

Recommendation: **Grant planning permission** subject to conditions which are provided in summary form in Appendix 3 - the full wording of which will be agreed by the Planning Services Manager - and the completion of the Section 106 agreement to provide for the long-term monitoring of BNG works and the cessation of livestock operations at Llanforda Uchaf farm.

REPORT

1.0 THE PROPOSAL

1.1 The application seeks planning permission for the construction of two cubicle buildings, a slurry lagoon and other associated works. The proposed cubicle buildings would each measure 79.5 metres x 29 metres (including overhangs) x 4.2 metres to eaves with a ridge height of 8.3 metres. The overhangs would keep the cattle feed dry. The walls would be concrete with timber boarding to the eaves. The roofs would be box profile sheeting. The east and west elevations would be open fronted. Slurry channels would be provided beneath the buildings which would connect to the proposed slurry lagoon. The whole lagoon structure, including perimeter earth banks, would measure 80 metres x 80 metres x 5.5 metres to top of side walls. The lagoon would be lined and would incorporate a leak detection layer. Concrete yard areas would be provided to the sides of the proposed buildings.

1.2 It is proposed that the buildings would house 500 cows, 250 in each house. Taking into account the existing unit, the total number of cows at the farm would be 1000.

1.4 Since the application was first registered, additional and revised information has been submitted. This includes:

- Revised landscaping and biodiversity enhancement details
- Changes to the design and specification of the proposed slurry lagoon
- Revised Ammonia Impact Assessment
- Manure management details
- Additional information regarding surface water drainage proposals

2.0 SITE LOCATION/DESCRIPTION

2.1 Trefarclawdd Farm is located approximately 3km to the south-west of Oswestry. The farm complex includes a farmhouse, modern and traditional farm buildings, and a lagoon.

2.2 The site is located in a rural area, and surrounding land is predominantly agricultural in nature. The nearest residential properties to the development area are: Ashfield House, approximately 130 metres to the north; Bryn Aber, approximately 240 metres to the south-east; and Stone House, approximately 260 metres to the west. Access to the site is taken from the public highway to the south, via a private concrete road approximately 250 metres long.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The application constitutes a major application, and the officer recommendation is contrary to the views of the Parish Council. It was discussed at an agenda-setting

meeting and it was agreed that a committee determination is appropriate due to the nature of the issues raised.

4.0 **COMMUNITY REPRESENTATIONS**

The consultee comments and public representations are summarised below. The full comments can be viewed on the online planning register at: [Simple Search](#)

4.1 **Consultee Comments**

4.1.1 **Oswestry Rural Parish Council Objects.**

Application process and detail

- Inaccuracies and contradictions in slurry, grazing and environmental assessments
- Inadequate assessment of odour, ammonia, noise, flies and other amenity impacts
- With reference to recent case law the Council cannot lawfully rely on environmental assessments which underestimate the true scale of waste production and associated impacts.
- piecemeal development approach masking cumulative impacts.
- insufficient community engagement and consultation.
- the Environment Agency's conclusion that the proposal would simply improve existing operations is disputed; it instead represents a significant expansion and intensification of activity.
- Conflict with policies requiring protection of residential amenity, avoidance of pollution, and protection of the countryside
- Insufficient justification for expansion

Herd Management and Grazing

- contradiction between the Environmental Statement (which states cattle will graze from spring to autumn) and the Manure Management Plan (which appears to assume year-round housing); it is understood that the existing herd is predominantly housed throughout the year.
- query whether sufficient grazing land exists to accommodate the enlarged herd and whether additional land has been secured.
- the proposed mitigation measures are insufficiently evidenced and rely upon assumptions that cattle will spend substantial periods grazing rather than being housed year-round.

Slurry Production and Manure Management

- inadequate waste management proposals; prioritises commercial considerations over waste reduction and sustainable development objectives.
- dispute that the 'manure will be applied directly to land' as at present tankers remove slurry from the farm
- the estimated slurry production figures are understated.
- query whether available land can accommodate the additional slurry generated without increasing runoff and pollution risks.
- potential impacts on local watercourses
- significant contradictions between the ES and Manure Management Plan regarding cattle housing arrangements, slurry production, and manure spreading assumptions, undermining confidence in the submitted assessments.

Traffic and Highway Issues

- insufficient transport assessment; not credible
- the previously approved "left-in, right-out" access arrangement is not being enforced.
- query why traffic issues have been screened out of the EIA
- local adverse impact from additional traffic; inadequate local road network
- query the lack of forecast increases in vehicle movements relating to slurry transport, milk collection, veterinary visits, calf transport, straw deliveries and fallen stock collection despite the doubling of herd size;

Amenity Impacts

- the proposed 24-hour operation of the site would be detrimental to local community; query why this is now necessary
- unjustified intensification of farming operation
- noise assessments focus only on on-site operations and do not adequately consider traffic movements or round-the-clock activities.

Pollution risk

- insufficient consideration of risks of lagoon failure
- query why the River Morda is not identified as a significant receptor.
- the ammonia assessment is not robust, particularly the assumed mitigation from cattle reductions elsewhere and the effectiveness of the proposed slurry lagoon cover.

Animal Welfare and Highway Safety

- the operational risk assessment does not consider the possibility of cattle escaping or crossing roads.

Employment Benefits

- limited economic benefits; the proposal is expected to create only one additional farm worker role and one administrative position.

4.1.2 **Environment Agency** No objection.

We note the revised EIA, December 2025 v2, additional information including revised lagoon plan, sections and '2026 manure management plan'. We previously commented on this planning application in our letters of 19 September 2024 and 16 January 2025 to which we raised no objection.

The proposed development will improve operations on the farm.

We do not regulate dairy operations under an Environmental Permit and would not ordinarily expect to make bespoke comment on such development proposals. Similarly, we are not a statutory consultee on slurry lagoons, unless an application falls under Environmental Impact Assessment, and would not expect to make bespoke comment on such development proposals. Notwithstanding this, in this instance, the planning application includes EIA, for which we are a statutory consultee.

Slurry lagoon

The proposal includes two modern agricultural buildings which will house 500 dairy cows (250 cows per building). Slurry channels will run beneath the proposed buildings to connect with the lagoon. The proposed slurry lagoon will measure 50m x 25m (75m x 50m including bunding). The lagoon would not be in a source protection zone, nor is

it sited within close proximity of a watercourse. We note the lagoon is to be covered and welcome this. Slurry lagoons are regulated by us, in terms of potential emissions to air, land and water, under SSAFO (Silage, Slurry and Agricultural Fuel Oil) regulations, and we would expect to see details submitted as part of that regulatory control regime.

For information, whilst we have no records of watercourses or similar within 10 metres of the footprint of the proposed lagoon, it would be for the applicant to check to ensure that there are no existing underground land drains. Should any surface water land drains be discovered we would request that they are either removed or diverted so they are at least 10 metres away from the proposed lagoon.

The Proposed Slurry Lagoon Plan shows a "mixing point". There is no detail or proposed methodology, at this stage, to cover how the slurry would be mixed. We recommend that mixing of the slurry should not be carried out unless there has been an initial risk assessment. This is to protect the lagoon liner from a mixing activity. Flexible membrane liners are at a high risk of being damaged from certain types of mixing activities. We may address this as part of the SSAFO notification and regulatory compliance process.

The slurry production calculation figures used appear to be satisfactory and correct. The proposed lagoon should be large enough to contain slurry during the Winter months.

Manure management

We would not ordinarily provide bespoke comments on such assessment at the planning application stage. But would review it as part of our regulatory role in respect of implementing Farming Rules for Water. The farm will be periodically inspected, and the Manure Management Plan will be considered in conjunction with that. The plan would appear to be fit for purpose in respect of impacts to land and water. It could be enhanced through the inclusion of a risk map which identifies the most suitable fields to use for spreading when weather has been unsettled (e.g. flat and free draining with good suitable soil).

We acknowledge the proposal will "allow 500 jersey cows to be housed during the winter months at Trefarclawdd which will be milked twice per day, in the morning and evening as currently practised on the farm. All of the cows are put out to pasture to graze from spring until autumn".

