



<p>Committee and date</p> <p>Northern Planning Committee</p> <p>8th November 2022</p>
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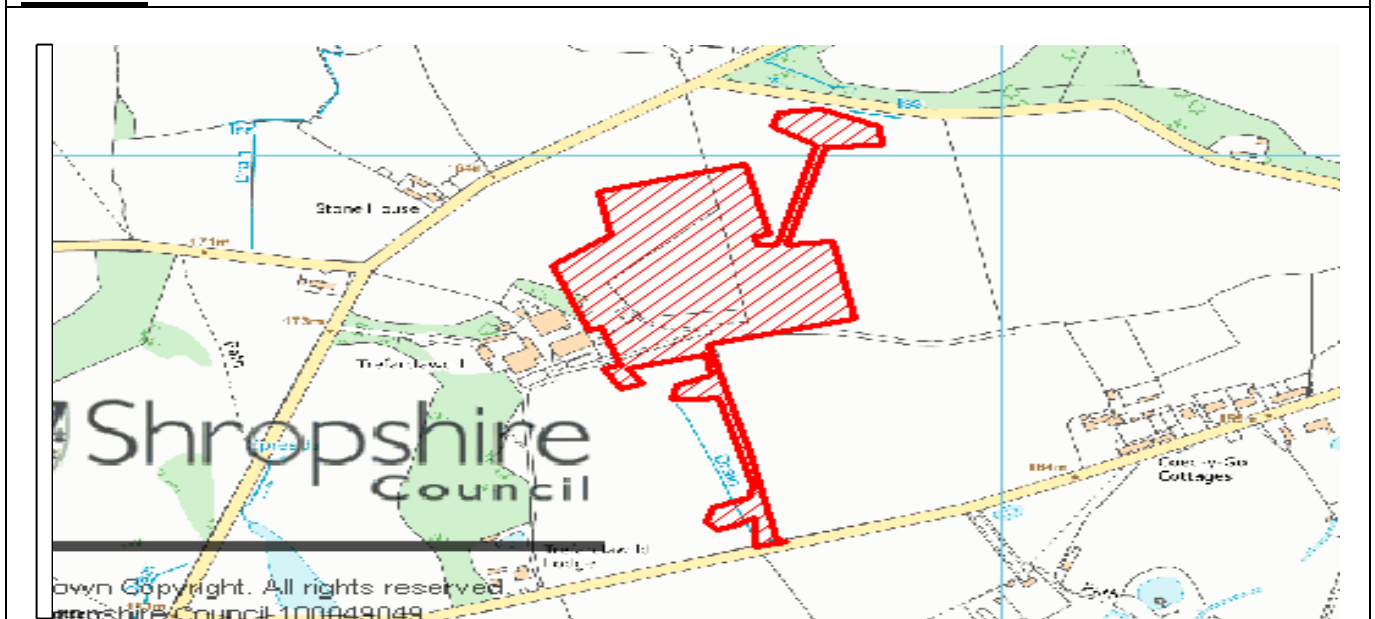
Development Management Report

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

Summary of Application

Application Number: 22/02774/EIA	Parish:	Oswestry Rural
Proposal: Construction of a new intensive dairy complex, (to include means of access off the adjacent public highway, and wider area surface water drainage and landscaping) (part retrospective)		
Site Address: Trefarclawdd Farm Tref-ar-clawdd Oswestry Shropshire SY10 9DE		
Applicant: Llanforda Estate		
Case Officer: Philip Mullineux	email	: philip.mullineux@shropshire.gov.uk

Grid Ref: 326553 - 327757



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REPORT

Recommendation: Delegated approval subject to the conditions as set out in appendix one attached to this report and any amendments to these conditions as considered necessary by the Assistant Director.

1.0 THE PROPOSAL

- 1.1 Application is made in 'Full' and proposes construction of a new intensive dairy complex, (to include means of access off the adjacent public highway, and wider area surface water drainage and landscaping) (part retrospective) alongside the traditional farmstead at Trefarclawdd Farm, Tref-ar-clawdd, Oswestry, SY10 9DE.
- 1.2 The application is accompanied by an Environmental Statement, which includes reference to a non-technical summary, landscape and visual impact assessment, drainage report, ecology report, scail assessment, (ecology and ammonia), transport assessment, odour report, noise report, external lighting design scheme, manure management report and a schedule of landscape maintenance. Also included is a design and access statement, site location plan, block plan, landscaping plan, landscape character plan and elevations and floor plans of the various developments on site. During the application determination period further information was received in relation to ammonia impacts and drainage. Latterly a farm plan was also received, however this does not include reference to any further new information, but confirm land area for spreading of slurry generated on site.
- 1.3 The primary policies to assess this application are contained within the Shropshire Core Strategy and the SAMDev. Also of relevance is the National Planning Policy Framework and Environmental Impact Assessment Regulations 2017. The emerging revised local plan is at a relatively advanced stage, however it is at a stage where only limited weight can be given to its emerging policies and as such the key local plan policies as those as set out in the Shropshire Core Strategy and the SAMDev.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is located to the rear of an existing traditional farmstead on the outskirts of the village of Trefonen and Coed-y-Go and fronts a public highway from which a new access has been constructed to the site. The development is approximately 135 metres away from the existing Trefarclawdd Farmhouse and approximately 60 metres away from the traditional and modern buildings of the holding.
- 2.2 Detail in support of the Environmental Statement indicates that the proposed development includes: - an attenuation pond to the north east of the site which will collect surface water run off from the farm yard. - A covered slurry lagoon measuring 60m x 20m and slurry separator - Two existing balancing ponds which have been constructed alongside the farm drive which will collect water from the surrounding landscape - Two existing silos - Overhangs on two existing agricultural buildings - Slurry channels underneath the two cattle housing buildings connecting to the proposed slurry lagoon - Covered cattle holding yard to the rear of the existing milking parlour - Parlour extension - Concrete yard areas

- 2.3 The development is centred around two large cattle holding buildings that were subject to previous applications approved by the Council which have not been constructed in accordance with the approved plans and therefore along with a recently constructed building which houses a milking parlour form part of the application under consideration.
- 2.4 The recent planning history of the site includes the following:
- 18/00485/FUL Erection of an agricultural building (floor area 875 square metres) – approved 23rd May 2018
 - 18/02895/FUL Erection of an agricultural building (floor area 2,000 square metres) – approved 23rd October 2018
 - 18/05455/FUL Erection of a livestock building and all associated works (floor area 1,500 square metres) – approved 25th April 2019
 - 19/03831/FUL Construction of a new access and all associated works – approved 24th March 2020
 - 20/00841/FUL Erection of covered holding yard and all associated works (site area 875 square metres, floor area 437.5 square metres) – Withdrawn
 - 20/04866/FUL Erection of a covered holding yard and all associated works (Area 875 square metres) – Screening opinion in accordance with EIA Regulations required and application withdrawn.
 - 21/00963/VAR To vary condition No. 2 on 18/05455/FUL and 21/00962/VAR to vary condition No. 2 on 18/02895/FUL in order to construct underground slurry stores (Application withdrawn in favour of the application under consideration).
 - 22/00169/SCR EIA Screening request for a covered holding yard and slurry lagoon.
- 2.5 A screening opinion (reference 22/00169/SCR), on site for a covered holding yard and slurry lagoon carried out in accordance with Environmental Impact Assessment Regulations 2017 (EIA), dated 11th February 2022 established that the area of the development exceeded the indicative criteria set out in the EIA Regulations Schedule 2 – 1(C) and 13(b) for determining significance. With reference to the guidance set out in the NPPG and noting the relevant considerations as set out in the assessment, it was concluded that an EIA was required, withstanding the importance of giving thorough consideration to landscape, visual and historic character, surface and foul water drainage, odour and noise impacts, potential highway impacts and any potential ecological impacts arising from the proposals. The screening opinion made reference to the need to assess the development cumulatively with other development as approved on site. This screening report acknowledged that any alterations would need to be assessed by the Local Planning Authority to consider whether this screening opinion remained valid for the amended development. The current application is for more development than that subject to the EIA Screening request, however it did refer to further unauthorised development on site and thus remains relevant in relation to the development under consideration. The applicants having submitted an Environmental Statement in support of this application. (Copy attached as appendix 2).
- 2.6 The development is in relation to a traditional farmstead where the farming business associated with the farmstead centred on the milking of a herd of approx 150 dairy cows. (These buildings no longer in use in relation to the milking of cows). The current

application is for a new milking complex to the rear of the previous site for a much more intensive milking unit holding up to 500 'Jersey cows' in a unit considered much more suitable for current farming practices and expectations.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The application is presented to Committee owing to the planning history of the site and concerns with regards unauthorised development on site.

4.0 Community Representations

4.1 **Oswestry Rural Parish Council** has responded indicating:

The Parish Council requests that Shropshire Council enforces the Enforcement Notice as the requirements for a suitable and sufficient EIA/ES have not been met.

Retrospective planning development should be refused.

The lighting and design scheme and the noise impact assessment should be rejected.

4.2 Consultee Comment

4.3 **Historic England** have responded with no objections indicating:

We suggest that you seek the views of your specialist conservation and archaeological advisers.

4.4 **The Environment Agency** has responded to the application stating:

Thank you for referring the above application which was received by us on 11th July 2022.

We do not regulate dairy operation as we would for poultry / pig operations. You may therefore wish to consult with your public protection team for guidance on wider emissions not subject to our control.

However, we make the following comments for your consideration:

Rules for farmers and land managers to prevent water pollution: In relation to the control of the impacts to water from manure management and agricultural activities the Environment Agency is responsible for enforcing The Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018, which came into force on 2 April 2018.

The above Regulations are implemented under The Farming Rules for Water (Farming rules for water from April 2018 - GOV.UK (www.gov.uk)). All farmers and land managers are required to follow a set of rules to minimise or prevent water pollution. The new rules cover assessing pollution risks before applying manures, storing manures, preventing erosion of soils, and managing livestock. The full information can be found at: <https://www.gov.uk/guidance/rules-for-farmers-and-land-managers-to-prevent-water-pollution>

It is an offence to break these rules and if they are breached the Environment Agency may take enforcement action in line with our published Enforcement and Sanctions guidance.

We provide advice and guidance on the storage and use of manures to minimise risks of pollution. Manure storage and use is also controlled by the Silage, Slurry and Agricultural Fuel Oil (SSAFO) Regulations, as detailed below.

Storage of silage, slurry or agricultural fuel, including slurry lagoons: Silage and

Slurry storage for agricultural purposes is subject to The Water Resources (SSAFO) as amended. Every farmer has to comply with the SSAFO regulations if they build a new store or substantially alter one built before 1 September 1991.

These regulations aim to prevent water pollution from stores of silage, slurry and agricultural fuel oil. They set out requirements for the design, construction and maintenance of new, substantially reconstructed or substantially enlarged facilities for storing these substances. Storage facilities should be sited at least 10 metres from inland freshwater or coastal water and have a 20-year life expectancy.

Farmers must notify their environmental regulator before construction of a facility (new or substantially altered stores). In England, farmers are required to notify us in writing prior to construction of a facility.

We note that the EIA does not provide relevant detail on capacity of the slurry store (e.g. How many months storage the slurry store has) and whether there is a silage clamp/store at the farm. These details are necessary to ensure compliance with SSAFO Regulations.

Further guidance on the above is available at:

https://www.gov.uk/guidance/storing_silage-slurry-and-agricultural-fuel-oil

DEFRA Code of Good Agricultural Practice (CoGAP): Further advice on the above is contained within the CoGAP, which is a practical guide to help farmers, growers and land manager's protect the environment in which they operate. The Guide can be found at: <http://www.defra.gov.uk/publications/files/pb13558-cogap-090202.pdf>

Water Management: Clean Surface water can be collected for re-use, disposed of via soakaway or discharged to controlled waters. Lightly fouled water and dirty water are still nutrient rich and defined as a slurry. This is normally collected in dirty water tanks via impermeable surfaces. Any tanks proposed should comply with the SSAFO regulations. Yard areas and drainage channels around sheds are normally concreted. Buildings which have roof or side ventilation extraction fans present, may deposit aerial dust on roofs or "clean" yards which is washed off during rainfall, forming lightly contaminated water. On a regulated site the EP Permit will normally require the treatment of such water, via french drains, swales or wetlands, to minimise risk of pollution and enhance water quality. For information we have produced a Rural Sustainable Drainage System Guidance Document, which can be accessed via: <https://www.gov.uk/government/publications/rural-sustainable-drainage-systems>

4.5 **SC Landscape Consultant** has responded to the application indicating in conclusion:

The methodology for the LVIA is appropriate for the nature of the proposed development and scale of likely effects, and has been prepared in compliance with GLVIA3 and relevant supporting Technical Guidance, and if applied consistently to the assessment of effects can be expected to produce reliable results. The assessment of effects has been carried out in accordance with the requirements of the Environmental Impact Assessment Regulations 2017

Where effects are predicted, they are all adverse. Mitigation is predicted to reduce the adversity of effects over time so that at 10 years after completion, 5 receptors/receptor locations are predicted to experience adverse residual effects ranging from Moderate/minor adverse to Minor/negligible adverse. The mitigation proposals of woodland and hedgerow planting have the potential to create long term and permanent beneficial landscape effects, however, the LVIA assesses the effects on the landscape elements of the site as No effects. No effects are predicted to be

significant in EIA terms

The proposal site has the potential to accommodate a development of this nature given the location of the new built form on an area of hardstanding and within the context of existing agricultural buildings, albeit not built completely in accordance with that approved, and topography and vegetation in the vicinity. Given this, and the relatively low levels of residual adversity of effects with mitigation in place, we consider that the proposals comply with Local Plan policies on landscape and visual amenity. We have no recommendations to make as a result of this review

4.6 **SC Ecology** have responded indicating:

RECOMMENDATION:

No objection. Conditions (detailed below) are recommended to secure biodiversity mitigation and enhancement and protection of designated site, in accordance with the NPPF, MD12 and CS17.

