

NORTHERN PLANNING COMMITTEE
SCHEDULE OF ADDITIONAL LETTERS

Date: 8th November 2022

Item No.	Application No.	Originator:
17	22/02774/EIA Trefarclawdd Farm, Tref-ar-clawdd, Oswestry, Shropshire, SY10 9DE	Member of the public.

An additional letter of objection from Roger Jones has been received raising concerns with regards the content of the report.

Under section 2.4 of the report it states that 20/00841/FUL was withdrawn. It was REFUSED. This is misleading to the committee. Also, 22/00169/SCR is AWAITING AN EIA which is not stated. How can these be incorporated into a new application 22/02774/EIA when previous application criteria has not been met? Please explain.

To prevent water pollution Trefarclawdd is compliant with The Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018. State where;

Trefarclawdd is compliant with the Silage, Slurry and Agricultural Fuel Oil (SSAFO) Regulations and The Water Resources (SSAFO) as amended. State where; Has and did the Land Managers notify (in writing) their environmental regulator before construction of a slurry storage facility;

That the facility has an EP Permit as a regulated site for treatment of operational waste and contaminated water. Provide proof;

In accordance with the Preliminary Ecological Appraisal by Arbor Vitae 21/04/2022, lighting on site is compliant to requirements;

Prior to first use of the development the makes, models and locations of bat and bird boxes have been submitted to and approved in writing by the Local Planning Authority.

Prior to the erection of any external lighting on the site, a lighting plan was submitted to and approved in writing by the Local Planning Authority.

Could you explain if the complex will comply with the requirements of the Dark Sky Campaign to retain the beauty of the night sky for residents and their grandchildren.

Prior to the construction of a lagoon, a plan showing the lagoon cover specification, construction and fitting has been submitted to and approved in writing by the Local Planning Authority.

Prior to the development hereby permitted being first brought into use the foul and surface water drainage will be implemented in accordance with Drawing Numbers 72967/RJC/001, 106 and 107, has been approved in writing by the Local Planning Authority?

A plan has been provided of all known existing drainage systems within the development area and any which have recently been installed as part of this development connecting to the wider drainage network.

Further clarification of the drainage system 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 has been received before further work can commence.

Has all the conditions stated under section 4.8 of the report been provided and approved in writing by the Local Planning Authority?

Noise report is not "fit for purpose" as it does not consider the farm in full operation. When will this be rectified and approved in writing by the Local Planning Authority.

Could you explain why Highways have omitted that traffic still uses the unclassified road instead of the route as stated in the applicants Environmental Statement and, please explain how this will be monitored and enforced.

Under section 6.1.1 the Environmental Statement (ES) is deemed as being acceptable. It is not "suitable and sufficient". The statement does not highlight the significant impacts nor does it state the mitigation measures for an operational complex. The report under section 6.8.9 suggests that the ES had been assembled by professional persons considered to have adequate professional expertise. Could you provide the evidence that the author of the document is an "expert" with the necessary competency as required by the Town and Country Planning (EIA) Regulations is an "expert" as the qualifications is not included in the ES as required by Regulations.

Under 6.8.10 you fail to state that there has been no communication with the local community, however, you do state that there was one meeting with the ORPC but the representative failed to answer any of the residents questions he was concentrating on getting previous refused and withdrawn application retrospectively passed.

I, and the residents, have not been listened to, or communicated with, throughout this piecemeal and retrospective development. At no time has our right to respect for private and family life and a peaceful enjoyment of their possessions been discussed or considered. This, for a development undertaken contrary to the planning process which, does not provide economic, social or environmental benefits.

The recommendation is one of delegated approval, subject to conditions, giving the applicants the right to continue irrespective of the impacts and mitigation measures not identified by the applicants in an Environmental Statement that, to experts, not suitable and sufficient and, gives consent for applications outside of planning rules.