We would draw your attention to the manure management 2026 document (cxcs) which is based on a figure of 1000 cows rather than the 500 proposed as part of this application i.e. a herd size of 1000 cows including the existing dairy unit.

Based on our records, the majority of the farm is not currently within a Nitrate Vulnerable Zone (NVZ). The NVZ Regulations do establish a limit on the amount of nitrogen (from manufactures fertiliser and/or crop available nitrogen from livestock manure). The Nitrogen max (N Max) limits for specified crops such as grass and maize, are however a completely separate requirement from the quoted 170 kg N/ha

figure which is a whole farm limit. Therefore section 9.1.5 appears confusing.

The Farm address is not currently wholly within a NVZ and yet the report appears to justify that there is sufficient land bank for the NVZ Whole Farm Limit to be compliant (this is 170 kg Nitrogen per hectare per year). Farms which are within, or partly within, a NVZ may reduce their total Nitrogen livestock manure figure by exporting manure to other farms.

Under the NVZ rule calculation there is 310 ha of land available which means that 500 cows should not exceed the 170 kilograms of nitrogen per hectare limit (cow milk yield up to 6000 litres per year).

As our focus is on the prevention of water pollution from manure, your authority may wish to consider other emissions such as dust, odour etc.

Rules for farmers and land managers to prevent water pollution: *The impacts to water from manure management and other agricultural activities are regulated by The Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018, which the Environment Agency is responsible for enforcing. These Regulations are implemented under the Farming Rules for Water.*

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:

Rules for farmers and land managers to prevent water pollution - GOV.UK

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.

Pollution incident: *For awareness, we have received several reports of slurry leakage to a roadside ditch and onwards to a watercourse, potentially associated with spillage during transportation. While we have not been able to attend every incident, our findings indicate the pollution impact to be minor, with only a small amount of slurry leaving the ditch.*

Storage of silage, slurry or agricultural fuel, including slurry lagoons: *New and substantially changed storage facilities should be constructed in accordance with the SSAFO Regulations. 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.*

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 managers protect the environment in which they operate.

Nitrate Vulnerable Zones: Nitrate Vulnerable Zones (NVZs) are areas designated as being at risk from agricultural nitrate pollution. They include about 55% of land in England:<https://www.gov.uk/government/collections/nitrate-vulnerable-zones>

Livestock farms are required to comply with the whole farm livestock manure nitrogen limit. Farmers must ensure that the amount of nitrogen in livestock manure produced on the holding does not exceed thresholds.

Based on our current position, we are not commenting on the nutrient loading data provided within the Environmental Statement, but you may wish to consider this as part of your decision-making process.

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.

General Pollution control: Developers should incorporate pollution prevention measures to protect ground and surface water. Previous Pollution Prevention Guidance maintained by the Environment Agency has been withdrawn but is still available in the national archives.

Flood Risk: The proposed development would be sited within flood zone 1 (low annual probability of fluvial flooding), some distance (>400m) from the River Morda (Main River). We therefore have no concerns in respect of fluvial flood risk.

Surface water quantity will be picked up by your Lead Local Flood Authority.

4.1.3 **Natural England** Does not wish to make any specific comments, and offers standing advice.

When first consulted on the application Natural England highlighted that the site was in proximity of European/International and nationally designated sites. They advised that the LPA should determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where necessary. They requested that they be consulted on any such Appropriate Assessment. They were re-consulted once these were available, and responded as follows:

The air quality related aspects arising from the proposal can be addressed using our new standardised advice. We have no comment to make on its details. Bespoke advice will not be provided on this case.

Natural England advises Local Planning Authorities to use the following tools to assess the impacts of the proposal on the natural environment:

Impact Risk Zones: Natural England has provided Local Planning Authorities (LPAs) with Impact Risk Zones (IRZs) which can be used to determine whether the proposal impacts statutory nature conservation sites. Natural England recommends that the LPA uses these IRZs to assess potential impacts. If proposals do not trigger an Impact Risk Zone then Natural England will provide an auto-response email.

Standing Advice: Natural England has published Standing Advice.

- 4.1.4 **SC Ecology** Recommends conditions and that mitigation and BNG is secured through a Section 106 agreement.

A s106 will be required to secure the BNG for 30 years. This application has been considered under the Habitats Regulations Assessment process in order to satisfy the Local Authority duty to adhere to The Conservation of Habitats and Species Regulations 2017. Following Stage 2 Appropriate Assessment, Shropshire Council has concluded that the proposed development will not result in any likely significant effect or likely effect on the integrity of any European Designated Sites, subject to mitigation being carried out. The cessation of operations at Llanforda Uchaf cattle farm will be secured in a s106. Conditions and an informative have been recommended to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17.

BIODIVERSITY NET GAIN

A net gain of 0.85 (10.07%) habitat units will be provided on-site. This will be provided through:

- Planting of 9000m² of native broadleaved woodland,
- Planting of 3037m² of mixed scrub,
- Seeding the area around the new lagoon as neutral grassland, and
- Planting of 13 native trees along the access track.

Because the BNG is considered to be significant, a s106 will be required to secure the BNG for 30 years. The s106 will include a monitoring fee – for a small site of moderate technical difficulty, the monitoring fee calculator states that this would be £13,275.27.

(Please note that a Biodiversity Gain Plan and Habitat Management and Monitoring Plan will need to be submitted in order to discharge the General Biodiversity Gain Condition.)

AMMONIA MODELLING

The following documents have been reviewed:

- Ammonia Impact Assessment (Isopleth, December 2025), which was updated to reflect Natural England's Air pollution and development: advice for local authorities' guidance, including a reduction in the screening distance for SSSIs and an assessment of other plans and projects that could act in-combination with the proposal;
- letter from Isopleth (dated 28th April 2026), which considers whether the proposal is a dominant source of emissions (in line with Natural England's guidance)' and letter from Isopleth (dated 20th May 2026), which separates the impacts of the proposal with and

without mitigation, to assist with the Habitats Regulations Assessment.

Impacts

The Process Contributions table (in Appendix 1 below) shows the process contributions (PCs) of Critical Level of ammonia (CLe) and Critical Load of nitrogen (CLo) of the current situation, the proposed scenario without mitigation, the proposed scenario with mitigation, and the differences between the existing and proposed scenarios at European Sites within 10km, SSSIs within 5km and Ancient Woodlands within 2km.

There is a betterment at Craig Sychtyn SSSI and River Dee and Bala Lake SAC and SSSI, e.g. a reduction in process contributions of CLe and CLo between the current situation and the proposed development (with mitigation).

For the remaining sites, the increases in process contribution are all under 1%. In line with Natural England's guidance, an in-combination assessment was carried out. The in-combination assessment concluded that there are no additional impacts from any other plans or projects within the screening distances.

In line with Natural England's guidance, any impacts below 1% of the CLe or CLo in-combination can be screened out from further assessment. It can be concluded that the proposal is unlikely to have a significant effect on any designated sites as a result of ammonia emissions and nitrogen deposition.

Habitats Regulations Assessment

A Habitats Regulations Assessment has been carried out for Morton Pool & Pasture, part of Midland Meres & Mosses Phase 2 Ramsar, Montgomery Canal SAC and River Dee and Bala Lake SAC.

The Habitats Regulations Assessment can be found in Appendix 2.

Following Stage 2 Appropriate Assessment, Shropshire Council has concluded that the proposed development will not result in any likely significant effect or likely effect on the integrity of Morton Pool Midland Meres and Mosses Ramsar, Montgomery Canal SAC or River Dee and Bala Lake SAC through airborne ammonia emissions and nitrogen deposition, alone or in-combination with other plans or projects, subject to the proposed mitigation taking place.

Slurry lagoon

The impacts of the slurry lagoon are included in the ammonia modelling.

The slurry lagoon will be fitted with a floating cover, which is Best Available Technique to reduce ammonia emissions.

'The slurry and dirty water from the new cubicles will feed directly to the new lagoon, which will be fitted with a floating cover. The lagoon will be compliant with all forthcoming Regulations in terms of capacity, being able to hold 6 months plus of slurry complete with rainwater and surface water from yard area. The proposed lagoon will therefore allow the applicant the benefits from greater storage and reduction of the

amount of chemical and imported fertilisers on the farm. This in turn will improve soil structures and timing of application of slurry as well as reducing exports of slurry.'