COMMENTS

The application is accompanied by an Ammonia Impact Assessment v1, undertaken by Isopleth dated October 2022.

Three scenarios at the farm have been modelled to allow the cumulative impacts of the previous planning applications to be assessed alongside this planning application

These are:

- Scenario 0 – Historic with 150 Friesian cows (slurry) and 50 heifers (straw) in old buildings. Slurry and farmyard manure storage.*
- Scenario 1 – Existing with 500 Jersey cows (400kg) in two cubicle barns. Covered parlour holding area. Old slurry storage area.*
- Scenario 2 – Proposed new lagoon (covered) with 500 Jersey cows (400kg) in two cubicle barns. Covered parlour holding area.*

The results of the modelling are presented in tables 5.1 – 5.6. Tables 5.3 and 5.6 are the most pertinent as they enable the examination of the cumulative effects of the previous developments and the current proposals on designated ecological sites. The difference between the historic (Scenario 0) and the current proposed development (Scenario 2) effectively assesses the cumulative effects of past applications on this site together with the proposed development.

Table 5.3 shows that the difference in process contributions between the historic baseline (scenario 0) and the previous and new proposed development combined (scenario 2) will be <1% of the critical levels for all of the sensitive sites within the screening distance. Impacts are therefore considered to be insignificant. At a limited number of sites there is a slight betterment in terms of lower ammonia concentrations (at Trefonen Marshes SSI, Craig Forda AW and Llyncllys Hill AW).

Table 5.6 shows that the difference in process contributions between the historic baseline (Scenario 0) and the previous and new proposed development combined (scenario 2) will be <1% of the critical loads for all of the sensitive sites within the

screening distance. Impacts are therefore considered to be insignificant. At a limited number of sites there is a slight betterment in terms of lower nitrogen deposition rates (at Trefonen Marshes SSI, Craig Forda AW, Craig Sychtyn AW, Llyncllys Hill AW and Nanat Uchaf AW).

It is stated in the Ammonia Impact Assessment report at 5.2 and 6.0 that 'Shropshire Council has confirmed that, due to impacts of the scheme being below 1% of the relevant critical levels and loads, there is no requirement to consider applications with the potential to act in-combination with the Trefarclawdd scheme.'

This is incorrect. In-combination assessment IS required even if the modelled impacts are below 1% of the relevant critical levels and loads, however, in this instance, no other plans or projects (other than the previous recent planning applications at Trefarclawdd Farm) have been identified for assessment of cumulative/in-combination effects.

The landscaping plans show tree and hedgerow planting as recommended in the Preliminary Ecological Appraisal by Arbor Vitae, dated 21/04/2022, which will serve to both provide ammonia mitigation and opportunities for wildlife such as nesting habitat for birds and foraging/commuting habitat for bats.

The PEA also recommended that any lighting erected on site is sensitive to wildlife. The submitted lighting plans do not show the specification for the proposed lighting and merely show the proposed location of lights on the buildings. A condition is therefore recommended to ensure details of the lighting be submitted for approval, prior to their erection.

The PEA also recommends that bird nesting and bat roosting boxes are erected on suitable trees around the site, to provide enhancements for biodiversity, and a condition to secure these is recommended.

CONDITIONS

No more than 500 cattle and only of the Jersey breed shall be kept in the buildings at any one time.

Reason: To prevent adverse impact on designated sites and ancient woodland from ammonia emissions, consistent with MD12 and the NPPF.

The lagoon cover as shown on drawing number 72967/RJC/104 'Slurry Lagoon Section' shall be maintained for the lifetime of the development in accordance with manufacturer's instructions and replaced as and when necessary.

Reason: To protect designated ecological sites in accordance with the NPPF, MD12 and CS17.

Prior to first use of the development the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:

- A minimum of 3 external woodcrete bat boxes, suitable for nursery or summer roosting for small crevice dwelling bat species.

- A minimum of 3 artificial bird nests suitable for common woodland birds such as tit, robin and wren.

The boxes shall be sited in suitable locations and at suitable heights from 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 provide alternative/additional nesting provision to enhance biodiversity in accordance with the NPPF, MD12 and CS17.

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 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 and shall include technical specifications of the lighting hardware as well as projected lux levels through a light contour plan. The development shall be carried out strictly in accordance with the approved details.

Reason: To minimise disturbance to wildlife

An earlier response indicated:

No objection. Conditions (detailed below) are recommended to secure biodiversity mitigation and enhancement, in accordance with the NPPF, MD12 and CS17.

COMMENTS

The application is accompanied by a SCAIL assessment. The Critical Levels (CLE) utilised in the assessment for designated sites is not correct, 3ug/m³ is used instead of 1ug/m³, however, even by reducing the CLE to the appropriate level of 1ug/m³ each nationally designated site is well below 1% of the CLE and Critical Load (CLo) threshold for ammonia and nitrogen deposition, and therefore impacts can be considered to not be significant as there are no other projects to be taken into account cumulatively. There is one ancient woodland site within 2km of the proposal (Craig Fforda), which the SCAIL assessment has not analysed. SC Ecology have run SCAIL for this ancient woodland.

SCAIL shows the ancient woodland as having a Process Contribution slightly higher than the 1% threshold for ammonia (ie 1.1%), however, it is considered that with the application of Best Available Technology (a cover to the lagoon) and the additional woodland planting proposed this is adequate to mitigate for the effects of ammonia on the ancient woodland. I note that a cover to the slurry lagoon is mentioned in the documentation, however, it is not shown on any drawings of the lagoon. This must be secured as part of any permission, in order to mitigate ammonia impacts therefore, a condition to secure this is required. The landscaping plans show tree and hedgerow planting as recommended in the Preliminary Ecological Appraisal by Arbor Vitae, dated 21/04/2022, which will serve to both provide ammonia mitigation and opportunities for wildlife such as nesting habitat for birds and foraging/commuting habitat for bats. The PEA also recommended that any lighting erected on site is sensitive to wildlife. The submitted lighting plans do not show the specification for the proposed lighting and merely show the proposed location of lights on the buildings. A condition is therefore recommended to ensure details of the lighting be submitted for approval, prior to their

erection. The PEA also recommends that bird nesting and bat roosting boxes are erected on suitable trees around the site, to provide enhancements for biodiversity, and a condition to secure these is recommended.

CONDITIONS

Prior to the construction of the lagoon, a plan showing the lagoon cover specification, construction and fitting shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details. The lagoon cover shall thereafter be maintained for the lifetime of the development in accordance with manufacturer's instructions and replaced as and when necessary.

Reason: To protect designated ecological sites in accordance with the NPPF, MD12 and CS17.

Prior to first use of the development the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site: - A minimum of 3 external woodcrete bat boxes, suitable for nursery or summer roosting for small crevice dwelling bat species. - A minimum of 3 artificial bird nests suitable for common woodland birds such as tit, robin and wren. The boxes shall be sited in suitable locations and at suitable heights from 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 provide alternative/additional nesting provision to enhance biodiversity in accordance with the NPPF, MD12 and CS17.

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 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 and shall include technical specifications of the lighting hardware as well as projected lux levels through a light contour plan. The development shall be carried out strictly in accordance with the approved details.

Reason: To minimise disturbance to wildlife.

4.7 **SC Archaeology Manager** has responded indicating no comments to make on the application.

4.8 **SC Drainage** have responded indicating:

The surface water parameters, design and layout are acceptable together with the riparian connection to the Chain Lane watercourse at a discharge rate of 5 l/s. Recent works to the existing drainage systems has established which is acceptable.

The recently supplied drawing ref: 72967/RJC/107 dated 2022/05/27 shows a drainage system conveying polluted water from the for the building insides and the external yard areas to the slurry lagoon.

Drawing 72967/RJC/001 dated 2022/05/07 confirms the surface water drainage from the building roofs only being conveyed in isolation to the attenuation pond which should ensure protection against pollution to the existing watercourse.

Although pollution in the Chain Lane watercourse has recently been reported, the proposals will mitigate against any pollution. Pollution of the watercourse will be monitored by Shropshire Council's highway and Land Drainage teams.

Suggested condition:

Prior to the development hereby permitted being first brought into use the foul and surface water drainage shall be implemented in accordance with Drawing Nos. 72967/RJC/001,106 and 107.

Reason: To ensure the satisfactory controlled discharge rate of surface water and pollution protection to the existing watercourse.

An earlier response indicated:

Whilst the surface water parameters, design and layout as shown are acceptable for a 1 in 100 year plus 40% critical storm event, a plan should be provided of all known existing drainage systems within the development area and any which have recently been installed as part of this development connecting the to wider drainage network.

The flow control restricting discharge to 1.5 l/s will require maintenance to ensure blockages do not occur. A more realistic outflow of 5 l/s might be more practical to reduce flood risk due to lack of maintenance.

The design calculations are based on the use of a vortex control device which should be shown on the plan to ensure its inclusion in the final scheme.

Figure 1 of the Drainage Rebuttal Letter dated 22nd August 2022 shows the catchment area as being from the roof areas only and that all other hard areas will drain to the slurry lagoon and not the watercourse. This is also confirmed in paragraph 3. However Shropshire Council's Highway and the Land Drainage teams have been informed of slurry entering the highway culvert and the existing watercourse flowing to the north, which is shown as the outfall for this development.

Further clarification is required of the drainage systems within the complex to clearly demonstrate that the yard and internal drainage systems discharge to the lagoon and is separated from the surface water system.

An earlier response indicated:

Comments

Chapter 9 - Water Resources of the Environmental Statement, references the SUDSmart Pro report which addresses the considerations for a satisfactory surface water drainage strategy.

For any future application, the following is required to be clarified:

- 1. A proposed drained area plan should be submitted and associated existing greenfield run-off calculations should be based on the same area to confirm the proposed discharge rate.*
- 2. A definitive watercourse between the proposed development site and the River Morda would need to be identified and any modification proposals would need to be submitted as part of the application.*
- 3. Specific details of how the contaminated water in the yard/lagoons from spillages or cleaning of sheds will be managed/ isolated from the main surface water system would be required.*
- 4. Surface water and foul drainage schemes for the development should be designed and constructed in accordance with the Council's SUDS Handbook which is available in the Related documents section on the council's website at: <https://shropshire.gov.uk/drainage-and-flooding/development-responsibility-and-maintenance/sustainable-drainage-systems-handbook/>*

Appendix A1 - Surface Water Drainage Proforma for Major Developments must be completed and together with associated drainage details, be submitted for approval.

4.9 SC Environmental Protection have responded to the application indicating:

Based on the assumptions made within the revised noise report noise from the proposal is not likely to have a detrimental impact on the amenity of nearby residential properties. The revised noise report indicates that the process of filling bowzers with slurry will only happen in the day time and a frequency of no more than 1 bowser filling in any 1 hour period. If this process happened more frequently it has potential to impact on the amenity of surrounding properties.

Should it be considered appropriate to grant consent I recommend that the following condition is applied to the consent:

- 1. Bowzers shall only be filled with slurry between 0700 – 1900 hours and at a rate of no more than 1 bowser filled per hour.*

An earlier response indicated:

Environmental Protection has reviewed the reports provided in the EIA and has the following comments:

Noise report:

The assessment is a desk based report, it assumes background noise levels and calculates the potential impact based on very little site specific information. The report assesses noise from livestock, the slurry tractor movements and filling of the slurry bowser. Each of these activities is assessed independently as individual activities, an assessment of the cumulative impact of all the noise sources associated with the site has not been provided.