The key question now is: will the applicants be allowed to extend the farm beyond the 525 jersey cow limit and destroy the local community for the sake of a foreign pension fund?

Item No.	Application No.	Originator:
17	22/02774/EIA	Case Officer.

In reference to the above-mentioned, responses are as follows:
Section 2.4 of the report does refer to application 20/00841/FUL as being withdrawn. This is incorrect the application was refused.

An EIA screening Opinion was requested from the applicants in relation to Council reference 22/00169/SCR and a copy of this is attached to the report as annexe 2 and referred to within the report. (Paragraph 2.5).

The SC Highways Manager has responded as follows:

To clarify specifically in respect of the movement of HGV traffic, I do not consider that it would be reasonable to restrict the direction of routing these vehicles in either direction along the Class III county road. It is noted however that the supporting highways information suggests that HGV movements would tend to gravitate to and from the Trefonen Road, however the reality is that the routing of such vehicles would be dependent upon the destination of travel.

Officer comment – These views are shared as Coed-y-Go road is a 'class C' public highway and therefore not an unclassified public highway.

Reference to the silage, slurry and agricultural fuel oil (SSAFO) Regulations is referred to in the response from the Environment Agency in Paragraph 4.4 of the Officers report.

The development does not come under the Environmental Permit,(EP), regime as it is not in relation to intensive pig or poultry production. .

Ecology issues are covered in the response to the application from SC Ecology in paragraph 4.6.

Light pollution has been considered in relation to residential amenity. It is not considered that the development is detrimental in relation to Dark Sky. Further still condition number six in appendix one attached to the Committee report covers external lighting issues.

Construction of the slurry lagoon and slurry storage for agricultural purposes is subject to The water Resources (SSAFO) as amended and referred to in the response from the Environment Agency in paragraph 4.4 of the Committee report.

Clarification of the drainage system 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 is adequately addressed in drawing ref: 72967/RJC/107 dated 2022/05/27 which indicates a drainage system conveying polluted water for the building insides and the external yard areas to the slurry lagoon.

Detail in relation to drainage is considered acceptable as per the latest response from SC Drainage as set out in paragraph 4.8 of the officer's report. (Condition 11 in appendix one attached to the Committee report).

Noise issues are considered acceptable and the Council's Environmental Protection raises no objections on this matter. (Noise matters are covered in paragraph 6.7.4 of the Officers report. It must also be emphasised that development onsite is in relation to an existing agricultural holding that has been involved in Dairy production for many years. Noise issues are considered acceptable in relation to development on site.

Traffic management and public highways and use of them by traffic as a result of development on site are considered acceptable, and traffic generated will be mostly in relation to classified public highways.

The Environmental Statement in support of the application is considered acceptable in relation to the assessment of this application. Mitigation measures in relation to any potential impacts considered acceptable and it is noted that the development as proposed is in effect modernisation of an existing dairy complex operated adjacent to the site.

In relation to an Appeal the Planning Inspectorate in a letter dated 5th November 2018 confirmed that the authors of the ES report are considered to meet the minimum requirements of the Town and County Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017. This matter is also covered in paragraph 6.8.9 of the report to Committee.

The two key authors are:

- Richard Corbett a Professional and Partner with Roger Parry and Partners LLP. He holds a BSc Honours degree in Rural Enterprise and Land Management. He is a Member of the Royal Institution of Chartered Surveyors, following the Rural Faculty of the Royal Institution. He is also a Fellow of the Central Association of Agricultural Valuers. He has seventeen years' experience in rural planning and a total of nineteen years' experience in rural practice. He deals with a diverse range of planning applications from large scale agricultural buildings with EIA development, specialist poultry unit buildings requiring an Environmental Impact Assessment
- Rosina Bloor is a Professional and Associate with Roger Parry and Partners LLP. She holds a BSc Honours degree in Rural Enterprise and Land Management. She is a Member of the Royal Institution of Chartered Surveyors, following the Rural Faculty of the Royal Institution. She has five years' experience in rural planning and a total of seven years' experience in rural practice, with over 3 years post qualification. She deals with a diverse range of planning applications from agricultural buildings, specialist poultry unit buildings requiring an Environmental Impact Assessment. She has been completing Environmental Statements for the last 5 years for poultry unit planning applications that fall under the EIA Regulations, for at least 10 planning applications based within England and Wales.
- Other specialist reports forming part of the Environmental Statement have been carried out by suitably qualified experts in their individual fields of expertise.