Manure spreading

Sections 9.1.3 - 9.1.9 of the Environmental Statement (Roger Parry & Partners, December 2025) set out how manure will be used on the site.

'A Farm Waste Management Plan has been produced in order to identify the risks associated with the application of manure to the land. The plan is based on an understanding of the soils and climate of the area and the identification of spreading risks, calculation of manure and dirty water production.'

'A ten-metre strip adjacent to all watercourses should be left untreated to avoid direct pollution of surface waters. Risk of pollution of vulnerable groundwater sources such as wells, springs and boreholes is reduced by designating a 50 metre radius non-spreading zone around such sources, variable according to the local geology and topography. Additional areas upon which materials should not be spread include very steep slopes with a risk of run-off all-the-year-round, areas such as SSSIs that are subject to management agreements.'

'The entire landholdings have been assessed for spreading risk according to the recommendations of the [DEFRA] Guidance for Farmers in Nitrate Vulnerable Zones. All surface water features have been surveyed and taken into account during the calculation of the land available for spreading.'

'Part 4 of the Nitrates Pollution Prevention Regulations establishes a limit on the amount of nitrogen (from manufactured nitrogen fertiliser and crop available nitrogen from livestock manures) that can be applied to specified crops. The N max limits for the specified crops allow a range permitted adjustments to the application limits, however for the purpose of this report, the lowest limit of 170kgN/ha has been used.'

The 'calculation shows that the applicant has control of sufficient land for the spreading of all of the manure produced by the site per annum.'

'Sufficient suitable land is available within the applicant's ownership to enable manure to be applied to land in a way that is beneficial and presents a minimal risk of pollution to surface waters in line with the NVZ regulation and the DEFRA Code of Good Agricultural Practice for protecting water, soil and air.'

The Manure Impact Assessment Including Manure Management Plan (Roger Parry & Partners, February 2025) sets out the practices being followed (e.g. timing of application and restrictions on certain areas), including maps of the fields, and confirms that the regulations and guidance are being followed (e.g. the Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018, the Nitrate Pollution Prevention Regulations 2015 and DEFRA's Code of Good Agricultural Practice (COGAP) for Reducing Ammonia Emissions).

I am satisfied that the Environmental Statement and Manure Impact Assessment

Including Manure Management Plan have provided sufficient justification that the manure arising from the new buildings, in line with DEFRA guidance, can be spread on the land at Trefarclawdd Farm in a way that does not result in an increase in ammonia emissions and nitrogen deposition.

Woodland planting

The proposed woodland planting will help soak up ammonia, reducing the impacts further, although this is additional and not proposed as mitigation.

PROTECTED SPECIES

I have read the submitted Preliminary Ecological Appraisal & Biodiversity Net Gain (Arbor Vitae Environment, August 2024). I am happy with the level of survey work and have recommended conditions and an informative for inclusion on the decision notice.

CONDITIONS AND INFORMATIVES

In addition to a condition regarding the number of cattle permitted on the site, conditions are recommended to cover the following matters:

- provision of bat and bird boxes*
- prior approval of any external lighting*

4.1.5 SC Landscape No objection.

The Landscape & Visual Impact Assessment (LVIA) is generally clearly written and uses appropriate references. The methodology is acceptable.

The proposed development has the potential to adversely impact the residential amenity of occupants within 0.35km, but that these reduce by Year 10 with the establishment of the proposed mitigation measures. There is a similar reduction of potential adverse impacts on walkers and motorists within the study area.

The approach in relation to landscape value assessment is proportionate to the proposed development. The LVIA makes appropriate reference to cumulative effects within the assessment process [paragraph 28 LVIA]. It provides sufficient details of construction phase effects.

In summary this revised LVIA is acceptable in terms of its methodology and its findings are well-documented.

A small amount of additional information is required on the Landscaping Plan.

[This information has now been submitted].

4.1.6 SC Trees No objection.

The proposed development will not impact on any significant trees. Landscaping will form an important part of this development.

4.1.7 SC Green Infrastructure Advisor No objection.

A fully quantified planting plan with labelling is required, and this can be provided through a planning condition.

4.1.8 **Historic England** Do not wish to offer any specific advice.

4.1.9 **SC Conservation** No objection.

The Historic Conservation team concur with the findings of the submitted Heritage Assessment that the development will not cause harm to heritage assets. A recessive palette of materials should be used for the buildings. It appears that the proposed materials are to match the existing. It is noted that further landscape planting is proposed to provide mitigate for any visual impact in the landscape and if this is considered sufficient by SC Landscaping consultants this should be secured by condition.

4.1.10 **SC Archaeology** No comments on this application in regard to archaeological matters.

4.1.11 **SC Public Protection** No objection.

The proposal to install a barrier between the new buildings and the nearest noise sensitive premises would provide additional improvement from any noise generated on site. It is recommended that a condition is imposed to require that details of the barrier are submitted for approval.

4.1.12 **SC Highways Development Control** No objection.

Subject to the imposition of conditions, there are no sustainable highway grounds upon which to base an objection. The proposed development is acceptable. It is recommended that conditions are imposed to require the submission for approval of a Construction Method Statement; and a traffic management plan incorporating a routing agreement of HGV's to and from the site with supporting signage scheme.

Background

The access to the farm was granted approval under reference 19/03831/FUL and also formed part of the approved application for an intensive dairy farm complex under reference 22/02774/EIA. The formation of the access and use of the approved route included improvement works to be undertaken on the Class III Road junction. This approved access and route is the means of access to the proposed development and has been included in the red edge area.

The implications of the proposed development from the highway perspective will be the likely change in use of the access and local highway network in terms of the type and number of vehicular movements generated by the proposal and the suitability or otherwise of the existing access and approach to the site to cater for these movements. A table of vehicular movements has been submitted within the Environmental Statement which has identified the likely change in movements which

by and large appears to be related to the increased herd size and their feed requirements. No change appears to be occurring to the management of the manure and milk collection. A proportion of the manure management appears to be via an umbilical cord system on the adjacent grassland, a relatively short transfer over the road to fields close from the main complex and transfer to farmland further afield in the estate's ownership.

Whilst the traffic assessment has indicated a change in the numbers of vehicular movements this does not appear to have resulted in a material increase over and above what the dairy complex currently generates. The access and routing of these vehicles are in accordance with those previously approved. On balance therefore it is considered that there are no sustainable Highway grounds upon which to base an objection to the development as submitted.

4.1.13 SC Drainage Objects – insufficient information provided.

Comments of 26/5/26

The Lead Local Flood Authority's (LLFA) comments relate solely to the management of surface water and any related flood risk.

The following matters need to be clarified:

1. A location plan showing the surface water drainage layout should be submitted for approval. The plan should include the location of the attenuation basin, flow control chamber, outfall location and indicative routes of carrier drains. The plan should show all the catchment areas described in the FRA which are draining to the attenuation basin, such that they can be confirmed against the modelling results.

2. Attenuation basin, discharge rate and calculations

The model results are displayed in Appendix D: concept drainage design. There are discrepancies identified throughout the listed document on the impermeable area size. Section 4 details 1.15 ha whereas Section 5.3.2 details 1.808 ha. In addition, the hydrobrake discharge is noted as 5 l/s on Appendix C Drainage Design whereas, the report text states 7.5l/s.

Please can the applicant review the internal inconsistency between stated areas, discharge rates and modelling assumptions.

The summary of results for the concept drainage design (Figure 13) shown that the FSR methodology has been used. Additionally, the greenfield runoff rate estimation document uses FEH2008. This is not accepted; the applicant should update the calculations to use FEH2013 or FEH2025.

Details of the existing attenuation basin should be submitted together with details of the proposed enlargement. Information explaining how the proposed discharge rate of 7.5l/s has been derived, with evidence of the greenfield run-off rate for the site, should be submitted for approval. All details of the drainage strategy are required at this stage in line with the Shropshire Council SuDS Handbook and associated surface water

drainage pro-forma.