It is understood that the Environmental impact Assessment was required to consider the cumulative impact of the recent and proposed expansion of the business. Hence the noise report needs to consider the cumulative impact including all vehicle movements (such as feed deliveries, milk collections, calf movements and slurry/manure movements), any plant or machinery operating on the site (e.g refrigeration/extraction plant) and noise from livestock. The assessment needs to assume the farm is running at maximum capacity. Is 500 cows the maximum capacity of the current proposals?

The assessment report needs to include:

- assessment of all potential noise sources associated with the site e.g. vehicle movements, plant such as refrigeration or ventilation equipment, filling of slurry bowser, other forms of manure disposal such as umbilical cord system, loading solid manure, and deliveries to AD plant,*
- Noise data specific to the plant being used, Note: unattended measurements are not appropriate for assessing the impact of commercial or industrial noise as the measured data cannot be correlated with specific activities.*
- Measured background noise levels*
- the location of any plant and operations such as filling the bowser with slurry needs to be clearly indicated on a plan,*
- the assessment needs to consider the impact of all the operations cumulatively.*
- vehicle movements need to be considered, including LAmax levels where vehicle movements are at night.*
- Where the assessment indicates an adverse impact the report should detail mitigation measures required to minimise any impact.*

I would not recommend determining the application until a revised noise assessment has been provided to include the points raised above.

Odour report

Although the odour assessment does indicate that the level of odour has increased the levels of odour is predicted to be below the threshold that is considered to be significant. This assessment was based on 500 jersey cows, if the maximum capacity of the farm is greater than this a further assessment would be required.

4.10 **SC Highways** have responded indicating:

Having regard to the application submission and supporting information I consider that the traffic movements generated can be accommodated on the local highway network.

In connection with previous applications at this site, and included within the Highways Assessment, a new access has been constructed onto the Trefonen Road to serve the

development. In addition improvements were implemented at the Oswestry Road junction. The supporting information sets out the number of and type of traffic movements, generated by the scale of development and also how those movements are split down into weekly and daily movements. As regards the spreading of manure, the applicant has provided a Manure Management Plan which shows where the manure would be spread and provision of a slurry lagoon will allow the slurry to be kept on site and spread as required throughout the year. Worse case scenario that the slurry would be taken to land by tanker but within the immediate vicinity of the site.

Having regard to the above, the highway authority do not consider that a highway objection is warranted and therefore raise no objection to consent being granted. It is considered however that the following Condition(s) should be imposed upon any consent granted.

- The development hereby permitted shall be implemented in accordance with the approved plans and description of the development and traffic movements as set out in the Highways Assessment. **Reason:** To properly manage the traffic movements to and from the site on the local highway network.*

An earlier response indicated:

I refer to the above mentioned planning application and more recent discussions, I offer the following highway comments.

The highways traffic generation information is set out in the Highways Statement submitted on the 14th June and further submitted as titled Highways Assessment dated 30th August. The latter assessment has provided the traffic movements in average daily and weekly figures. Both reports highlight the traffic generation of the various elements of the development, however there appears to be a variation in the more recent Highways Assessment in terms of the whether manure is taken from site. The previous Highways Statement indicated there would be 344 number 30 tonne manure vehicle movements going to and from Abertanat Farm to spread on land or taken to AD Plant. The current Highways Assessment suggest there will be no vehicle movements. I suspect this is an error as the overall total vehicle movements are the same in both reports, but for clarity suggest that this is made clear. It would be helpful also to understand the frequency of the manure removal, if indeed that is the case, to then provide clarity of the overall development traffic generation and pattern of daily and weekly movements.

An earlier response indicated:

I refer to the above mentioned planning application, which I am aware has some history and indeed this application is part retrospective.

As you are aware highways have commented on previous planning applications, which have led to highway improvements as set out in the Highways Assessment (HA). These include junction and visibility improvements at the Oswestry/Trefonen Road

junction and the construction of a new access to the farm complex off the Trefonen/Morda Road. With regard to the current application, there are no fundamental highway and safety related concerns. Recently Shropshire Council highways have carried out significant patching along the route to the site from both the Morda and Trefonen directions.

It is clear that this farm has grown into a significant dairy complex and therefore has become also a significant traffic generator. Traffic movements are set out in section 3 of the HA, although these are not helpful in presenting the figures as yearly totals. These need to be provided to understand the daily and weekly traffic movements and in order to provide a clearer context of how the dairy unit operates and how that translates into traffic movements on the network. I would ask therefore that further details are provided.

Section 4 within the HA shows a routing plan but no explanation of what this refers to and how traffic movements would gravitate to and from the identified blue route. Again referring to the above paragraph relating to the traffic information, how is the traffic generated by the dairy unit being assigned to the highway network.

Clarity is needed regarding manure spreading. The HA states that manure will be taken to Abertanat Farm to spread on land or taken to an AD Plant. The manure/slurry are a by-product of the operation but it is important to understand where it is being taken and when.

I would be obliged therefore if the above matters are taken up with the applicant/agent and I wait their response.

4.11 **SC Conservation** have responded indicating:

Background to Recommendation:

In considering the proposal due regard to the following local policies and guidance has been taken, when applicable: CS5 Countryside and Green Belt, CS6 Sustainable Design and Development and CS17 Environmental Networks, MD13 Historic Environment and with national policies and guidance, National Planning Policy Framework (NPPF) published July 2021 and Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

Paragraphs 199-201 and 202 advises that when considering the impact of a proposed development on the significance of the designated heritage asset/s, great weight should be given to the asset's conservation and that any harm to or loss of, the significance of the designated heritage asset should require clear and convincing justification.

Paragraph 203 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application and in weighing applications that affect (directly or indirectly) non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the asset.

MD13 states that Shropshire's heritage assets will be protected, conserved,

sympathetically enhanced and restored by ensuring proposals avoid harm or loss to significance of designated and non-designated heritage assets and ensuring that proposals affecting the significance of these assets are accompanied by a Heritage Assessment. It goes on to state that proposals which are likely to have an adverse effect on the significance of non-designated heritage assets, including their setting, will only be permitted where it can be clearly demonstrated that the public benefits of the proposal outweigh the adverse impact.

Legislatively Section 66 of the Planning (Listed Buildings and Conservation Areas) Act is not relevant to this application, where the Act requires the need to pay special regard to the preservation of listed buildings and their settings as we concur with the findings of the HIA that there will be no harm to any designated heritage assets as a result of the proposal. This is also applicable to paras 199-202 of the NPPF in relation to designated heritage assets (in terms of built form – SC Archaeology colleague has commented separately regarding below ground heritage).

RECOMMENDATION:

No objection is made from a built heritage perspective.

Previous comments made on this application (12.08.22) pointed out that a HIA had not been submitted, as indicated as necessary in the comments made on the screening application submitted for the proposal. These have now been submitted and we confirm that they fulfil the requirements of MD13 and Paragraph 194 of the NPPF and please note comments above regarding designated heritage assets ie as no harm is identified the relevant sections of the NPPF and Section 66 are not applicable to this application.

Having examined the findings of the HIA in terms of non designated heritage assets (built form) we concur that whilst there is some change within their settings, this does not result in any loss of significance as the proposal site does not contribute or has limited contribution to their significance. In the case of Trefarclawdd Farm itself, being directly associated with the proposal in terms of function, as a much altered farmstead the additional works that form the basis of this application to further extend the agricultural use of the site are not considered to cause harm to the limited significance of the remaining historic farmstead.

4.12 **Natural England** - No response received to further re-consultation.

4.13 Public Comments

4.14 Thirty five letters of objections have been received from members of the public. Key planning related issues raised can be summarised as follows:

- Location of development in relation to dwellings and detrimental impacts on residential amenity.
- Location as development of an industrial sized complex will have a detrimental impact and dominate the surrounding landscape.
- Increased traffic as a result of the proposal on surrounding public highways.
- Detrimental impacts on surrounding residents and their human rights.
- Development on site has occurred in a piecemeal fashion.

- Concerns with regards future and further development on site
- Concerns with regards impacts on surrounding drainage and disposal of slurry that will be generated on site. (Impacts on the River Morda).
- Detrimental biodiversity impacts.- Will harm local ecosystem.
- No farm management plan produced.
- Concerns with regards to the advertising of development on site.
- Sustainability of the site and the significant increase in cow numbers compared to the previous more traditional operations of the agricultural unit concerned.
- Lack of enforcement against breaches of planning regulations on site.
- The Landscape and Visual Impact submitted in support of the application lacks sufficient detail on the impacts of the proposal.
- Detrimental impacts as a result of the development on a local wedding business
- Concerns with regards to humanitarian grounds along with environmental issues.
- Recent development on site subject to this application has occurred by stealth.
- Concerns with regards to light pollution
- Insufficient economic benefits to warrant harm to the environment.
- Concerns with regards to animal welfare on site.
- Queries in relation to the standard of the information in support of the application in consideration of Environmental Legislation.
- Proposal represents intensive factory farming and increase in greenhouse emissions.
- Concerns that the development does not comply with the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil)(England) Regulations 2010 legislation
- Concerns that the Environmental statement in support of the application is not fit for purposes and also does not indicate author's qualifications.
- Concerns that development on site is piecemeal and that previous planning condition and procedures have not been adhered to.
- Insufficient public consultation on the proposals.

4.15 Thirty six letters of support have been received, key points raised are summarised as follows:

- Proposal will bring economic benefits to the surrounding area.
- Application provides for biodiversity enhancement.
- Proposal is typical of modern agricultural production.
- Proposal is for agricultural development that blends into the landscape satisfactorily.

5.0 THE MAIN ISSUES

- Principle of development
- Environmental Impact Assessment, (EIA).
- Siting, scale and design of structures
- Visual impact and landscaping
- Ecology

- Public highway and transportation
- Drainage
- Residential and local amenity

6.0 OFFICER APPRAISAL

6.1 Environmental Impact Assessment, (EIA).

- 6.1.1 A screening Opinion dated 11th February 2022 for a covered holding yard and slurry lagoon was carried out in accordance with EIA Regulations 2017 and concluded that the area of the development will exceed the indicative criteria as set out in the EIA Regulations Schedule 2 – 1(C) and 13(b) for determining significance. With reference to the guidance set out in the NPPG and noting the considerations set out in the screening assessment, it was concluded that an EIA was required in support of any formal planning application. Reference was made to cumulative impacts and other development on site, as referred to in paragraph 2.5 above. The applicants have submitted an Environmental Statement in support of the application and this application has been assessed in relation to this statement, detail of which is considered acceptable in relation to the assessment of the proposal.
- 6.1.2 **Principle of development**
- 6.1.3 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements (Par 2- NPPF).
- 6.1.4 The NPPF advises that the purpose of the planning system is to contribute to achieving sustainable development (para. 7) and establishes a presumption in favour of sustainable development (para. 11) indicating that there are three overarching objectives to achieving this: economic; social; and environmental. The NPPF states that significant weight should be given to the need to support economic growth and productivity (para. 80). In respect of development in rural areas, it states that planning decisions should enable the sustainable growth and expansion of all types of business; and the development and diversification of agricultural and other land-based rural businesses (para. 83)
- 6.1.5 Core Strategy Policy CS5 states that development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to specified proposals including: agricultural related development. It states that proposals for large scale new development will be required to demonstrate that there are no unacceptable adverse environmental impacts. Whilst the Core Strategy aims to provide general support for the land based sector, it states that larger scale agricultural related development can have significant impacts and will not be appropriate in all rural locations (para. 4.74). Policy CS13 seeks the delivery of sustainable economic growth and prosperous communities. In rural areas it says that particular emphasis will be placed on recognising the continued importance of farming for food production and supporting rural enterprise and diversification of the economy, in particular areas of economic

activity associated with industry such as agriculture.

