bats, in accordance with MD12, CS17 and section 180 of the NPPF.

13. Prior to first occupation / use of the building(s), the number, makes, models and locations of bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The artificial nests, of either integrated brick design or external box design, suitable for sparrows (32mm hole, terrace design), starlings (42mm hole, starling specific), swifts (swift bricks or boxes) and/or house martins (house martin nesting cups) shall be erected on the site. The boxes shall be sited at least 2m from the ground on a suitable tree or structure at a northerly or shaded east/west aspect (under eaves of a building if possible) with a clear flight path, and thereafter maintained for the lifetime of the development.

Reason: To ensure the provision of nesting opportunities for wild birds, in accordance with MD12, CS17 and section 180 of the NPPF.

14. The relocated Manor Farm Pig Unit shall be operated in accordance with the Odour Management Plan (Ref:443491) dated September 2020 prepared by RAK ADAS Ltd.

Reason: To safeguard the amenities of the locality.

Informatives

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

2. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990. The S106 may include the requirement for a financial contribution and the cost of this should be factored in before commencing the development. By signing a S106 agreement you are legally obliged to comply with its contents, irrespective of any changes to Planning Policy or Legislation.

3. The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which

fledged chicks are still dependent.

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal and scrub removal and/or conversion, renovation and demolition work in buildings [or other suitable nesting habitat] should be carried out outside of the bird nesting season which runs from March to August inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation or buildings cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

[Netting of trees or hedges to prevent birds from nesting should be avoided by appropriate planning of work. See guidance at <https://cieem.net/cieem-and-rspb-advise-against-netting-on-hedges-and-trees/>.]

[If during construction birds gain access to [any of] the building[s] and begin nesting, work must cease until the young birds have fledged.]

4. Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from killing, injury and trade. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006. Reasonable precautions should be taken during works to ensure that these species are not harmed.

The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season (March to October) when the weather is warm.

Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife.

The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in

skips or in other suitable containers, to prevent their use as refuges by wildlife.

Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

Any common reptiles or amphibians discovered should be allowed to naturally disperse. Advice should be sought from an appropriately qualified and experienced ecologist if large numbers of common reptiles or amphibians are present.

If a great crested newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.

If a hibernating hedgehog is found on the site, it should be covered over with a cardboard box and advice sought from an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (01584 890 801).

[Hedgerows are more valuable to wildlife than fencing. Where fences are to be used, these should contain gaps at their bases (e.g. hedgehog-friendly gravel boards) to allow wildlife to move freely.]

5. Badgers, their setts and the access to the setts are expressly protected under the Protection of Badgers Act 1992. It is a criminal offence to kill, injure, take, possess or control a badger; to damage, destroy or obstruct access to a sett; and to disturb a badger whilst it is occupying a sett.

No development works or ground disturbance should occur within 30m of a badger sett without having sought advice from an appropriately qualified and experienced ecologist and, where necessary, without a Badger Disturbance Licence from Natural England. All known badger setts must be subject to an inspection by an ecologist immediately prior to the commencement of works on the site.

There is an unlimited fine and/or up to six months imprisonment for such offences. Items used to commit the offence can also be seized and destroyed.

6. It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct access to a bat roost. There is an unlimited fine and/or up to six months imprisonment for such offences.

Should any works to mature trees be required (e.g. felling, lopping, crowning, trimming) then this should be preceded by a bat survey to determine whether any bat roosts are present and whether a Natural England European Protected Species Licence is required to lawfully carry out the works. The bat survey should be carried out by an appropriately qualified and experienced ecologist in line with the Bat Conservation Trust's Bat Survey: Good Practice Guidelines (3rd edition).

If any evidence of bats is discovered at any stage then development works must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) contacted for advice on how to proceed. The Local Planning Authority should also be informed.