As such, we object to this planning application in the absence of further information regarding the existing attenuation basin, outfall location and discharge rate. Reason: To prevent flooding in accordance with National Planning Policy Framework paragraph 170, 176, 180, 181 and 187 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

Previous comments

The drainage proposals described in the submitted Flood Risk Assessment, Surface Water Management Plan and Foul Drainage Strategy are acceptable in principle. The SuDS maintenance plan and foul water strategy are acceptable. However, the drainage strategy makes use of an existing attenuation basin and outfall location for which no details are provided.

It is recommended that a condition is imposed to require that 'no development shall take place until a scheme of surface water drainage has been submitted to and approved in writing by the LPA'. Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

4.2 **Public comments**

4.2.1 The application has been advertised by site notice and in the local press. Objections have been received from six households. The full representations can be viewed on the public register. A summary of the matters raised is below.

Highway safety, traffic and infrastructure

- slurry tankers, tractors and other large agricultural vehicles already use narrow rural roads through Trefonen, Treflach, Coed-y-Go, Morda, Porthywaen and Llanyblodwel.
- significant increase in vehicle movements associated with additional slurry, forage, feed, straw, milk collection, veterinary visits and livestock movements.
- vehicles are too large for the local highway network, causing verge damage, road surface deterioration, potholes, hedge damage and conflict with oncoming traffic.
- danger for pedestrians, cyclists and other road users, particularly on narrow lanes and through villages due to large vehicles.
- Inadequate highways assessment; does not properly account for current and future vehicle movements, including use of routes not identified in the applicant's routing plan.
- question how proposed HGV routing arrangements would be managed or enforced.
- highway repair costs would fall to the public purse.
- concern over suitability of Llanyblodwel Bridge and other rural infrastructure for the scale and weight of proposed traffic.
- traffic impacts from transport of manure to land which is a significant distance from the main farm

Manure and slurry management

- the Manure Management Plan and Manure Impact Assessment are inadequate, unclear, misleading or incomplete.
- existing slurry spreading controls are not being adequately followed or enforced.
- land at Llanyblodwel should not be included in the available spreading area because it is not part of the existing Trefarclawdd Farm holding; if this is removed it would significantly reduce available spreading area
- unsuitable land for spreading at Trefarclawdd and Llanyblodwel due to being wet or waterlogged for much of the year; affected by watercourses; steeply sloping; crossed by public rights of way; should be excluded
- reducing land availability would increase application rates on remaining land and cause environmental harm.
- Insufficient storage capacity of existing and proposed slurry lagoons, particularly when additional inputs such as wash water, rainfall, runoff and other operational wastes are considered; risk of slurry spills and environmental pollution.
- independent calculations and assessments should be undertaken to verify compliance with SSAFO storage requirements and environmental standards.
- risk of adverse impacts on watercourses and the wider environment if slurry storage or management are inadequate.
- manure should be considered as a waste product following recent legal developments
- insufficient contingency arrangements

Drainage, pollution impact

- existing drainage problems, including flooding concerns affecting nearby residents.
- concerns about alleged pollution of ditches, watercourses, Chain Lane and the River Morda.
- risks from contaminated runoff, slurry spreading on wet ground, spillages, E. coli, salmonella and other pollutants.
- additional slurry storage, spreading and hardstanding would increase the risk of pollution and flooding.
- additional concrete surfacing may worsen drainage and environmental impacts.
- clearer maintenance, monitoring, mitigation and enforcement arrangements are required.

Adequacy of environmental and technical Information

- Environmental Statement and related documents do not assess the existing operational complex and proposed development together.
- absence and inadequacy of risk assessments, mitigation measures, method statements, lighting information, noise assessment, slurry storage assessment, odour assessment, waste traceability and maintenance schedules.
- submitted information does not properly assess impacts on residents, water quality, drainage, odour, noise, lighting, ecology, highways or landscape.
- a Habitats Regulations Assessment and in-combination air quality assessment is required before determination.
- documents should be corrected, updated, reissued and made available for further public consideration before any decision is made.

Residential amenity

- adverse impacts from existing farm traffic, including noise, vibration, smell, disturbance and vehicle movements during early morning, daytime and late evening periods.
- slurry spills onto roads, odour from slurry spreading and impacts from noxious fluids.
- impact on residential amenity and health through increased traffic, odour, pollution risk and disturbance.

Scale, landscape and cumulative impact

- overdevelopment of the farm and disproportionate to its rural location and surrounding villages.
- cumulative impact of previous permissions, current proposals and possible future expansion.
- landscape impact.

Planning process, consultation and policy

- full scale of the operation, the manure spreading areas or future expansion potential is unclear; piecemeal development; concerns over previous decisions
- conflicts with policies relating to sustainable design, infrastructure capacity, residential amenity and environmental protection, including SAMDev Policies MD2, MD7B and MD8 and Core Strategy Policy CS6.
- existing infrastructure is insufficient to accommodate the proposed intensification.
- application should be refused, withdrawn or deferred until existing impacts have been assessed and adequate mitigation secured.

5.0 THE MAIN ISSUES

5.1

- Environmental Impact Assessment
- Planning policy context; principle of development
- Siting, scale and design; impact upon landscape character
- Historic environment
- Traffic and access
- Ecology
- Pollution, drainage and waste management
- Residential and local amenity
- Animal welfare
- Other considerations

6.0 OFFICER APPRAISAL

6.1 Environmental Impact Assessment

6.1.1

The proposal development falls within Category 1(c) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 – intensive livestock installations. It exceeds the relevant thresholds as the floorspace is greater than 500m². These regulations require that a planning application for such types of development are accompanied by an Environmental Statement (ES) if they are likely to have significant effects on the environment by virtue of factors such as its nature, size or location.

- 6.1.2 The application is accompanied by an ES, and as such the application is being considered in the context of the above regulations. The ES provides an assessment of those elements of the proposal which have the potential to give rise to significant environmental impacts. It includes a number of technical assessments which have been prepared by specialist consultants, including: Noise Assessment; Ecological Assessment; Ammonia Assessment; and Odour Assessment.

6.2 Planning policy context; principle of development

- 6.2.1 Planning applications are required to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan includes the Core Strategy and the SAMDev Plan. The proposed development is located in an area of countryside, and 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. Core Strategy policy CS13 states that, in seeking to develop and diversify the Shropshire economy, emphasis will be placed on matters such as supporting rural enterprise and diversification of the economy, in particular areas of activity which include the agricultural and farm diversification sectors.
- 6.2.2 The National Planning Policy Framework (NPPF) is a material planning consideration and sets out a presumption in favour of sustainable development and 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. 85). 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. 88).
- 6.2.3 The application relates to a proposed expansion of the existing dairy operation at the farm. The buildings would provide housing for cattle, in connection with existing agricultural operations. It is intended that they would house 500 Jersey cows during the winter months, which would be milked twice a day. The cows would be put out to pasture to graze from spring until autumn. They would be housed in the buildings at other times. Technical assessments have been based upon a worst case scenario of the cows being housed throughout the year. The manure that would arise during times that the cows are housed indoors would be directed to channels under the building and then directed to the proposed slurry lagoon. It would ultimately be applied directly to farmland at Trefarclawdd Farm.
- 6.2.4 The proposal can be supported in principle in relation to policies relating to rural economic development and agriculture. Other planning considerations are assessed below.
- 6.2.5 Relationship between planning and other regulatory regimes: The Environment

Agency (EA) have confirmed that the impacts to water from manure management and other agricultural activities are regulated by The Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018. Under these regulations, farmers are required to follow a set of rules to minimise or prevent water pollution, and the EA have confirmed that they may take enforcement action if these rules are breached. In addition, slurry lagoons are regulated by the EA, in terms of potential emissions to air, land and water, under the Silage, Slurry and Agricultural Fuel Oil (SSAFO) Regulations 2010.

- 6.2.6 Paragraph 201 of the NPPF states 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). It adds that planning decisions should assume that these regimes will operate effectively. Nevertheless, the EIA regulations require that likely effects of the development on the environment are identified and taken into consideration in the decision-making process. These effects will include matters that are also regulated by the EA.