- 6.1.6 The above policies indicate that there is strong national and local policy support for development of agricultural businesses which can provide employment to support the rural economy. In principle therefore it is considered that the provision of an extension to the existing farm complex in order to enable the operation of a more intensive dairy complex can be given planning consideration in support. Policies recognise that agricultural development can have significant impacts, and seek to protect local amenity and environmental assets. These matters are discussed below.
- 6.1.7 The development subject to this application is intensive in nature and entails development that has occurred on site over a period of some 5 years some of which has been previously granted planning approval as set out in Section 2 of this report. The primary use of the farm holding is in relation to the milking of cows. The proposals subject to the application under consideration is in relation to the milking of some 500 Jersey cows that are favoured for their high butterfat milk content.
- 6.1.8 The development on site is to be considered as a whole in accordance with the application under consideration as whilst some works on site are authorised, there has been significant deviation from previously approved plans and as such the applicants agreed to the submission of a fresh application to be considered as a whole and thus this application is for the complex as a whole that has been constructed on a 'green field' site adjacent to the existing farm complex which is traditional in scale and nature and less intensive in scale, whilst also acknowledging mostly outdated and in need of extensive refurbishment in relation to modern farming practices, however suitable for use complimentary to the development the subject of this application.
- 6.1.9 The development as a whole, is significant in scale and consideration has been given to cumulative impacts in accordance with EIA Regulations.
- 6.2 **Siting, scale and design of structure**
- 6.2.1 Core Strategy Policy CS6 seeks to ensure that development is appropriate in scale and design taking into account local context and character, having regard to landscape character assessments and ecological strategies where appropriate. It states that development will be designed to a high quality using sustainable design principles. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan policy MD2 requires that development contributes to and respects locally distinctive or valued character and existing amenity value. SAMDev Plan policy MD7b states that applications for agricultural development should be of a size/scale which is consistent with its required agricultural purpose, and where possible sited so that it is functionally and physically closely related to existing farm buildings. Policy MD12 of the SAMDev puts emphasis on the avoidance of harm to Shropshire's natural assets and their conservation, enhancement and restoration.
- 6.2.2 Detail in the Environmental Statement in support of the application indicates that the proposed development includes: - an attenuation pond to the north east of the site

which will collect surface water run off from the farm yard. - A covered slurry lagoon measuring 60m x 20m and slurry separator - Balancing ponds which have been constructed alongside the farm drive which will collect water from the surrounding landscape - Two existing silos - Overhangs on two existing agricultural buildings - Slurry channels underneath the two cattle housing buildings connecting to the proposed slurry lagoon - Covered cattle holding yard to the rear of the existing milking parlour - Parlour extension - Concrete yard areas

- 6.2.3 The above-mentioned is in connection to two steel framed cattle housing buildings and a steel framed milking parlour that have been granted planning permission previously in accordance with detail as set out in paragraph 2.4 of this report. The development is considered necessary in relation to the applicants aspirations for a modern dairy complex as part of the existing farming operations at the holding concerned.
- 6.2.4 The proposal includes retrospective planning for two modern agricultural buildings which will house the 500 dairy cows, with slurry channels below. Planning was granted for the first agricultural building which measured 80m x 25m and 4.27m to eaves and 7.826m to ridge (ref: 18/02895/FUL). The second agricultural building was granted planning which measured 80m x 25m and 4.27m to eaves and 7.826m to ridge (ref: 18/05455/FUL). The floor area of the two agricultural buildings has changed to 79.5m x 24.15m (28.99m including overhangs) and 4.165m to eaves and 8.25m to ridge. There is no increase in cattle housing area, the additional overhangs are for keeping the feed for the cattle dry. The buildings have mass concrete walls with Sussex boarding to the eaves. The east and west elevations will be open fronted. Retrospective planning is also sought for two silos which are located adjacent to the approved milking parlour, along with the parlour extension and the concrete yard area to the front, side and rear of the agricultural buildings.
- 6.2.5 The applicant in accordance with EIA Regulations has given consideration to cumulative impacts and on this matter in relation to other agricultural activities and scale and design the development considered acceptable. (Also in relation to other matters subject to satisfactory consideration as discussed further in this report).
- 6.2.6 An attenuation pond will be located to the north east of the site to collect surface water run off from the farm yard. There are also two drainage ponds alongside the entrance drive to the site from the public highway. These are all considered acceptable in scale and design and drainage on site as well as in relation to the wider area has been subject to extensive dialogue between the applicants and the Council's drainage team.
- 6.2.7 On balance the development on site as a whole is considered acceptable in relation to siting, scale and design representing a modern farm complex that does not look out of place in a rural setting with agricultural development in a predominantly livestock related area is the norm subject to satisfactory consideration to the issues discussed later in this report.
- 6.2.8 As such in relation to siting, scale and design the application is considered acceptable and in accordance with Policies CS6 of the Shropshire Core Strategy, MD2 of the SAMDev and the NPPF on this matter.

6.3 **Visual impact and landscaping**

- 6.3.1 Paragraph 195 of the NPPF indicates that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal, (including by development affecting the setting of a heritage asset), taking account of the available evidence and any necessary expertise. The proposal therefore has to be considered against Shropshire Council policies CS6 and CS17 and with national policies and guidance including PPS5 Historic Environment Planning Practice Guide and section 16 of the National Planning Policy Framework (NPPF). Special regard has to be given to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses as required by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.3.2 Whilst it is acknowledged there are dwellings and farmsteads dotted around the application site and some of which can be considered non-designated heritage assets in accordance with the NPPF, it is considered the development as a whole and as proposed will not have any detrimental impact on the historic environment.
- 6.3.3 The applicants have submitted as part of their Environmental Statement a landscape and visual impact assessment and this concludes that the proposed development comprises a retrospective permission aspect where the built structures have been constructed with minor amendments to the approved dimensions. As such, the impacts resulting from Buildings A – C as part of this new application are extremely minimal. Proposed Building D and the proposed covered slurry lagoon would also result in minimal impacts due to their siting adjacent to existing built form and the comprehensive planting proposals associated with this application. Over the wider landscape these existing buildings are generally not visible, due to screening from vegetation and topography, it is predominantly only in the immediate locality of Trefarclawdd that they are discernible and within which the proposed development would be discernible. Fieldwork and this assessment have both found that the addition of the proposed development would result in extremely limited changes to local views and landscape character and no changes to landscape fabric
- 6.3.4 The Council's Landscape Consultant has confirmed that in his opinion where effects are predicted, they are all adverse. Mitigation is predicted to reduce the adversity of effects over time so that at 10 years after completion, 5 receptors/receptor locations are predicted to experience adverse residual effects ranging from Moderate/minor adverse to Minor/negligible adverse. The mitigation proposals of woodland and hedgerow planting have the potential to create long term and permanent beneficial landscape effects, however, the LVIA assesses the effects on the landscape elements of the site as No effects. No effects are predicted to be significant in EIA terms. However his response concludes that the proposal site has the potential to accommodate a development of this nature given the location of the new built form on an area of hardstanding and within the context of existing agricultural buildings, albeit not built completely in accordance with that approved, and topography and vegetation in the vicinity. Given this, and the relatively low levels of residual adversity of effects with mitigation in place, he considers that the proposals comply with Local Plan policies on landscape and visual amenity. We have no recommendations to make as a result of

this review

6.3.5 Whilst Officers accept development on site is significant in scale, it is agricultural in nature and typical of the landscape it is located within all be it intensive in nature. It is considered with additional landscaping as proposed and with suitably worded conditions attached to any approval notice issued in order to ensure this, that in relation to landscape and visual impact the development as a whole can be mitigated and integrated into the rural landscape that it is located within and consequently on balance, in accordance with Policies CS5, CS6 and CS17 of the Shropshire Core Strategy, Policies MD2, MD12 and MD13 of the SAMDev and the NPPF in relation to this matter.

6.4 **Ecology**

6.4.1 The NPPF and policy CS17 of the Shropshire Core Strategy require consideration to be given to the impact of the proposed development on the natural environment. This particularly relates to the impact on statutorily protected species and habitats. Therefore the application has been considered by the Council's Ecologist and Natural England.

6.4.2 The application is accompanied by an Ecological assessment this indicates that the proposed and approved planning applications mainly impact on improved grassland. This is of minor ecological value and the loss of this habitat type will have a low impact at a local level. Hedgerow removal has taken place on site as part of the enabling works which will lead to a loss in nesting sites for birds, habitat for other wildlife and a decrease in overall biodiversity on site. The survey revealed no signs of use by badger and in its current state the site does not offer suitable habitat to badgers. It is possible that badgers use the site, given its rural location, and therefore could disturb individuals. In order to avoid disturbance to individuals who may enter the site during nocturnal activity we recommend precautionary methods are used on site. The construction phase of the development will have no impact on bat species but if external lighting on site is planned, a Wildlife Sensitive Lighting Plan should be implemented to reduce the post-development impacts on bat species. We have given specifications for the design of external lighting on site in order to avoid disturbance to bat species and other nocturnal wildlife. The proposed covered holding yard construction will have no impact on breeding birds but the removal of hedgerow on site has reduced the amount of potential nesting sites. Replacement hedgerow planting should take place along the new access track to run parallel with the existing hedgerow and provide a valuable habitat for a variety of wildlife. Two ponds within 500m of the proposed development site provide unsuitable habitat for GCN. The land surrounding the development site is a mixture of improved grassland and arable land which both offer sub-optimal terrestrial habitat for GCN. As a precaution we have included a Reasonable Avoidance Measures Method Statement to remove any residual risk of harm to GCN.

6.4.3 Also accompanying the application is an ammonia assessment and this concludes that the type, source and significance of potential impacts have been identified and detailed modelling undertaken in line with EA, Natural England and Shropshire Guidance. Predicted ground level concentrations of ammonia and nutrient nitrogen are compared with relevant air quality standards and guidelines for the protection of sensitive habitats. Shropshire Council has confirmed that, due to impacts of the scheme being below 1% of the relevant critical levels and loads, there is no requirement to consider applications with the potential to act in-combination with the Trefarclawdd scheme

6.4.4 SC Planning Ecology have responded indicating that detail in support of the application is considered acceptable and this includes reference to ammonia impacts cumulatively with previous developments and in relation to the proposal in relation to the immediate and wider sensitive ecological environment, as set out in the SC Ecology response above, which also acknowledges that the landscaping plans show tree and hedgerow planting as recommended in the Preliminary Ecological Appraisal by Arbor Vitae, dated 21/04/2022, which will serve to both provide ammonia mitigation and opportunities for wildlife such as nesting habitat for birds and foraging/commuting habitat for bats.

The PEA also recommended that any lighting erected on site is sensitive to wildlife. The submitted lighting plans do not show the specification for the proposed lighting and merely show the proposed location of lights on the buildings. A condition is therefore recommended to ensure details of the lighting be submitted for approval, within 2 months of any approval notice being issued if Committee are mindful to support the application. Also recommended are conditions with regards to cow numbers retained on site, maintenance of the slurry lagoon, bird nesting and bat roosting boxes erected on suitable trees around the site, to provide enhancements for biodiversity.

6.4.5 In relation to ecological issues, whilst issues on biodiversity issues as raised by members of the public are acknowledged, the application is considered acceptable and with appropriate conditions attached to any approval notice issued as discussed in the preceding paragraph in accordance with Policies CS5 and CS17 of the Shropshire Core Strategy, Policies MD2, MD7b and MD12 of the SAMDev and the NPPF on this matter.

6.5 **Public highways and transportation**

6.5.1 Policy CS6 of the Core Strategy requires development to be inclusive and accessible. Paragraph 111 in the NPPF indicates that 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. Paragraph 113 of the NPPF indicates all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport assessment so that the likely impacts of the proposal can be assessed.

6.5.2 The applicants Environmental Statement includes a chapter on transportation and this indicates that there have already been extensive highway improvements on the junction of the access road to the site from the adjacent public highway, (this also included construction of a new farm road to serve the site). The statement indicates that there will be expected traffic movements per year of 6224 and this includes a breakdown of

tractor and trailer movements as well as HGV and car movements. The report concludes that the construction of the new access and substantial highway improvements have resulted in a safe access with improved visibility splays and provide an effective means of access for the development.

- 6.5.3 The Council's Highways Manager has responded to the application raising no objections indicating that the traffic movements generated can be accommodated on the local highway network. The response indicates that in connection with previous applications at this site, and included within the Highways Assessment, a new access has been constructed onto the Trefonen Road to serve the development. In addition improvements were implemented at the Oswestry Road junction. The supporting information sets out the number of and type of traffic movements, generated by the scale of development and also how those movements are split down into weekly and daily movements. As regards the spreading of manure, the applicant has provided a Manure Management Plan which shows where the manure would be spread and provision of a slurry lagoon will allow the slurry to be kept on site and spread as required throughout the year. Worst case scenario that the slurry would be taken to land by tanker but within the immediate vicinity of the site. The response recommends a condition with regards to development on site being carried out in accordance with the approved plans and traffic movements as set out in the highway assessment.
- 6.5.4 The applicants have confirmed that all the vehicle movements relate to the land identified on the plan forming part of Trefaclawdd Farm holding. They have also confirmed that all current movements of slurry on the public highway go to Abertanat Farm. The intention is that with the provision of the slurry lagoon the slurry will be able to be stored until required to be spread on the ground around Trefaclawdd Farm. Guidance issued by the EA and the COGAP and Code for the protection of water advises that a contingency plan should always be in place. The contingency is for movement of the slurry to the AD plant at Abertanat. This is required only as a contingency and is considered reasonable.
- 6.5.5 On balance, whilst concerns raised by members of the public on this matter are acknowledged, with consideration to detail in support of the application it is clear the SC Highways Manager raises no objections on highway and transportation matters. Installation of the proposed slurry lagoon will create storage space on site and thus improve matters in relation to vehicle movements on the surrounding public highways. Disposal of manure by means of spreading on land at Trefarclawdd Farm is considered acceptable whether by the umbilical irrigation method direct from the manure store to the field or by tractor and spreader. It is also considered reasonable to allow for a contingency plan and movement of slurry to the AD plant at Abertanat in accordance with advice as set out in the EA and the COGAP and Code for the protection of water.
- 6.5.6 On highway and transportation matters with appropriate conditions attached to any approval notice issued in relation to carrying out development on site in accordance with the approved plans and traffic movements which includes reference to any necessary slurry movements, the proposal is considered to be in accordance with Policies CS6 of the Shropshire Core Strategy, and MD2 and MD7a of the SAMDev and the NPPF on these matters.