Community communication and engagement is covered in paragraph 6.8.10 of the Officers report to Committee.

With regards to comments in relation to the author, (Roger Jones), and the residents, have not been listened to, or communicated with, throughout this piecemeal and retrospective development. At no time has our right to respect for private and family life and a peaceful enjoyment of their possessions been discussed or considered. This, for a development undertaken contrary to the planning process which, does not provide economic, social or environmental benefits. – The Case officer has had numerous correspondence with Mr. Jones and other residents via email and telephone conversations. It is not considered that there has been a significant detrimental impact on their rights to a private family life. Social, economic and environmental benefits are considered in the report to Committee and whilst it is considered disappointing with regards a 'retrospective application, the Planning system as part of planning enforcement procedure encourages dialogue and retrospective applications which is part of the planning enforcement procedure being carried out by the Council in relation to this site.

In relation to what is termed *'the key question now is: will the applicants be allowed to extend the farm beyond the 525 jersey cow limit and destroy the local community for the sake of a foreign pension fund?'* Conditions have been attached to the report in appendix one in the event of Members support of the recommendation for approval. Future applications will need to be considered on their individual planning merits in relation to relevant local and national planning policies at the time of submission and determination of any planning application.

Item No.	Application No:	Originator:
17	22/02774/EIA	Members of the public
<p>Two further letters of objection have been received from a member of the public. The letter raises concerns that the development as proposed will result in unsuitable vehicle movements on the adjacent public highways along with concerns with regards to manure spreading on the farm land.</p> <p><u>Officer comments</u></p> <p>SC Highways raise no objections to the application. Whilst the applicants have referred to a transport route for HGV movements. The surrounding public highways are considered suitable for vehicle movements that the development will generate based on information in support of the application.</p> <p>Manure spreading as indicated by the applicants in their application submission is also considered acceptable. The Environment Agency response to the application also refers to manure spreading and storage and member's attention is drawn to their response as set out in the report and the discussion within the Officer's appraisal of the report. The Council's Environmental Protection has also considered 'odour impacts' and their comment are set out within the report.</p>		
Item No.	Application No.	Originator:
17	22/02774/EIA	Case Officer.
<p>In relation to Health and Safety and potential accidents on site and risk assessments and impacts as a result of on-site development and EIA Legislation, the development is considered acceptable. The application representing modernisation of an existing dairy complex, all be it more intensive in nature. It is considered there is adequate health and safety legislation in place to protect the public and employees of the business concerned in relation to this matter. Impacts as a direct consequence of the proposal have been considered and overall are considered acceptable.</p> <p>Paragraph 6.1.4 in the Committee report refers to paragraphs 80 and 83 of the NPPF. This is incorrect and should read as paragraphs 81 and 84.</p>		
Item No.	Application No.	Originator:
17	22/02774/EIA	Environment Agency
<p>A further response has been received from the EA which indicates:</p> <p><i>We have no further comment to make with regard to the planning application but remind the applicant that to conform with SAFFO Regulations they must inform the Environment Agency directly at least 14 days before development of the slurry lagoon (storage) commences.</i></p> <p><i>Further guidance is available at: Storing silage, slurry and agricultural fuel oil - GOV.UK (www.gov.uk)</i></p> <p><u>Officer comment.</u></p> <p>Clearly construction of a slurry store comes under controls under the remit of the EA.</p>		
Item No.	Application No.	Originator:

17	22/02774/EIA	Member of the public.
<p>A further letter of objection has been received from Roger Jones on behalf of the local community. (This one with a request to be shared with members).</p> <p>Key issues raised are summarised below:</p> <p>The local community do not want this industrial development to become expanded beyond its present capacity. It is already disproportionate for the local area and, if allowed to expand, will have a significant adverse impact on the lives of the residents, to the local environment and without any socioeconomic benefits.</p> <p>The main concerns to the residents are:</p> <ul style="list-style-type: none"> • The movement and spreading of this waste is already causing concern. This waste, if not treated properly, can contaminate local drinking supplies, rivers and the soil. These chemicals can plague the native ecosystem, the wildlife can suffer dramatically as well as foreign toxins enter their water and food supply. The environmental Agency has already become involved in pollution in the local stream. • The significant increase in the amount of traffic. HGV's and farm traffic presently will pass through Coedygo, Morda and down into Weston. • The local roads and verges have already damaged, road safety compromised and biodiversity significantly affected.. • Drainage. Surface water from the fields belonging to Trefarclawdd are being diverted into a dug channel which directs the water down the road into Coedygo flooding residential properties. Further excess water is also being channelled onto Chain Lane where it is being diverted onto private land and down into a stream. Samples have been taken; E.coli exists, resulting from slurry pollution; and reported to the Environment Agency. • The amount of water used during operations. . • The storage and disposal of operational contaminated waste. The outflow from cleaning the sheds will need to be managed otherwise we will see, as we have in the past, our river being polluted along with the water table. • The increase in noise from traffic, the constant slurry pumps and increase in operational noise is already an unacceptable nuisance to residents. • The increase in odour. The spreading of copious amounts slurry causing a constant smell and, in the summer, an infestation of flies. • Light pollution. Caused by the additional security lighting and vehicle movements after dark. Residents are having to shut their curtains in an attempt to prevent sleep deprivation and stress. • Impact on climate change. Due to the increase in the number of cows and development groundworks. • Disregard for Human Rights under Articles 1 and 8 with no balance against the rights and freedoms of others and the orderly development of the County in the interests of the community. • Disregard for the planning process. There has been: <ul style="list-style-type: none"> a. no consideration of the residents or the local community. b. no communication and co-operation with the local community; c. no full application, instead, piecemeal applications have been presented using the "back door" approach knowing that this industrial dairy complex is too large and too close to a community; d. non-compliance with applicable environmental legislation where the Environmental Statement should have been written by an "expert" as required in the Town and Country Planning (EIA) Regulations 2015. e. No Identification of the development and operational impacts, the risks involved and what mitigation measures will be implemented as required in the Town and Country Planning (EIA) Regulations 2015. 		

We ask that the enforcement order be implemented or, if the Planning Committee so decide to allow the development, that an Environmental Impact Assessment be provided that is suitable and sufficient and produced by an “expert”; as required in law; and no further development is considered

Officer comments.

Many of the issues as referred to above have already been covered in the report to Committee and earlier in this update sheet. However comment is as follows:

- The Environment Agency along with our Public Protection cover issues in relation to pollution and the EA has guidance on the control of silage and slurry in accordance with Regulations (SSAFO). These regulations aim to prevent water pollution. Further detail is covered in the response from the EA as set out in paragraph 4.4 of the Officer report. It is also understood as a result of complaints from local residents representatives of the EA have visited the farm and have no reason to uphold any complaints to date.
- Issues in relation to the adjacent public highways are covered elsewhere in the presentation to Committee and do not require further comment here.
- Issues in relation to drainage have been also considered as part of the report and as indicated previously the applicants have offered betterment to the wider area with the construction of the attenuation ponds. Consideration has also been considered to the concern in the area of Chain Lane and the proposed slurry lagoon will further improve concerns raised in relation to this location.
- Water pressure is a matter for the local water provider
- Foul and surface water drainage proposals are considered acceptable and this also includes consideration to potential contamination and risks.
- Noise and slurry disposal has been considered as part of the application and condition number 7 in appendix one covers this aspect.
- Odour has been considered and is referred to in the response from the Council’s Environmental protection – Paragraph 4.9 and also considered in Section 6.7 of the report to Committee.
- Light pollution is also referred to in Section 6.7 of the report.
- Climate change – this matter is not considered a reason for refusal and environmental impacts have to and have been assessed. Further still the application is for the production of food and this is also a material consideration in the planning balance.
- Human Rights have been considered and this issue is referred to in paragraph 6.8.4 of the report to Committee.
- Community engagement is discussed in paragraph 6.8.10 of the report. Planning Enforcement procedures is also covered in paragraph 6.8.1
- Authors of the ES report and their suitability are discussed early in this update sheet.
- Operational development and associated risks have been considered and it is not considered that there are any adverse risks and potential impacts are taken into consideration by the EA and there is legislation in place to cover these.

Item No.	Application No.	Originator:
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18	22/02517/FUL	Drainage & SUDS
<p>We would recommend the following conditions:</p> <ul style="list-style-type: none"> - No development shall take place until a scheme demonstrating that exceedance flows up to the 1 in 100 years plus 40% storm, do not result in surface water contributing to surface water flooding of more vulnerable areas within the development site or contribute to surface water flooding of any area outside of the development site has been submitted to, and approved by the Local Planning Authority. <p>Reason: The condition is a pre-commencement condition to ensure that any such flows are managed on site.</p> <ul style="list-style-type: none"> - No development shall take place until the adoption extents of the foul and surface water systems and maintenance responsibility of the attenuation features have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner). <p>Reason: The condition is a pre-commencement condition to ensure satisfactory maintenance of the drainage networks.</p> <p><u>Planning Officer comment:</u> The above conditions have been recommended following submission of further information relating to the proposed drainage scheme at the site and would be added to the list of recommended conditions in appendix 1 of the planning report; condition 14 would therefore be superseded</p>		
Item No.	Application No.	Originator
18	22/02517/FUL	Applicant
<p>Cornovii are currently offering two Section 106 affordable homes, which is 0.2 above policy compliance, plus a further two affordable homes with Homes England grant funding. The brownfield nature of the site and site constraints make this scheme tight from a viability perspective. Any increase of Cornovii's offer of £20,000 towards loss of the playing pitch, which has been out of use for 12 years, would result in a reduction to the number of affordable homes we would be able to deliver on the scheme. Cornovii are therefore unable to increase the proposed £20,000 contribution.</p> <p><u>Planning Officer comment:</u> The comments of the applicant are noted. It is also accepted that as part of approval 19/01873/OUT, an application which incorporated the school site subject of the current application together with the southern and western portions of the Glebefield, the LPA considered that no payment was required towards local pitch improvement though since that decision, the council's Playing Pitch and Outdoor Sports Strategy (PPOSS) has since been published. The final figure would be secured as part of a S106 agreement following further discussions between the planning officer, the applicant, Sport England and the council's Leisure Services team.</p>		
Item No.	Application No.	Originator
18	22/02517/FUL	Member of the public
<p>I'm happy that for development to happen, however I'm slightly concerned given original plans showed a lot more for the community.</p>		

I would like to request that a dropped curb is installed to allow us take a vehicle off the road.

This can be achieved quite simply by the contractor's carrying out the new access for the site should the planning be granted.

Planning Officer comment:

The Highways team raised no objection to the proposed access and did not raise concern that cars parked on Glebe Road would likely impair the safe use of the access. It is not considered reasonable or necessary for the developer to install dropped kerbs to the opposite side of Glebe Road to serve neighbouring dwellings. If neighbours wish to submit a proposal for a dropped kerb then they are free to do so, and the proposal would be considered on its merits.