6.3 Siting, scale and design; impact on landscape character

- 6.3.1 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. 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, and demonstrates how good standards of sustainable design and construction have been employed. 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 are sited so that it is functionally and physically closely related to existing farm buildings.
- 6.3.2 Site design and context: The site and immediately surrounding land is generally flat. The proposed buildings and lagoon would be sited adjacent to existing buildings and lagoon and would be of similar scale, style and design to those structures which would help in integrating them into the landscape. The existing buildings, and recently-planted woodland belts to the north and south, would help in screening and breaking up the visibility of the development in the local landscape. Further landscaping is proposed as part of the application. This includes additional woodland belts to the north and east of the development area and additional native trees and hedgerow adjacent to the access drive.
- 6.3.3 The submitted Landscape and Visual Impact Assessment (LVIA) has considered the likely visual impacts from selected viewpoints in the vicinity of the site, including dwellings, roads and public rights of way. It concludes that these would range from minor to moderate initially, and that they would reduce to minor / no effect by year 10 once the proposed landscaping has established. It considers that the proposed development would result in extremely limited changes to local views and landscape

character, and that effects on visual amenity and landscape character would not be significant. The LVIA does not identify any cumulative effects that should be taken into consideration and officers concur with this.

6.3.4 The Council's landscape consultant supports the findings of the LVIA. Officers conclude that, although the proposal would result in some adverse landscape and visual impacts in the local area, the proposed mitigation is appropriate to ensure that impacts would not be significant.

6.3.5 Sustainability considerations: The proposed development would expand the existing dairy operation at Trefarclawdd Farm. Manure from the operation which arises within the buildings would be collected and stored within lagoons as it is at present. This would then be applied to agricultural land as at present, providing a natural fertiliser and reducing the use of chemical and imported artificial fertilisers. Rainwater from the roofs of the buildings would be collected in a storage tank and recycled for use in washing down the milking parlour and as drinking water for the cattle.

6.4 **Historic environment**

6.4.1 The submitted Heritage Assessment identifies heritage assets which are within a 1km radius of the site. It finds that there would be no impact on the significance of designated sites. This includes a Scheduled Monument approximately 320 metres to the west (Trefarclawdd colliery remains), and the Offa's Dyke approximately 1km to the west. There would be some change in setting to seven non-designated heritage assets within the studied area, but the impact would range from low to very low. However, no such assets in this area would experience impacts on their significance. The Council's Historic Conservation team concur with these findings. Heritage impacts are weighed in the planning balance section below.

6.5 **Traffic and access**

6.5.1 Core Strategy policy CS6 requires that all development is designed to be safe and accessible. SAMDev Plan policy MD8 states that development should only take place where there is sufficient existing infrastructure capacity. The NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe (para. 116).

6.5.2 All HGV traffic associated with the proposed development would use the existing access road into the farm. This road was granted planning permission in 2020 and includes appropriate visibility splays onto the Trefonen Road to the south. The submitted Highways Statements predicts that the number of traffic movements associated with the dairy operation would increase from 114 per week (57 vehicles) to 122 (61 vehicles). The increase would primarily be a result of additional HGV and tractor/trailer deliveries of feed, and additional tractor/trailers moving youngstock. Traffic movements associated with increased quantities of manure would not be expected to increase as the farm would operate an umbilical cord system thereby avoiding traffic on the highway. The site access road is of a suitable standard to support this additional traffic.

- 6.5.3 The public concerns that have been raised regarding traffic routing and numbers are acknowledged. The existing planning permission includes a requirement that HGVs would approach the farm from and leave towards the Oswestry Road to the west. Public reports that there have been breaches of this routing plan have been investigated by officers. The routing restriction applies to HGVs only and not to tankers or other agricultural vehicles. The enforcement case was closed down as there was found to be no evidence of a breach of planning control.
- 6.5.4 The proposed development would not result in a significant increase in heavy vehicles. Nevertheless, the applicant has agreed to strengthen routing controls through a more detailed routing scheme. This would include installation of signage at the farm directing HGV drivers to use the approved route; driver briefing requirements; and a monitoring and enforcement protocol. A suitable condition can be imposed on the planning permission to agree the terms of this routing scheme. Officers have no further concerns regarding the use of local roads by vehicles associated with the proposed development.
- 6.5.5 The Council's Highways team confirm that there are no highway grounds on which to object to the proposal. Subject to the imposition of conditions requiring a Construction Method Statement and traffic management plan with routing controls to be agreed, the proposal is acceptable in relation to highways and access matters.
- 6.6 **Ecology**
- 6.6.1 Core Strategy policies CS6 and CS17 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 policies MD2 and MD12 require that developments enhance, incorporate or recreate natural assets. Policy MD12 states that proposals which are likely to have a significant adverse effect, directly, indirectly or cumulatively, on specified ecological assets should only be permitted if it can be clearly demonstrated that there is no satisfactory alternative; and the social or economic benefits of the proposal outweigh the harm to the asset.
- 6.6.2 Paragraph 187 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment through the protection, enhancement and recovery of sites of biodiversity and priority species. Paragraph 193 states that if significant harm to biodiversity cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 6.6.3 Assessment of direct ecological impacts: The submitted ecology report notes that the buildings, yard and lagoon would be sited on land which has very low or negligible ecological value. It states that the proposal is highly unlikely to affect any key or protected species. The statutory 10% biodiversity net gain would be provided on-site through the planting of native broadleaved woodland; mixed scrub; individual trees and grassland. The management and monitoring of this for a 30 year period would be secured through a Section 106 agreement.
- 6.6.4 Assessment of indirect ecological impacts: The proposal has the potential to result in

indirect impacts on ecological receptors through the release of ammonia from manure arising from the dairy operation. This would be from the cattle housed in the proposed buildings, the proposed lagoon, and from the spreading of manure on agricultural land.

- 6.6.5 An Ammonia Impact Assessment has been provided which takes account of recent guidance from Natural England. Mitigation for ammonia impacts includes the provision of a cover over the slurry lagoon, and the removal of livestock from the nearby Llanforda Uchaf cattle farm where there are currently 250 cows. It is proposed that the permanent cessation of livestock operations at that farm, including associated land, would be secured through a Section 106 agreement. The use of the buildings would then be limited to the storage of machinery, grain and straw.
- 6.6.6 The findings of the ammonia modelling show that the proposal is unlikely to have a significant effect on any designated site as a result of ammonia emissions and nitrogen deposition.
- 6.6.7 Due to its ammonia emissions the proposal has the potential to affect internationally designated ecological sites, in particular the Montgomery Canal Special Area of Conservation (SAC), the Morton Pool Midland Meres and Mosses Ramsar, and the River Dee and Bala Lake SAC. Therefore, a Habitats Regulations Assessment (HRA) has been undertaken by the Council's Ecologist. This is included in Appendix 2 below. It concludes that the proposed development will not result in any likely significant effect or likely effect on the integrity of Morton Pool Midland Meres and Mosses Ramsar, Montgomery Canal SAC or River Dee and Bala Lake SAC through airborne ammonia emissions and nitrogen deposition, alone or in-combination with other plans or projects, subject to the proposed mitigation being carried out. Planning permission can therefore be legally granted.
- 6.7 **Pollution, drainage and waste management**
- 6.7.1 Core Strategy policy CS18 seeks to reduce flood risk and avoid adverse impact on water quality and quantity. Policy CS6 requires that development safeguards natural resources, including soil and water.
- 6.7.2 Surface water drainage and flood risk
All surface water from the development would be drained to the existing attenuation pond to the north-east of the site, which would be enlarged so that it can accommodate the additional volumes of water. It would then discharge to a watercourse via an existing outfall.
- 6.7.3 The EA confirm that the proposed development would be sited within Flood Zone 1 which is an area of low risk of flooding, and some distance (more than 400 metres) from the River Morda main river. They therefore have no concerns in respect of flood risk.
- 6.7.4 The Lead Local Flood Authority (LLFA) raised concerns over elements of the submitted surface water drainage scheme. They requested additional information regarding the existing attenuation basin, the outfall location and discharge rate. The applicant submitted additional information, prepared by their drainage consultant, in early June

2026 and a response from the LLFA is still awaited.