6.6 Drainage

- 6.6.1 The NPPF and policy CS18 of the Shropshire Core Strategy require consideration to be given to the potential flood risk of development. It is noted that the application site is in flood zone 1 in accordance with the EA flood risk data maps.(lowest risk), The application is accompanied by a flood risk assessment and further diagram detail these are noted and have been considered as part of the consideration to this application.
- 6.6.2 The Environmental Statement in support of the application includes a drainage assessment and this indicates that according to GeoSmart's SuDS Infiltration Potential (SD50) map, the Site has a moderate potential for infiltration, primarily due to the permeability of the underlying geology (diamiction). Infiltration to ground is therefore potentially feasible subject to site investigation. A surface watercourse is located 60m south of the site and there are multiple unmapped drainage ditches located nearby to the site. There are no nearby public surface water or combined sewers located nearby the site. The proposed drainage strategy is comprised of SuDS features which includes a pond with reed bed with a minimum holding capacity of 741.35 m³ , to provide a minimum surface water attenuation volume of 756 m³ prior to infiltrating to ground. If infiltration to ground is not feasible and there are nearby drainage ditches then surface water should be discharged at a maximum restricted rate of 22 l/s, to match the 1 in 100 year greenfield run off rate (See Appendix B and table 2 for associated calculations). This would ensure surface water runoff is managed according to national and local policy in all events up to and including the 1% AEP event plus a 40% allowance for climate change, as preferred by DEFRA non-statutory guidance (DEFRA, 2015).
- 6.6.3 Detail in support of the application makes reference to a proposed slurry lagoon, balancing ponds and drainage ponds, these have all been considered in relation to drainage issues as well as associated surface water run-off and foul drainage issues, such as drainage and disposal of slurry through an on-site underground slurry system to the proposed slurry lagoon. Drainage on the farm holding and its interaction with the adjacent public highway and wider environment has been subject to extensive discussions between the Council's drainage team and the applicants over a significant period of time prior to the submission of this application, these discussions lead to some of the drainage works on site being carried out prior to the submission of this application and as such it is acknowledged that some of these works are retrospective, (drainage pond alongside the farm drive).These works to date do appear to have been beneficial in consideration of surface water drainage on the farm and its association to the wider area.
- 6.6.4 The Environment Agency in response to the application has indicated that they do not regulate dairy operations as they would for poultry / pig operations. However, they have made comment that they have rules for farmers and land managers to prevent water pollution. In relation to the control of the impacts to water from manure management and agricultural activities the Environment Agency is responsible for enforcing the Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018, which came into force on 2 April 2018. These regulations are implemented under the Farming Rules for Water (Farming rules for water from April 2018 - GOV.UK (www.gov.uk). All farmers and land managers are required to follow a set of rules to

minimise or prevent water pollution. The new rules cover assessing pollution risks before applying manures, storing manures, preventing erosion of soils, and managing livestock. The full information can be found at: <https://www.gov.uk/guidance/rules-for-farmers-and-land-managers-to-prevent-water-pollution> It is an offence to break these rules and if they are breached the Environment Agency may take enforcement action in line with their published Enforcement and Sanctions guidance.

- 6.6.5 The SC Drainage Team in response to the application have confirmed that the drainage layout and design is acceptable. Comment is made that the surface water parameters, design and layout are acceptable together with the riparian connection to the Chain Lane watercourse at a discharge rate of 5 l/s. Recent works to the existing drainage systems has established which is acceptable. Drawing number 72967/RJC/107 dated 2022/05/27 shows a drainage system conveying polluted water from the building insides and the external yard areas to the slurry lagoon. Drawing 72967/RJC/001 dated 2022/05/07 confirms the surface water drainage from the building roofs only being conveyed in isolation to the attenuation pond which should ensure protection against pollution to the existing watercourse. Although pollution in the Chain Lane watercourse has recently been reported, the proposals will mitigate against any pollution. Pollution of the watercourse will be monitored by Shropshire Council's highway and Land Drainage teams. The response recommends a condition with regards to foul and surface water drainage to be implemented in accordance with Drawing Numbers . 72967/RJC/001, 106 and 107. It is recommended that this condition is attached to any approval notice, if members are mindful to support the application, in order to ensure adequate and acceptable drainage of the site in relation to the surrounding environment.
- 6.6.6 It is acknowledged that there have been considerable surface water drainage issues connected to Trefarclawdd Farm and the wider environment owing in part to the wider area's natural drainage, and what would appear to be irregularities with regards previous drainage systems. The adjacent public highway has been subject to drainage issues with choked ditches associated with the wider surrounding land. The applicants have over a period of time, been in discussions with Shropshire Council's Drainage Team, with regards to a remedy to the situation and have carried out significant works which do appear to have helped the local drainage situation significantly. The installation of the drainage pond alongside the new farm entrance appears to have assisted the situation. This drainage pond is in operation and thus this element of the application is retrospective. Whilst the drainage improvements are to be welcomed, it is acknowledged that development on site is significant and will generate considerable surface water run-off that requires careful consideration, along with consideration to the foul drainage on site. Detail in support of the application and further clarification in relation to existing drainage systems within the development site and clarification with regards to on site surface water and polluted water drainage is considered acceptable.
- 6.6.7 On balance it is considered that on site drainage details are considered acceptable and consideration has also been given to the surface water drainage of the wider environment to that of the application site. As such the application is considered acceptable and in accordance with Policies CS6 and CS18 of the Shropshire Core Strategy, Policies MD2 and MD7b of the SAMDev and the NPPF on drainage matters,

with a condition attached to any approval notice issued as discussed in paragraph 6.6.5 above.

6.7 Residential and local amenity.

6.7.1 Policy CS6 of the Core Strategy requires that developments safeguard residential and local amenity. SAMDev Plan policy MD7b states that planning applications for agricultural development will be permitted where it can be demonstrated that there would be no unacceptable impacts on existing residential amenity. National planning policy as set out in the NPPF is clear that the focus of planning decisions should be on whether the proposed development is an acceptable use of land rather than the control of processes or emissions where these are subject to separate pollution control regimes (para. 188). The usual legislation in relationship to these matters as applied by the Council's Public Protection is also relevant.

6.7.2 An **odour** Impact Assessment has been submitted as part of this application and this concludes that the site forms part of an existing dairy farm which lies within the administrative area of Shropshire Council. The type, source and significance of potential impacts have been identified and detailed modelling undertaken in line with EA Guidance. Predicted process contributions of odour are compared with relevant guidelines for the protection of human receptors against dis-amenity impacts. The modelling indicates that for both scenarios the existing odour impact from the farm does not exceed 6.0ouE/m³ at any location. For this reason and given the regulatory requirements for the farm (i.e. to maintain adequate lagoon capacity for protection of the soil and water resource) it is considered that the change in odour resulting from the installation of the lagoon is acceptable in planning terms.

6.7.3 The Environmental Statement makes reference in relation to odour that UK guidance identifies a range of odour impact criteria depending primarily on the nature of the odour (i.e. its pleasantness/unpleasantness) and the likelihood of causing unacceptable impacts based on the 98th percentile of predicted hourly average concentrations over a year. It is therefore evident that such criteria apply only to locations where an individual's exposure is likely to occur for prolonged periods of time i.e. residential properties. Where exposure is more transient (i.e. roads, footpaths etc.) the direct application of such criteria should be treated with caution and further consideration should be given to how the duration and frequency of exposure of the individual will influence the acceptability of the predicted impact

6.7.4 A **noise** assessment in support of the application which included a site survey, has been undertaken to review the noise emissions from the existing dairy farm operations and those that will be generated as a result of the proposed slurry lagoon and covered holding yard. Via analysis of the survey data and calculation), the assessment identified that the:

- proposed slurry lagoon operations and livestock within the covered holding yard on their own will result in a BS4142 low noise impact
- aggregate of the existing farm operations and the proposed slurry lagoon/covered holding yard will result in a marginal noise impact during the day at one nearby dwelling ; at other dwellings the impact will be low.

The identified marginal noise impact is as a result of the noise emissions generated by the existing daily food preparation. Taking into account that this noise source only

occurs once a day for a relatively short period of time and does not result in high absolute noise levels, this marginal noise impact is likely to be considered acceptable. If, however a reduction in noise emissions is deemed to be required, up to 10dB shielding attenuation can be achieved by the provision of a noise barrier (good quality close-boarded timber fence, earth bund or hay bale stacks) that blocks the line of sight between the feed preparation area and the relevant dwelling. A potential option would be to relocate the food preparation to the north of the existing stored hay bales. Due to the very low Rating Levels and typical background noise levels during the early morning milking (which fall's within the 'night' period) the absolute aggregate noise emission levels (existing + proposed schemes) have been assessed to review acceptability; this is in accordance with guidance given in BS4142. During the night the aggregate ambient noise ingress via an open window have been established to be below the existing underlying noise environment and >10dB below BS8233's noise ingress limits for bedrooms (note the limits are applicable to road traffic and continuous operating plant). The individual maximum noise events generated will result in noise ingress levels via an open window below LA_{max,F} 45dB. In accordance with ProPG (2017) this indicates a negligible noise impact with regard to sleep disturbance.

It is therefore concluded that during the night the absolute noise levels will result in a low noise impact. Precautionary retrospective mitigation measures, which are not expected to be required, to reduce slurry bowser noise emissions and site management with regard to noise have been discussed. On the basis that with the contribution of the proposed slurry lagoon and covered holding yard the aggregate dairy farm noise emissions will not result in an adverse noise impact at the nearest dwellings, and that there are mitigation measures to reduce existing noise emissions so that a low noise impact is achieved if required, we conclude that on noise grounds the proposed scheme is acceptable.

- 6.7.5 Also submitted in support of the application is a **manure management plan** and this makes reference to a map of the farm using a colour coding system to identify areas where manure must not be spread (eg within 10m of watercourses); where spreading is possible but with some restrictions; and areas where spreading can be carried out throughout the year. This plan has been carried out within nationally recognised certified standards.
- 6.7.6 A **lighting scheme**, (artificial external lighting), also accompanies the application and this indicates that the nature of the development means that some light sources will be required to allow safe and effective activities within the site to take place. The assessment has identified that the site is located within a relatively dark, rural context with limited existing sources of light. However, the site is located in an intensively farmed area with field operations and other activities taking place during hours of darkness and use intense lighting for visibility (rather than security purposes). Lighting of the site would only be required during working hours in winter months. Appropriate cowls/shielding of lights would be instigated, the light spread would be minimised through use of directional lighting and hours of lighting would be kept to a minimum to reduce disturbance. There will be no round the clock external lighting of the site and no use of high intensity security lighting. The report indicates that all external lighting will be downward facing and protected with a cowl to reduce light spill to outside the unit. During hours of darkness the building will be illuminated internally to 0.4 lux. The

building is clad with high density metal profile sheeting and therefore no light will escape to outside. Regular tests will be conducted to check the effectiveness of the light proofing. It is anticipated that the potential impact associated with this aspect of the proposed change of use will be minimal as there will not be round the clock security lighting and the area of lighting is directed away from the main residential areas, this will respect the rural context of the site. Added to this the lighting will be directed downwards to reduce light escaping from the site plus each light will be protected with a cowl to avoid the lights lighting any areas outside of the site. The lighting has been sited and angled to provide the minimum illumination required by the applicant so as not to adversely affect road users, neighbours, the natural environment or wildlife

6.7.7 SC Environmental Protection (Regulatory Services), have responded to the application raising no objections. In further detail their response indicates:

Noise. Based on the assumptions made within the revised noise report noise from the proposal is not likely to have a detrimental impact on the amenity of nearby residential properties. The revised noise report indicates that the process of filling bowzers with slurry will only happen in the day time and a frequency of no more than 1 bowser filling in any 1 hour period. If this process happened more frequently it has potential to impact on the amenity of surrounding properties. The following condition is recommended to be attached to any approval notice issued:

- Bowzers shall only be filled with slurry between 0700 – 1900 hours and at a rate of no more than 1 bowser filled per hour.

Odour report. Although the odour assessment does indicate that the level of odour has increased the levels of odour is predicted to be below the threshold that is considered to be significant. This assessment was based on 500 jersey cows, if the maximum capacity of the farm is greater than this a further assessment would be required.