- 6.7.5 The additional information confirms the location of the attenuation basin, flow control chamber, outfall location, and includes the indicative route of carrier drains. Areas of impermeable surfaces are also included. It includes updated drainage calculations which take into account the advice of the LLFA. The existing attenuation basin would be enlarged and its proposed capacity is based upon calculations as to the additional surface water drainage that would arise due to an increase in the impermeable area of the site. A hydrobrake would be installed to ensure that the outfall from the basin would be limited to greenfield runoff rates.
- 6.7.6 Notwithstanding that updated comments from the LLFA are awaited, the case officer is of the opinion that sufficient information has been submitted to demonstrate that the surface water drainage strategy is acceptable in principle. It is therefore appropriate that the detailed designs of the drainage scheme can be dealt with as part of a planning condition. It is noted that this was the advice that was initially provided by the LLFA when they were consulted on the planning application when it was first submitted.
- 6.7.7 Foul water drainage: The two cubicle buildings would have slurry channels which would direct slurry from the cows into the proposed lagoon. This lagoon would also receive any foul wash water. This system would be kept separate from the surface water system. The lagoon has been sized to accommodate the amount of slurry that would be expected to be produced. The EA have confirmed that they regulate the potential emissions to air, land and water from these lagoons under the Silage, Slurry and Agricultural Fuel Oil regulations. They welcome the proposal to cover it and consider that the slurry production calculation figures used are satisfactory and correct. Officers have no concerns over the size of the lagoon. The EA have raised no objections to the proposals, and consider that they will improve operations at the farm.
- 6.7.8 Manure management: The slurry would ultimately be applied directly to farmland at Trefarclawdd Farm. The ES provides calculations to demonstrate that there is sufficient land available at the farmholding to accommodate the amount of manure that would be produced by the 1,000 cows assuming a precautionary approach that they would be housed indoors all year round. This is based upon factors such as the amount of manure produced per cow; and the amount of manure (in terms of nitrogen contained within it) that is allowed to be spread under relevant regulations; and the exclusion of specific areas from spreading such as those in proximity of watercourses.
- 6.7.9 The ES has provided a satisfactory assessment of the amount of manure that would be produced, and has set out the potential impacts to the environment in spreading manure to farmland as proposed. It includes a Manure Management Plan (MMP) which explains which areas would be excluded from spreading on the farm. The EA has advised that the MMP appears to be fit for purpose in respect of impacts to land and water. It has also confirmed that impacts to the water environment from manure spreading are regulated under other regulations, and that the EA has powers to take enforcement action if these are breached. These regulations apply irrespective of where the manure is spread. This high-level assessment is appropriate for the

proposal.

- 6.7.10 Manure byproduct: Public representations have suggested that the manure arising from the proposal should be classed as 'waste'. The application explains that this is intended that the manure would be used as a fertiliser on the applicant's farmholding and there is no reason to suggest that this would not be the case. The EA advise that the farm will be periodically inspected, that the Manure Management Plan will be considered in conjunction with that, and that the Plan would appear to be fit for purpose in respect of impacts to land and water. There is no indication from any of the technical consultees including pollution control authorities that other regulatory regimes are not capable of regulating potential impacts from manure management and spreading. There is no indication, including from any of the technical consultees, that the use of the manure in the manner proposed would result in environmental harm, subject to the proposed management plan being adhered to and the proposed mitigation being carried out. It is therefore not necessary to consider the manure as waste.
- 6.7.11 In conclusion, the EIA has provided a satisfactory level of assessment in relation to potential impacts from manure management.
- 6.8 **Residential and local amenity considerations**
- 6.8.1 Core Strategy policy CS5 requires that proposals for large scale new agricultural development demonstrate that there are no unacceptable adverse environmental impacts. Policy CS6 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.
- 6.8.2 Noise: A Noise Assessment has been submitted which assesses the likely noise impact of the proposals on noise sensitive receptors in the area. The principal additional noise that would be generated would be as a result of livestock being housed within the buildings, the daily delivery of feed supply, and the twice-daily cleaning of the two buildings.
- 6.8.3 The Noise Assessment predicts that the proposed development would potentially have an adverse impact on one of the five nearest noise-sensitive properties, a dwelling to the south-east. This situation would only occur when all of the noise sources occur concurrently, and the adverse impact would therefore be unlikely. The Noise Assessment notes that mitigation in the form of a noise barrier could be provided if deemed necessary, and that this would be expected to reduce the impact to 'low'. The Council's Environmental Protection Officer has recommended that such a barrier is provided and that the specification of this can be agreed as part of a planning condition.
- 6.8.4 Odour: The submitted Odour Impact Assessment predicts odour levels that would be experienced at the closest residential properties in each direction. It models the likely impacts of both the existing operation (500 Jersey cows and a covered lagoon) together with the proposed operation (an additional 500 Jersey cows and an additional

covered lagoon). It takes into account odour from the cows in the cubicles and the parlour holding yard, and from the two lagoons. The modelling shows that odour from the farm would not exceed relevant thresholds of significance at any location, and that odour exposure would be within acceptable limits. Based upon these findings the proposal would not result in any adverse direct impact on residential amenity due to odour emissions.

- 6.8.5 Dust: The distance between the site and the nearest sensitive receptors would mitigate any significant effects on local amenity which could be caused by dust emissions.
- 6.8.6 Lighting: Lighting of the site would be required during working hours in the winter months. Light spillage would be minimised through the use of downward directed lighting with a cowl, and would be limited to one light at each end of each shed.
- 6.8.7 Flies: The Environmental Statement notes that there is a slight, occasional risk that the spreading of manure in summer could introduce a potential source of flies into the area. It identifies available farm management options to mitigate this risk. There is no indication that this constitutes a significant issue for which specific controls are appropriate through the planning system.
- 6.8.8 Indirect impacts – odour and dust: Odour and dust impacts may potentially arise through the management and spreading of manure. Such spreading is a legitimate and beneficial agricultural practice. Potential impacts from this activity will be dependent upon factors such as the location, method and frequency of spreading. In the odour assessment, the applicant's odour consultant considers that these impacts are not capable of meaningful assessment. The Manure Impact Assessment also states that meaningful assessment of odour and dust impacts of manure spreading is not possible. Officers are not aware of a recognised methodology for assessing these impacts.
- 6.8.9 Guidance from the Council's Environmental Protection team is that odour and dust from manure spreading would be likely to subside within 24 hours. The EA has confirmed that all farmers are required to follow a set of rules in relation to manure spreading and storage, and that it is an offence to break these rules. It is acknowledged that these rules relate to the minimisation or prevention of water pollution. However, they also state that reasonable precautions would include working manure into the soil within 12 hours or as soon as possible after applying it. This practice is likely to assist in minimising risk of odour and dust impact. The Manure Impact Assessment has also set out the management practices that can be employed to mitigate for any potential impacts. Manure would be spread in the form of slurry which, due to its moisture content, is not likely to result in significant adverse effects in the local area due to dust emissions.
- 6.8.10 Officers conclude that a satisfactory level of information has been provided as part of the ES to address the potential indirect impacts from odour and dust, and that these effects would not be significant.

6.9 Animal welfare considerations

6.9.1 Matters relating to animal welfare are controlled through other regimes. The application states that the buildings would comply with the Welfare of Farmed Animals (England) Regulations 2007, the requirements of which are enforced by other bodies. Nevertheless, animal welfare concerns are capable of constituting a material consideration in the planning process. The application states that the buildings would ensure that livestock on the farm have sufficient housing space to meet RSPCA recommendations. Officers do not raise any concerns in relation to animal welfare matters.

6.10 Other considerations

6.10.1 Following reports of potential unauthorised operations taking place at the site the Council's Enforcement team undertook an investigation which included site visits. The complaints included potentially unauthorised building works taking place; the alleged use of land as landfill; concerns over the operation of the existing lagoon; reports of light pollution and non-compliance with the specified HGV routing plan. The Council's Planning Enforcement team have confirmed that they robustly investigated all matters raised and that their findings were that there were no breaches of planning control taking place. The enforcement case has now been closed.