6.7.8 Detail submitted in support of the application in relation to external lighting is considered acceptable and it is recommended that a condition is attached to any approval notice if the Council are mindful to approve the application, to ensure external lighting is in accordance with the detail as submitted on this matter.

6.7.9 The applicants have also submitted a manure management plan which includes reference to a farm map plan of where manure generated on site will be spread. Confirmation has also been received that all the manure will be spread on land, the applicants own and control, and that manure spreading will be in accordance with the Environment Agency's recognised standards which set the limits for spreading. Reference has also been made that the EA have visited the farm on a number of occasions following unsubstantiated complaints and are happy with how the farm is being managed in relation to manure spreading. The provision of the slurry lagoon with storage for winter will improve matters at the farm. The slurry store will have facilities for a minimum of four months storage, so there would be no movements in Nov, Dec, Jan and Feb weather depending in early November and late February. The movements will then be grouped depending on the requirements of the crops and the land. All the

grassland will be spread on in March ready for silage and then again in June following harvest and again in August following harvest. This would be a tractor and spreader for a three / four day period each time. The maize ground will be spread on before ploughing in May and again after harvest in late September / early October again this would be with three / four day period of spreading.

- 6.7.10 The details as indicated above are considered acceptable. It is noted that the Environment Agency in response to the application have referred to Manure storage and use which is controlled by the Silage, Slurry and Agricultural Fuel Oil (SSAFO) Regulations, as detailed below.
Storage of silage, slurry or agricultural fuel, including slurry lagoons: Silage and Slurry storage for agricultural purposes is subject to The Water Resources (SSAFO) as amended. Every farmer has to comply with the SSAFO regulations if they build a new store or substantially alter one built before 1 September 1991.
These regulations aim to prevent water pollution from stores of silage, slurry and agricultural fuel oil. They set out requirements for the design, construction and maintenance of new, substantially reconstructed or substantially enlarged facilities for storing these substances. Storage facilities should be sited at least 10 metres from inland freshwater or coastal water and have a 20-year life expectancy. Guidance is available at: https://www.gov.uk/guidance/storing_silage-slurry-and-agricultural-fuel-oil
DEFRA Code of Good Agricultural Practice (CoGAP) is also guidance that farmers have to comply with. The odour report submitted in support of the application also covers manure and resulting odour and this confirms that the modelling carried out indicates that the existing average odour impact from the farm does not exceed 6.0ouE/m³ (or indeed 3.0ouE/m³) at any location
- 6.7.11 On residential amenity issues the application is considered acceptable with conditions attached to any approval notice issued in relation to issues as discussed above. With this in mind the application considered to be in accordance with Policy CS6 of the Shropshire Core Strategy, Policies MD2 and MD7b of the SAMDev and the NPPF in relation to amenity issues.
- 6.8 **Other matters.**
- 6.8.1 **Enforcement and unauthorised development.** Whilst it is acknowledged by Officers parts of the development subject to this application does not have planning permission and that previous planning permissions on site have not been carried out in accordance with approved plans, and thus the current application is in part 'retrospective', it has to be acknowledged that planning enforcement procedures in order to address unauthorised development encourage 'retrospective applications, where these are considered appropriate. Whilst it is unfortunate that the applicants have chose to have disregard to following correct planning procedures, nevertheless the applicants eventually concluded to submit the current application under consideration to which Officers welcome in accordance with recognised planning enforcement procedures in such instances.
- 6.8.2 **Development on site represents piecemeal development.** It is acknowledged that the applicants chose to submit individual applications for development on site which have culminated in representing development in relation to a more modern intensive

dairy facility on site than the previous more traditional dairy farming enterprise. However the current application is in relation to a dairy complex as a whole and thus the current application is considering the whole of the new farm development as part of one planning application.

- 6.8.3 **Concerns about future development on site.** Whilst it is acknowledged some members of the public are concerned about future development on site, (given the applicants recent planning history), there is no planning legislation that prevents future planning applications and each one would be treated on its planning merits in relation to relevant local and national planning policies at the time of submission and determination of any subsequent application.
- 6.8.4 **Human Rights.** Human rights are the basic rights and freedoms that belong to every person. It is not considered that the basic human rights of any individual have been infringed or compromised as a result of this application.
- 6.8.5 **Farm Management Plan.** Concerns have been raised with regards to no farm management plan being submitted as part of the application. It is clear that the application under consideration is for more intensive development at an existing dairy farm where dairy farming has been carried out for many years. Officers are satisfied that information in support of the application is adequate on which basis to assess the application under planning consideration.
- 6.8.6 **Advertising of the development.** The application has been advertised in accordance with relevant planning procedures. This includes reference to applications accompanied by an Environmental Statement. The application was available for public inspection on the Council's application website, was advertised by a site notice placed on the entrance to the site and in the local press. Further still in relation to further substantial information the application was re-advertised via a site notice placed on the entrance to the site and in the local press, as well as being available for inspection on the Council's application website.
- 6.8.7 **Impact on local businesses.** Impacts on local businesses have been considered in the assessment of this application. It is considered that the proposal is acceptable in relation to local businesses and residents alike.
- 6.8.8 **Economic Benefits.** Concerns have been raised that the development will have a detrimental impact on this. The NPPF in relation to 'Achieving sustainable development' indicates that the purpose of the planning system is to contribute to the achievement of sustainable development and that it has three overarching objectives which are interdependent and need to be pursued in mutually supportive ways and these are an economic objective, a social objective and an environmental objective. They are criteria that need to take local circumstances into consideration in order to reflect the character, needs and opportunities of each area and that there is a presumption in favour of sustainable development. This aspect is referred to in Section 6.1 of this report and consideration has been given to the economic benefits to the business concerned as well as impacts on the wider area outside of the business concerned.

- 6.8.9 **Standard of the Environmental Statement in support of the application.** Officers consider that the Environmental Statement in support of the application is acceptable in relation to assessing the application under consideration. It has been assembled by professional persons considered to have adequate professional expertise and this includes areas with specific qualified expertise, on matters such as odour, noise, drainage, ecological, ammonia, traffic movements and landscape and visual impacts.
- 6.8.10 **Insufficient public consultation.** Concerns have been raised on this matter by members of the public. The NPPF encourages applicants to engage with the local community, however a local planning authority cannot require that a developer engages prior to the submission of a formal planning application. The Council offers a pre-application advice service. The applicants have engaged with the Council's Enforcement Team as a consequence of planning enforcement notices being served on them in relation to development on site. It is understood that the applicants agent attended a Local Parish Council meeting in consideration of development on site.
- 6.8.11 **Intensive nature of development on site.** Concerns have been raised with regards intensification of development on site. Officers appreciate that the development on site is more intensive than previous farming practices carried out on the farm holding concerned. However both are in relation to dairy farming, all be it a significant increase in overall cow numbers. Environmental Impact Assessment does not specifically recognise dairy farming as intensive farming like it does in relation to poultry and pigs and as such the development on site is not considered schedule one development. However development on the agricultural holding concerned is clearly more intensive in nature and as such is considered by Officers to represent schedule two development of Environmental Impact Assessment Regulations and the area of new floorspace being in excess of 500 square metres. The application has been assessed on this basis. A copy of a Council's screening opinion in relation to development on site is attached as appendix two to this report. Whilst this screening opinion is not specifically to development on site as submitted, it established that lesser development on site required an Environmental Statement in support of any formal planning application. These views have not changed as a consequence of the submitted application, which in any case is accompanied by an Environmental Statement.

7.0 CONCLUSION

- 7.1 The NPPF states that planning decisions should apply a presumption in favour of sustainable development, and that there are three overarching objectives to achieving this: an economic objective; a social objective; and an environmental objective. It states that planning decisions should help create the conditions in which businesses can invest, expand and adapt; and that significant weight should be placed on the need to support economic growth and productivity (para. 81). Furthermore, that planning decisions should recognise and address the specific locational requirements of different sectors (para. 83). In addition it states that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, and the development and diversification of agricultural and other land-based rural businesses (para. 84).
- 7.2 The proposal is for further intensification of an existing dairy farm, where cow numbers

will increase from approx 150 to 500 milking cows. Previous cows retained on the holding were Fresian/Holstein, the application under consideration is in relation to Jersey cows, these are much smaller cows than the previous breed retained on site. If members are in agreement with the recommendation it is recommended that a condition is attached to any approval notice issued that no more than 525 milking cows are retained on site. (Adult cattle to allow for a bull). This will help enable control of waste generated on site and ammonia release, along with noise issues and issues raised by the Council's Environmental Protection Team. (525 cows to allow for replacements, injured or sick cows and the farm bull). The application is EIA development and as such is accompanied by an assessment to identify the potential impacts of the development on the environment and this on balance is considered acceptable.

- 7.3 It is acknowledged that the development is significant in scale and does have a limited impact on the local landscape, however it is considered that the proposed development with consideration to the surrounding landscape character and topography and field layout with further landscape mitigation can be successfully integrated into the surrounding landscape. Consideration has also been given to impacts on the historic landscape which includes the setting of designated and non- designated heritage assets. Therefore, on balance with consideration to the location, size and scale and cumulative impacts, it is considered that there will not be an adverse impact with further landscape mitigation. Also with consideration to overall economic benefits and production of local food with further landscape mitigation in the form of native plantings and consideration to the external colour of the development, on balance acceptable in principle
- 7.4 It is noted none of the statutory consultees and Council consultees raise any significant objections to this application.
- 7.5 Public highway access and transportation issues have also been carefully considered and with consideration to the response received from the SC Highways Manager, on highway and transportation matters it is considered that development as proposed is acceptable and as such the comments as made by the Highways Manager in this instance are considered acceptable.
- 7.6 It is noted neither Natural England or the Environment Agency object to the application. SC Ecology on submission of further information in relation to ammonia emissions raise no objections subject to suitably worded conditions being attached to any approval notice issued. Likewise drainage issues are also considered to be adequately addressed, with the attachment of a condition to ensure drainage is as per approved plans.
- 7.7 Whilst it is acknowledged this application and development on site has been controversial, comments as made in the letters of objections received (and in support), have been taken into consideration in relation to the recommendation in relation to this application. Comments made by the Local Parish Council have been noted. Issues in relation to residential amenity are considered acceptable and as discussed in this report.

As such the proposed development overall and on balance is considered acceptable and in accordance with relevant policies as set out in the Shropshire Core Strategy, the SAMDev, the National Planning Policy Framework and other relevant planning guidance and legislation which includes Environmental Impact Assessment Regulations 2017, the emerging local plan, (limited weight), and the provisions of the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The recommendation is therefore one of delegated approval to the Assistant Director, subject to the conditions as outlined in appendix one attached to this report, and any modifications to these conditions as considered necessary by the Assistant Director

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:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS1 - Strategic Approach

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS13 - Economic Development, Enterprise and Employment

Economic Development, Enterprise and Employment

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD1 - Scale and Distribution of Development

MD2 - Sustainable Design

MD7B - General Management of Development in the Countryside

MD12 - Natural Environment

MD13 - Historic Environment

National Planning Policy Framework

SPD Sustainable Design Part 1

RELEVANT PLANNING HISTORY:

OS/78/8248/FUL Agricultural Buidling GRANT 15th February 1978

18/00485/FUL Erection of an agricultural building GRANT 23rd May 2018
 18/02895/FUL Erection of an agricultural building GRANT 23rd October 2018
 18/05455/FUL Erection of a livestock building and all associated works GRANT 25th April 2019
 19/03831/FUL Construction of a new access and all associated works GRANT 24th March 2020
 20/00841/FUL Erection of a covered holding yard and all associated works REFUSE 9th June 2020
 20/01355/DIS Discharge of condition 3 (construction method statement) for the construction of a new access and all associated works relating to 19/03831/FUL DISAPP 22nd May 2020
 20/01363/FUL Erection of single storey side extensions and front porch following demolition of existing single storey side extension and front porch, new render finish to replace existing render currently only on the front (south west) and side (north west) elevations and associated works GRANT 16th June 2020
 20/03748/FUL Erection of a covered holding yard and all associated works NPW 8th October 2020
 20/03794/DIS Discharge of Condition 3 (Details of External Materials) relating to Planning Permission 20/01363/FUL DISAPP 9th November 2020
 20/04866/FUL Erection of a covered holding yard and all associated works WDN 8th September 2021
 21/00962/VAR Application Reference Number: 18/02895/FUL Date of Decision: 23/10/2018

Condition Number(s): 2

Conditions(s) Removal:

Revised Elevation plan RJC-MZ272-03
 Revised Elevation plan RJC-MZ272-15 WDN 5th July 2021
 21/00963/VAR Application Reference Number: 18/05455/FUL Date of Decision: 25/04/2019