6.11 Planning benefits

6.11.1 The proposal represents the expansion of an existing agricultural enterprise. The application notes that there has been a considerable decline in the number of dairy farms in recent years. It states that the proposed development would provide continued diversity for the farm enterprise, ensure sustained economic growth in the rural area, and contribute positively to the UK dairy sector.

7.0 PLANNING BALANCE AND CONCLUSION

7.1 The proposed development would facilitate the expansion of an established dairy farming enterprise through the provision of two cattle housing buildings, a slurry lagoon and associated infrastructure. The proposal represents agricultural development within the countryside and is considered to accord in principle with the objectives of Core Strategy Policies CS5 and CS13 and paragraphs 85 and 88 of the National Planning Policy Framework, which support sustainable rural economic development and the growth of agricultural businesses. The proposal would assist in maintaining the viability and resilience of an existing farming operation and would provide wider economic benefits to the rural economy.

7.2 The environmental effects of the proposal have been assessed through the Environmental Impact Assessment process and accompanying technical submissions. Having regard to the conclusions of the Environmental Statement, consultation responses and the Council's specialist officers, it is considered that the proposal would not give rise to significant adverse effects in relation to landscape character, visual amenity, ecology, heritage assets, highway safety, residential amenity, flood risk, drainage or pollution, subject to the mitigation measures, planning conditions and legal agreement recommended.

7.3 In respect of landscape and visual impact, the proposed buildings and lagoon would be

physically related to the existing farm complex and would be partially screened by existing and proposed planting. Whilst some localised visual change would occur, the Council's landscape advisers are satisfied that the impacts would be limited and would reduce over time as the proposed planting establishes. The proposal is therefore considered to accord with Policies CS6, CS17, MD2 and MD7b.

- 7.4 The proposal has been subject to detailed ecological assessment, including ammonia modelling and a Habitats Regulations Assessment. Subject to mitigation measures, including the covering of the slurry lagoon, and the cessation of livestock operations at Llanforda Uchaf secured through a Section 106 Agreement, the Council's Ecologist has concluded that the development would not adversely affect the integrity of any European designated site, either alone or in combination with other plans or projects. Biodiversity Net Gain in excess of the statutory requirement would also be secured and managed for a minimum period of 30 years through the proposed legal agreement.
- 7.5 The concerns raised by local residents and the Parish Council regarding traffic, slurry management, pollution, odour, noise, drainage and cumulative impacts have been carefully considered. However, the statutory consultees and specialist officers, including the Environment Agency, Highways Authority, Ecology Team, Landscape Team, Conservation Team and Public Protection officers, raise no objections subject to conditions and obligations. The Environment Agency has confirmed that the manure management arrangements appear fit for purpose and that the proposal would operate within existing regulatory regimes controlling environmental impacts. The Highway Authority has concluded that the development would not result in severe residual impacts on the highway network and that there are no sustainable highway grounds for refusal.
- 7.6 At the time of writing this report, updated comments from the LLFA on the additional drainage information that has been submitted had not been received. Therefore, their previous objection that insufficient information had been submitted remains in place. Nevertheless, officers consider that the additional information demonstrates that an acceptable drainage solution can be achieved in principle; and that the detailed design can appropriately be secured by condition. In reaching this conclusion, weight is given to the technical information submitted and the fact that the LLFA's original consultation response recommended a condition-based approach.
- 7.7 In heritage terms, the proposal would result in a limited change to the setting of a small number of non-designated heritage assets. However, no harm to their significance has been identified and any minor impacts would be outweighed by the public benefits associated with supporting the continued operation and development of the agricultural enterprise. The requirements of paragraph 216 of the NPPF are therefore satisfied.
- 7.8 Having regard to the Development Plan as a whole, the Environmental Statement, consultation responses, representations received and all other material considerations, officers conclude that the proposal represents sustainable development. The identified benefits of supporting a modern and viable agricultural enterprise, together with the ecological and biodiversity enhancements proposed, outweigh the limited adverse impacts identified. Subject to the recommended planning conditions and completion of

a Section 106 Agreement securing Biodiversity Net Gain monitoring and the cessation of livestock operations at Llanforda Uchaf Farm, the proposal is considered to comply with the relevant provisions of the Development Plan and the National Planning Policy Framework.

- 7.9 Accordingly, it is recommended that planning permission be granted subject to conditions which are provided in summary form in Appendix 3, the full wording of which will be agreed by the Planning Services Manager, and the completion of the Section 106 Agreement.

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

10.0 Artificial Intelligence (AI)

AI can be used to support our work and to create content by bringing together or summarising responses to consultation. The report writer remains responsible for ensuring that the content of the report is factually accurate and that the use of AI is responsible and lawful. All original documents remain unaltered on the planning register should you wish to view them in full.

11. Background

Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework

Core Strategy and SAMDev Plan policies:

CS5 - Countryside and Green Belt

CS6 - Sustainable Design and Development Principles

CS13 - Economic Development, Enterprise and Employment

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD2 - Sustainable Design

MD7B - General Management of Development in the Countryside

MD12 - Natural Environment

MD13 - Historic Environment

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

21/00962/VAR Application Reference Number: 18/02895/FUL Date of Decision: 23/10/2018

22/00169/SCR Screening request for a covered holding yard and slurry lagoon EIA 11th February 2022

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 Date of Decision: 23/10/2018

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) GRANT 18th November 2022

23/05178/AGR Erection of agricultural storage building to be used to store feed and all associated works PNR 21st December 2023

24/00445/FUL Covering of a consented slurry separator GRANT 25th March 2024

25/01695/CPL Application for lawful development certificate for proposed engineering operations to provide a 909 square metre concrete hardstanding for agricultural use for the storage of fodder for cows and the storage of straw LA 1st July 2025

26/01489/PSPPA Application for prior approval under Part 14, Class J of the Town & Country Planning (General Permitted Development) (England) Order 2015 for the installation of solar PVs PNR 24th July 2026

12. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SHLR13TDJJ100>

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 David Walker
Local Member Cllr Andy Davis
Appendices APPENDIX 1 – Process Contributions APPENDIX 2 – Habitat Regulations Assessment APPENDIX 3 – Conditions and Section 106 terms

Designated site	Distance from	Existing scenario	Proposed scenario (without	Difference between Existing scenario	Proposed scenario (with mitigation)	Difference between Existing scenario
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	site			mitigation)		and Proposed scenario (without mitigation)				and Proposed scenario (with mitigation)	
		%age PC of CLe	%age PC of CLo	%age PC of CLe	%age PC of CLo	%age PC of CLe	%age PC of CLo	%age PC of CLe	%age PC of CLo	%age PC of CLe	%age PC of CLo
Craig Forda AW	1.3km	11.7%	9.1%	16..6%	12.9%	4.9%	3.8%	11.9%	9.2%	0.2%	0.2%
Trefonen Marshes SSSI	2.2km	3.5%	2.7%	5.0%	3.9%	1.5%	1.2%	3.5%	2.7%	0.1%	<0.1%
Sweeney Fen SSSI	2.7km	3.7%	1.9%	5.4%	2.8%	1.7%	0.9%	4.5%	2.3%	0.8%	0.4%
Llanymynech & Llyncllys Hills SSSI	3.6km	2.0%	0.7%	2.8%	1.0%	0.8%	0.3%	2.2%	0.7%	0.2%	0.1%
Craig Sychtyn SSSI	3.9km	0.3%	0.2%	0.5%	0.3%	0.2%	0.1%	-0.3%	-0.2%	-0.6%	-0.3%
Blodwel Marsh SSSI	4.3km	0.2%	0.2%	0.3%	0.3%	0.1%	0.1%	0.2%	0.2%	0.0%	<0.1%
Crofts Mill Pasture SSSI	4.7km	0.6%	0.6%	0.9%	0.9%	0.3%	0.3%	0.7%	0.7%	0.1%	0.1%
Morton Pool & Pasture, part of Midland Meres & Mosses Phase 2 Ramsar and SSSI	4.9km	1.6%	1.2%	2.3%	1.8%	0.7%	0.6%	1.8%	1.4%	0.2%	0.2%
Montgomery Canal SAC and SSSI	6.8km	0.5%	*	0.7%	*	0.2%	*	0.5%	*	0.1%	*
River Dee and Bala Lake / Afon Dyfrdwy a Llyn Tegid SAC and SSSI	9.2km	0.8%	*	1.1%	*	0.4%	*	0.6%	*	-0.2%	*

* No Critical Load – habitat not sensitive to nitrogen

PC = Process Contribution; CLe = Critical Level; CLo = Critical Load

1.0 Introduction

As required by Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended), before Shropshire Council (the competent authority) can grant planning permission for a project that has the potential to affect an internationally designated site, the council has to undertake a Habitat Regulations Assessment.