Condition Number(s): 2

Conditions(s) Removal:

Revised Elevation plan RJC-MZ272-03 A
 Revised Elevation plan RJC-MZ272-12 WDN 5th July 2021
 22/00169/SCR Screening request for a covered holding yard and slurry lagoon EIA 11th February 2022
 22/01014/FUL Application under Section 73A of the Town & Country Planning Act for the retrospective formation of two balancing ponds with all associated works WDN 20th May 2022
 22/01965/FUL Erection of a covered holding yard and construction slurry lagoon with all associated works NPW 22nd July 2022
 22/02199/AMP Change made to the elevations of the agricultural building (permission ref 18/02895/FUL) REC
 22/02200/AMP Change to the elevation plan (permission ref 18/05455/FUL) REC
 22/02329/SCR Notification of Enforcement Notice relating to Enforcement case 20/07173/ENF. EIA 17th May 2022

22/02356/VAR Application Reference Number: 18/02895/FUL
23/10/2018

Date of Decision:

Condition Number(s): Condition 2

Conditions(s) Removal:

Variation of elevation plan

The development shall be carried out strictly in accordance with the approved plans and drawings - Location plan (RJC-MZ272-01 dated 20/06/2018), Block plan (RJC-MZ272-02 dated 20/06/2018) and Elevation plan (GEC-01) NPW 17th June 2022

22/02358/VAR Variation of Condition no.2 (approved plans) pursuant of 18/05455/FUL to allow for amendment to approved elevations NPW 17th June 2022

22/02774/EIA Construction of a new intensive dairy complex, (to include means of access off the adjacent public highway, and wider area surface water drainage and landscaping) (part retrospective) PDE

Appeal

22/03030/ENF Appeal against: Without planning permission:

Operation development on the Land consisting:

- i. Importation of materials and engineering works creating an increase of approx. 4m to ground levels to the north of the milking parlour and 2 livestock buildings which have consent under applications 18/00485/FUL, 18/02895/FUL and 18/05455/FUL and as marked in the approximate area shaded green on the attached plan
- ii. Installation of hardstanding to the side and rear of the milking parlour and two livestock buildings under construction which have consent under applications 18/00485/FUL, 18/02895/FUL and 18/05455/FUL
- iii. Engineering works to dig out and works to install an underground slurry system in connection with the milking parlour and two livestock buildings
- iv. Erection of two livestock buildings not in accordance with approved plans under planning approvals 18/02895/FUL and 18/05455/FUL and as marked in the approximate area shaded orange on the attached plan.
- v. Installation of hardstanding's, walls and gates to form a holding area to the north of the milking parlour and as marked in the approximate area shaded purple on the attached plan.
- vi. Installation of silos attached to the eastern elevation of the milking parlour
- vii. Engineering works to create two balancing ponds on land south of the milking parlour and as marked in the approximate area shaded blue on the attached plan.

INPROG

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RDH2U3TD0HG00>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Cabinet Member (Portfolio Holder) - Councillor Richard Marshall

Local Member

Cllr Joyce Barrow

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, drawings and documents as listed in Schedule 1 below.

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

3. No more than 525 adult cattle (over 3 weeks of age), and only of the Jersey breed shall be kept on site at any one time.

Reason: In consideration of amenity issues and to prevent adverse impact on designated sites and ancient woodland from ammonia emissions, consistent with MD12 and the NPPF.

4. The lagoon cover as shown on drawing number 72967/RJC/104 'Slurry Lagoon Section' shall be maintained for the lifetime of the development in accordance with manufacturer's instructions and replaced as and when necessary.

Reason: To protect designated ecological sites in accordance with the NPPF, MD12 and CS17.

5. Prior to first use of the development the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:

- A minimum of 3 external woodcrete bat boxes, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 3 artificial bird nests suitable for common woodland birds such as tit, robin and wren.

The boxes shall be sited in suitable locations and at suitable heights from 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 provide alternative/additional nesting provision to enhance biodiversity in accordance with the NPPF, MD12 and CS17.

6. Within 1 calendar month of the date of this planning approval details with regards to external lighting on the site, a lighting plan shall be submitted to and approved in writing by the

Local Planning Authority. 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 and shall include technical specifications of the lighting hardware as well as projected lux levels through a light contour plan. The development shall be carried out strictly in accordance with the approved details and installed within 2 months of the date of this decision notice.

Reason: To minimise disturbance to wildlife and in with consideration to surrounding amenity and light pollution.

7. Bowsers shall only be filled with slurry between 0700 - 1900 hours and at a rate of no more than 1 bower filled per hour.

Reason: In consideration of surrounding amenity.

8. The development hereby permitted shall be implemented in accordance with the approved plans and description of the development and traffic movements as set out in the Highways Assessment.

Reason: To properly manage the traffic movements to and from the site on the local highway network.

9. Slurry as a result of the development will be used on land forming part of the existing Trefarclawdd Farm in accordance with detail submitted in support of the application on land as outlined in the farm manure management plan submitted in support of the application. In the event of the requirement for a contingency operation, slurry will only be removed off site in sealed trailers to the AD plant at Abertanat Farm as set out in detail submitted in support of the application.

Reason: In the interest of the amenity of the surrounding area.

10. Landscaping of the site will be in accordance with the approved landscaping plans. Tree and hedgerow planting will be carried out in the first planting season following the issuing of this approval notice. A timetable in relation to these works will be submitted to the Local Planning Authority in relation to agreement of the completion of the plantings. Any plantings that fail within the first five years following planting will be replaced with varieties of similar size and species.

Reason: In order to ensure adequate landscaping to mitigate the development into the surrounding landscape.

11. Prior to the development hereby permitted being first brought into use the foul and surface water drainage shall be implemented in accordance with Drawing Nos. 72967/RJC/001,106 and 107.

Reason: To ensure the satisfactory controlled discharge rate of surface water and pollution protection to the existing watercourse.

APPENDIX 2



Llanforda Estate
c/o Rosina Bloor
Roger Parry and Partners
The Estates Office
20 Salop Road
Oswestry
Shropshire
SY11 2NU
Email: rosina@rogerparry.net

Date: 11th February 2022

Our Ref: 22/00169/SCR

Your Ref: Screening Report

Dear M/s Bloor

TOWN AND COUNTRY PLANNING ACT 1990 (Environmental Impact Assessment Regulations) 2017.

PLANNING REFERENCE: 22/00169/SCR

PROPOSAL: Screening request for a covered holding yard and slurry lagoon

LOCATION: Trefarclawdd Farm, Tref-ar-clawdd, Oswestry, Shropshire, SY10 9DE.

Applicant:
Llanforda Estate

Agent: M/s Rosina Bloor, Roger Parry and Partners LLP, The Estates Office, 20 Salop Road Oswestry, SY11 2NU.

EIA Assessment Officer:
Mr P. Mullineux, Principal Planner, Shropshire Council

Decision:
An Environmental Impact Assessment is required.

Background

The Local Planning Authority has received a request for a Screening Opinion in accordance with criteria of the Town and County Planning (Environmental Impact Assessment),

Regulations 2017 in relation to a proposal in accordance with detail submitted by the applicants as part of a Screening Report in support of a proposal for further development in relation to a new dairy complex that has planning permission for two agricultural buildings for the housing of dairy cows along with a milking parlour. The screening request is in relation to further development on site for a covered holding yard and installation of a slurry lagoon.

These structures will be used in conjunction with an expanded dairy enterprise at Llanforda Estate on land at Trefarclawdd Farm to which it is intended to run a herd of 500 milking dairy cows being located on the farm. (The traditional farmstead alongside the site used to be in use in connection to the milking of 150 cows, (not currently in use)).

The site has an extensive planning history in relation to the proposal and consists of the following:

22/00169/SCR - Screening request for a covered holding yard and slurry lagoon. (The subject of this screening opinion request).

20/04866/FUL - Erection of a covered holding yard and all associated works.. Area 875 square metres. Screening Opinion in accordance with EIA Regulations required.

21/00963/VAR to vary cond.no.2 on 18/05455/FUL and 21/00962/VAR to vary cond.no.2 on 18/02895/FUL in order to construct underground slurry stores. (Please note the approvals on site as referred to above in accordance with detail submitted in support of the respectful applications was for a total of 150 cows on sawdust beds

The planning history in connection to the site subject to the screening opinion is as follows:

18/00485/FUL Erection of an agricultural building - Approved 23rd May 2018 – site area 1.20 hectares – Floor area 875 square metres. Detail from the applicants' agent in relation to this application confirmed that it was in relation to 200 head of cattle to include 150 milking cows. The building will be used for livestock storage and will house a new dairy parlour for the unit. (This is presently under construction on site).

18/02895/FUL Erection of an agricultural building – Approved 23rd October 2018 – site area 0.10 hectares. Floor area 2,000 square metres. Detail in support of this application indicated that the building would not result in an increase of cow numbers on the farm. Trefarclawdd is 94 hectares and keeps a herd of 200 cattle to include 150 milking cows.

18/05455/FUL Erection of a livestock building and all associated works – Approved 25th April 2019 – Site area 0.20 hectares. Floor area 1500 square metres. Detail in support of this application indicated that the building would not result in an increase of cow numbers on the farm. Trefarclawdd is 94 hectares and keeps a herd of 200 cattle to include 150 milking cows.

20/00841/FUL Erection of a covered holding yard and all associated works – Site area 875 square metres. Floor area 437.5 square metres. – Withdrawn

Detail in support of the screening request indicates that the proposal is a development that will provide a modern covered holding yard for the dairy cows waiting to go into the parlour and a

slurry lagoon at Trefarclawdd Farm. The slurry lagoon will measure 60m x 25m. The covered holding yard will have mass concrete walls to 6ft with Yorkshire boarding to the eaves. The building materials will be box profile sheet cladding in colour slate blue and concrete panels to the walls and box profile sheet cladding in the colour steel blue to the roof, this will be in keeping with the colour of the existing farm buildings.

The floor area of the holding yard will be 875 square metres to be used for holding the dairy cows before they enter the milking parlour. Dairy cows held within this building will be kept here for a minimal amount of time, therefore minimal solid and slurry manure will be produced. This manure will be applied directly to the land at Trefarclawdd Farm from the building maximising the nutrients within the manure and value to the farm land at Trefarclawdd. The holding yard will hold 500 jersey dairy cows twice a day before they enter the milking parlour.:

The Council considers that this proposal needs to be assessed cumulatively with development as approved on site. This Screening request is clearly in consideration of 500 cows to be retained on site, the planning history in relation to recent development that forms part of the site refers to a lesser number of cows to be retained on site.

The proposals do not fall within the criteria of Schedule 1 development of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations).

The proposals it is considered do fall within the criteria of Schedule 2:1(c) - Agriculture and aquaculture – Intensive livestock installations and area of floor space exceeding 500 square metres. The proposal also considered to fall within the criteria of Schedule 2 13(b) – changes and extensions. Therefore, the development as proposed needs to be screened in accordance with EIA Regulations procedure.

The Council, in accordance with The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations) must screen the proposals in order to establish if an Environmental Statement is required in support of the applications. The Council's screening Opinion is based on the relevant EIA Regulations and information submitted in support of the screening request. This Screening Opinion is based on the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 which came into force on 16th May 2017.

Relevant planning history of the site.

The proposed 'holding yard and slurry lagoon are proposed to be constructed in connection to the two agricultural buildings approved by the Local Planning Authority as per the following:

18/00485/FUL Erection of an agricultural building - Approved 23rd May 2018 – site area 1.20 hectares – Floor area 875 square metres. Detail from the applicants' agent in relation to this application confirmed that this was in relation to 200 head of cattle to include 150 milking cows. The building to be used for livestock storage and will house a new dairy parlour for the unit. (This building at the date of this screening opinion is significantly advanced in its construction.

18/02895/FUL Erection of an agricultural building – Approved 23rd October 2018 – site area 0.10 hectares. Floor area 2,000 square metres. Detail in support of this application indicated that the building would not result in an increase of cow numbers on the farm. Trefarclawdd is

94 hectares and keeps a herd of 200 cattle to include 150 milking cows. (Currently under construction).

18/05455/FUL Erection of a livestock building and all associated works – Approved 25th April 2019 – Site area 0.20 hectares. Floor area 1500 square metres. Detail in support of this application indicated that the building would not result in an increase of cow numbers on the farm. Trefarclawdd is 94 hectares and keeps a herd of 200 cattle to include 150 milking cows. (Constructed).

19/03831/FUL Construction of a new access and all associated works – Approved 24th March 2020 (This roadway has been constructed, however not in accordance with detail in support of the application which indicates in the Design and Access Statement that 'the road itself will be low lying, at a lower level than the existing agricultural land and will be finished with agricultural stone finish, and will be unfenced and will have no adverse visual impact'. Roadway 250 metres in length.

Also on site are two recently constructed surface water drainage attenuation ponds which do not have planning permission.

1. Justification:

Schedule 1:

Not applicable as the proposed development does not fall within any of the categories listed in this Schedule.

Schedule 2:

Agriculture and aquaculture 1(c) Intensive livestock installations = applicable threshold - the area of new floor space exceeds 500 square metres.

Changes and extensions 13(b) – the development as changed or extended may have significant adverse effects on the environment.

The development falls into the above-mentioned categories owing to the proposed building to house the cows along with the proposed slurry lagoons and their supporting infrastructure exceeding 500 square metres as well as significant changes in relation to intensity on site with regards to cow numbers.

2. Sensitive Area Test:

The site itself is not within an environmentally sensitive area, as defined in Part 1, Section 2 (1) of the Regulations.

3. Threshold and Criteria Test:

Schedule 2, column 2 - 1(c), the floorspace area exceeds 500 square metres.

The National Planning Practice Guidance (2014) states that only a very small proportion of Schedule 2 development will require an assessment. While it is not possible to formulate

criteria or thresholds which will provide a universal test of whether or not an assessment is required, it is possible to offer a broad indication of the type or scale of development which is likely to require an assessment. It is also possible to provide an indication of the sort of development for which an assessment is unlikely to be necessary. To aid local planning authorities to determine whether a project is likely to have significant environmental effects, a table setting out the indicative thresholds and criteria has been produced. The table also gives an indication of the types of impact that are most likely to be significant for particular types of development.

However, it should not be presumed that developments above the indicative thresholds should always be subject to assessment, or those falling below these thresholds could never give rise to significant effects, especially where the development is in an environmentally sensitive location. Each development will need to be considered on its merits.

SCHEDULE 3 Selection criteria for screening Schedule 2 development:

Characteristics of development

1. The characteristics of development must be considered with particular regard, to—
 - (a) the size and design of the whole development;
 - (b) cumulation with other existing development and/or approved development;
 - (c) the use of natural resources; in particular land, soil, water and biodiversity
 - (d) the production of waste;
 - (e) pollution and nuisances;
 - (f) the risk of accidents, and or disasters relevant to the development concerned, including those caused by climate change, in accordance with scientific knowledge
 - (g) the risks to human health (for example, due to water contamination or air pollution).

Analysis:

The site subject to the screening request forms part of an existing farming enterprise used in connection to dairy farming and in accordance with information submitted in support of the application the proposed unit will house 500 milking cows. (Formally on the farm complex the site forms part of - approx..150 cows were retained and milked).

With consideration to the scale and size of the proposed development as approved and subsequent proposed development and cumulative impacts in relation to surrounding buildings, (wider site currently under construction adjacent to a traditional farmstead), forming part of existing development on site the proposal is considered acceptable in principle subject to careful consideration to the handling of waste and environmental impacts such as in relation to biodiversity, drainage and potential pollution incidents.

There are no known historic listed buildings within close proximity to the site.

The NPPG reminds us that size does not necessarily tip the balance in favour of the need for an EIA. Other factors also have to be considered and weighed in the balance.

There appears to be no other similar developments to that proposed in the immediate local area that will cause concern. Cumulative impacts in relation to other businesses (including

agricultural enterprises) in the surrounding area are considered acceptable, however any Environmental Statement needs to cover this matter. There are cumulative impacts on site as a result of the proposals and further intensification of development on site, these matters must be addressed via the Environmental Statement.

A potential impact is increased vehicle movements as a result of the development on the surrounding public highways. This matter can be assessed as part of a transportation and highways assessment forming part of the Environmental Statement.

Issues in relation to natural resources it is considered require further consideration such as potential impacts as a result of ammonia and odour as a direct consequence of the development, impacts on surrounding ecology and biodiversity. Disposal of waste generated on site including the transportation and handling of slurry as a result of development on site including where it will be spread and at what rate and time of year. Drainage as a result of development on site including waste and surface water run off also require careful and further consideration, best considered by means of an Environmental Statement. (As part of the Environmental Statement a flood risk assessment will be required. (Surface and foul water drainage must be via a sustainable drainage scheme). Potential environmental pollution incidents also need consideration.

Although it is considered adequate legislation exists in relation to potential risk of accidents, this aspect also requires special consideration via an Environmental Statement.

The **Council's Public Protection** advises any Environmental Statement gives particular attention to the following:

Noise

An appropriate noise assessment should be carried out by a suitably qualified person. The assessment should include:

- Assessment of noise from any plant and equipment on site including ventilation fans, pumps for pumping slurry (both fixed plant and vehicle mounted equipment), refrigeration plant etc.
- a BS4142 assessment of the current and predicted noise levels from the site in relation to the background noise.
- The assessment should be relevant to the proposed hours of operation i.e if it is planned to operate certain plant/activities in the night time hours then the background noise levels at this time should be considered.
- If plant are likely to operate simultaneously then they must be assessed accordingly,
- Noise impact of vehicle movements to and from the site should also be considered, particularly during night time hours.
- The cumulative impact of noise associated with the expanding businesses should also be considered as part of the assessment. If noise levels are predicted to have a significant adverse effect then a mitigation scheme should be submitted detailing what mitigation is going to be provided and the noise levels that are predicted to be achieved.

Odour

An appropriate odour assessment should be carried out by a suitably qualified person. The

assessment should consider the moving of manure to a third party for spreading and include a manure management plan.

Location of development

2. The environmental sensitivity of geographical areas likely to be affected by development must be considered, having regard, in particular, to—
- (a) the existing and approved land use;
 - (b) the relative abundance, availability quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground.
 - (c) the absorption capacity of the natural environment, paying particular attention to the following areas—
 - (i) wetlands, riparian areas, river mouths,
 - (ii) coastal zones and marine environment,
 - (iii) mountain and forest areas;
 - (iv) nature reserves and parks;
 - (v) European sites and other areas classified or protected under national legislation.
 - (vi) areas in which there has already been a failure to meet the environmental quality standards, laid down in Union legislation and relevant to the project, or in which it is considered that there is such a failure.
 - (vii) densely populated areas;
 - (viii) landscapes and sites of historical, cultural or archaeological significance.

Analysis

The site lies in open countryside and forms part of an existing farming business. The site forming a typical agricultural environment. The site does not form part of any designated landscape. The site farmstead does include non-designated heritage assets, and these can be accessed via a heritage impact assessment in support of the Environmental Statement. The surrounding land is subject to agricultural production. The site is not considered to be located in a sensitive area as defined in the EIA Regulations and this includes reference to the ecological environment as much of the approved development on site has been assessed in relation to the respectful applications and ecology is not generally considered retrospectively and impacts on the environment from previously approved applications. However further intensification on site it is considered does have the potential to impact on the wider environment and it is considered this aspect is best considered as part of an Environmental Statement.

The previous applications, which have been approved, may have warranted modelling/consideration of pollutants, however it is considered the current proposals will significantly increase the herd numbers. Information in support of the previous approved agricultural buildings on site indicated they were in relation to a total on site of 150 milking cows to be housed on sawdust beds. Information in support of the latest proposals indicate 500 cows to be retained in the approved buildings along with construction of a slurry lagoon. This is considered a significant agricultural change to the development as approved on site. Whilst it is accepted that the covering yard is going onto existing hardstanding, therefore an ecological assessment in relation to this specifically is not required to support this proposal, there are the wider environmental and cumulative impacts to consider and in particular in relation to ammonia and potential impacts on the surrounding environment.

SCAIL Modelling

This proposal has the potential to impact upon designated sites within the wider environment via production of aerial emissions of ammonia and deposition of acid and nitrogen. Potential impacts upon any European and nationally designated sites within 10km and locally designated sites within 2km need to be assessed.

The Simple Calculations of Atmospheric Impact Limits methodology (at www.scaill.ceh.ac.uk/) can be used to model the potential impacts of the proposed development on designated sites.

Whilst it is not considered clear what potential impacts on the above will be, with consideration to the existing operations at the farming enterprise concerned and scale of the increase in cow numbers, it is considered that the above can be assessed as part of an Ecological appraisal as part of any Environmental Statement for the development as proposed.

Habitat Regulation Assessment

This application must be considered under the Habitat Regulation Assessment process in order to satisfy the Local Authority duty to adhere to the Conservation of Species & Habitats Regulations 2010 (known as the Habitats Regulations).

The Local Planning Authority will have regard to any representations made by Natural England when making a planning decision. Planning permission can only legally be granted where it can be concluded that the application will not have any likely significant effects on the integrity of any European Designated site.

An assessment of ammonia emissions upon designated nature conservation sites should accompany any subsequent application, and due to the closeness of Wales, the modelling and reporting should follow current published standards and emission factors from Natural Resources Wales. Use of BAT (Best Available Technology) should be used to reduce ammonia emissions and the Manure Management Plan should take account of application to land. It should be noted that the submitted Screening Report does not include information on the need for the slurry lagoon, which must be included in the ES. Slurry lagoons release ammonia emissions and it too must be included in the ammonia modelling.

It must be noted that Section 66 of the Planning (Listed Buildings and Conservation Area) Act requires local authorities to have special regard to the desirability of preserving listed building or their settings or any features of special architectural or historic interest which it possesses. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 places a duty on Local Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. It has been established that the development as proposed will not have any significant impact on the historic environment, consideration is required to the surrounding historic environment and designated and non-designated heritage assets. as part of any Environmental Statement for the development as proposed.

There are numbers of mature trees around the site as well as intervening hedges and trees that provide screening. The site is capable and considered to be in need of supporting additional planting to further soften the impact of the development in future. It is considered that this matter also needs to be assessed as part of an Environmental Statement in consideration of further intensification on site and cumulative impacts in the form of a landscape and visual

impact assessment as part of an Environmental Statement.

The surrounding land to the site appears to be in the control of the applicants and whilst it is considered surface and foul water disposal can potentially be an issue of concern, it is considered that surface and foul water can be disposed of via a sustainable means of drainage. Detail on this it is considered is best considered as part of an Environmental Statement. There are of course cumulative impacts to also consider on this aspect in relation to other associated buildings and development adjacent to the site. Detail on this matter can be considered as part of a drainage strategy in support of the Environmental Statement.

Whilst it is acknowledged that within the surrounding area there are scattered farmsteads and dwellings, the site is not located within close proximity to a densely populated area and there are no known localised environmental quality failures. Consultation can take place with the Council's Regulatory Services as part of the statutory process in relation to the formal application. However, owing to the significant agricultural changes now proposed on site, consideration to residential amenity issues need to be considered as part of an Environmental Statement. (Residential amenity, and odour, disposal of waste generated on site including manure disposal and its management, drainage and transportation and impacts on surrounding public highways).

Characteristics of the potential impact

3. The likely significant effects of the development on the environment must be considered in relation to criteria set out under paragraphs 1 and 2 above, with regard to the impact of the development on the factors specified in regulation 4(2), taking into account-
- (a) the magnitude and special extent of the impact (for example geographical area and size of the population likely to be affected);
 - (b) the nature of the impact;
 - (c) the transboundary nature of the impact;
 - (d) the intensity and complexity of the impact;
 - (e) the probability of the impact,.
 - (f) the expected onset, duration, frequency and reversibility of the impact,
 - (g) the cumulation of the impact with the impact of other existing and/or approved development.
 - (h) the possibility of effectively reducing the impact.

Analysis

The proposal would result in development that will involve a use considered compatible with the existing on-site farming enterprise. Adequate justification for the proposed further intensification of development on site will be required with consideration to cumulative impacts and landscape and visual impacts. The size of affected population is considered to be relatively low given the predominantly rural nature of the area and the geographical area of impact will be limited. Any issues of concern in relationship to impact it is considered will need to be considered via any necessary mitigation. The impacts in relation to the proposal are specific and potentially could be complex and of high magnitude. It is acknowledged that impacts identified could occur and that the proposal is for a permanent use and form of development, but nevertheless it is the view of the Council that these impacts need to be considered as part of an Environmental Statement all be it impacts with adequate consideration and management

can be properly and adequately mitigated.

Conclusions

The area of the development will exceed the indicative criteria set out in the EIA Regulations Schedule 2 – 1(C) and 13(b) for determining significance. With reference to the guidance set out in the NPPG and noting the considerations set out above in this assessment, it is concluded that an EIA is required, withstanding the importance of giving thorough consideration to landscape, visual and historic character, surface and foul water drainage, odour and noise impacts, potential highway impacts and any potential ecological impacts arising from the proposals.

Any alterations will need to be assessed by the Local Planning Authority to consider whether this screening opinion remains valid for the amended development. In accordance with Part 2 of the EIA Regulation 2017 5(6) any person has the right to seek a screening opinion from the Secretary of State should they disagree with this the Council's screening opinion.

Yours sincerely,

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