In accordance with Government policy, the assessment is also made in relation to sites listed under the 1971 Ramsar convention.

This is a record of the Habitat Regulations Assessment (HRA) (including Screening for Likely Significant Effects and Appropriate Assessment where required) carried out by Shropshire Council relating to the following planning application.

Name of plan or project and description:	24/03015/EIA Trefarclawdd Farm, Tref-ar-clawdd, Oswestry, Shropshire, SY10 9DE. Construction of two cubicle buildings, a slurry lagoon and all associated works
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2.0 HRA Stage 1 – Screening

This stage of the process aims to identify the likely impacts of a project upon an international site, either alone or in combination with other plans and projects, and to consider if the impacts are likely to be significant. Following recent case law (*People Over Wind v Coillte Teoranta C-323/17*), any proposed mitigation measures which are not an integral part of the project but which are put in place to avoid or reduce adverse impacts are not taken into account in Stage 1. If such measures are required, then they will be considered in stage 2, Appropriate Assessment.

Name and description of SITE(S) site screened in for consideration:	Montgomery Canal SAC is a partially restored but largely unused waterway. It runs for approximately 36 kilometres from near Berbechan (three kilometres north-east of Newtown) to the English border at Llanymynech. It supports the largest, most extensive population of floating water-plantain <i>Luronium natans</i> in lowland Britain. Annex II species that are a primary reason for selection of this site: - Floating Water Plantain <i>Luronium natans</i> Morton Pool Midland Meres and Mosses Ramsar's chief interest of is the fen and carr vegetation around it. Uncommon plant species in this habitat include bird cherry <i>Prunus padus</i>, alder buckthorn <i>Frangula alnus</i> and marsh fern <i>Thelypteris thelypteroides</i>. It is included in the Ramsar Phase for its Open Water, Swamp, Wet Pasture and Carr habitats with the plant species <i>Thelypteris palustris</i>. River Dee and Bala Lake SAC is an important example of water courses of plain to montane levels with <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation. Annex I Habitats that are a primary reason for selection of site: - Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation. Annex II Species that are a primary reason for selection of site:
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		CLe	CLo	CLe	CLo	CLe	
Morton Pool & Pasture, part of Midland Meres & Mosses Phase 2 Ramsar and SSSI	4.9km	1.6%	1.2%	2.3%	1.8%	0.7%	0.6%
Montgomery Canal SAC and SSSI	6.8km	0.5%	*	0.7%	*	0.2%	*
River Dee and Bala Lake / Afon Dyfrdwy a Llyn Tegid SAC and SSSI	9.2km	0.8%	*	1.1%	*	0.4%	*

* No Critical Load – habitat not sensitive to nitrogen

The modelling shows that the proposed development will result in an increase in the ammonia and nitrogen levels at Morton Pool Ramsar, Montgomery Canal SAC and River Dee and Bala Lake SAC.

Isopleth's in-combination assessment concluded that there are no additional impacts from any other plans or projects within the screening distances.

2.2 SUMMARY OF STAGE 1 SCREENING

Ammonia emissions affecting nutrient sensitive habitats has been identified as a likely significant effect pathway in relation to Morton Pool Ramsar, Montgomery Canal SAC and River Dee and Bala Lake SAC. Therefore, an Appropriate Assessment is required.

3.0 HRA STAGE 2: APPROPRIATE ASSESSMENT

The proposal includes the removal of 250 suckler cows at Llanforda Uchaf cattle farm, which lies approximately 1.7km to the north. If the proposed development at Trefarclawdd is approved, the operations at the Llanforda Uchaf cattle farm will cease.

Modelling has been carried out which includes this proposed mitigation.

The following table shows the process contributions (PCs) of Critical Level of ammonia (CLe) and Critical Load of nitrogen (CLo) of the current situation and the proposed scenario (with mitigation) and the differences between the existing and proposed scenarios:

Designated site	Distance from site	Existing scenario		Proposed scenario (with mitigation)		Difference between Existing scenario and Proposed scenario (with mitigation)	
		%age PC of CL _e	%age PC of CL _o	%age PC of CL _e	%age PC of CL _o	%age PC of CL _e	%age PC of CL _o
Morton Pool & Pasture, part of Midland Meres & Mosses Phase 2 Ramsar and SSSI	4.9km	1.6%	1.2%	1.8%	1.4%	0.2%	0.2%
Montgomery Canal SAC and SSSI	6.8km	0.5%	*	0.5%	*	0.1%	*
River Dee and Bala Lake / Afon Dyfrdwy a Llyn Tegid SAC and SSSI	9.2km	0.8%	*	0.6%	*	-0.2%	*

* No Critical Load – habitat not sensitive to nitrogen

The modelling shows that the proposed development plus mitigation (cessation of operations at Llanforda Uchaf cattle farm) will result in an increase in the ammonia and nitrogen levels at Morton Pool Ramsar and Montgomery Canal SAC. However, the increases are <1% of the critical level and critical load and so, in line with Natural England's guidance, the proposal is considered unlikely to have a significant effect on Morton Pool Ramsar or Montgomery Canal SAC through ammonia emissions and nitrogen deposition.

The cessation of operations at Llanforda Uchaf cattle farm will be secured in a s106.

The maximum number of cattle permitted at Trefarclawdd Farm will be secured with a condition.

There will be a betterment at River Dee and Bala Lake SAC.

The manure arising from the proposed development would be managed and applied to agricultural land in accordance with manure management plans, in line with current practice. The submitted documents, including the Environmental Statement and Manure Impact

Assessment Including Manure Management Plan identify existing controls and regulations which apply to nutrient loadings to agricultural land. I am satisfied that the submitted documents have provided sufficient justification that the manure arising from the new buildings, in line with DEFRA guidance, can be spread on the land at Trefarclawdd Farm in a way that does not result in an increase in ammonia emissions and nitrogen deposition.

The slurry lagoon will be fitted with a floating cover, which is Best Available Technique to reduce ammonia emissions.

The proposed woodland planting will help soak up ammonia, reducing the impacts further, although this is additional and not proposed as mitigation.

4.0 FINAL CONCLUSION

Following Stage 2 Appropriate Assessment, Shropshire Council has concluded that the proposed development will not result in any likely significant effect or likely effect on the integrity of Morton Pool Midland Meres and Mosses Ramsar, Montgomery Canal SAC or River Dee and Bala Lake SAC through airborne ammonia emissions and nitrogen deposition, alone or in-combination with other plans or projects, subject to the proposed mitigation being carried out.

Date of completion OF the HRA screening matrix:

8th July 2026

HRA completed by:

Sophie Milburn
Planning Ecologist
Shropshire Council

Commencement within three years

Schedule of approved plans and documents

Number of cows on whole site shall not exceed 1000; and of Jersey breed only

Submission of details of external appearance of buildings

Submission of Construction Method Statement for approval

Submission of Traffic Management Plan for approval

Submission of scheme of surface water drainage for approval

Submission of details of noise attenuation barrier for approval

Submission of details of bat and bird boxes for approval

Submission of details of external lighting for approval

Use of buildings shall not commence until construction of foul water drainage system, including the additional lagoon, has been completed

Restriction on timing of bowser filling operations in line with existing permission

Requirement for lagoon to be covered

Landscaping implementation within first planting season following first use of buildings; five year maintenance period

Informatives:

To include a statement as required by regulation 29 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017