



Officers Report

Planning Application No: 134462

PROPOSAL: Planning application to construct 2no. pig rearing units and 1no. straw storage building

LOCATION: Land off Cow Lane, Upton, Gainsborough DN21

WARD: Lea

WARD MEMBER(S): Cllr J Milne

APPLICANT NAME: Mr T Elwes

TARGET DECISION DATE: 15/09/2016

DEVELOPMENT TYPE: Major - Other

RECOMMENDED DECISION: Grant Permission

Description:

This application is presented to the planning committee given the level of interest.

The site is located 0.6km to the east of the village of Upton. Access would be from Cow Lane to the northeast side of the development. The landscape of the site is relatively flat. It comprises rough grassland and regenerating scrub within the section of a large arable field. The northern and eastern boundary adjoins Cow Lane and is defined by low earth embankments to the north. Elsewhere site boundaries are more undefined.

The application seeks permission to construct 2 pig rearing units and 1 straw storage building.

The application is 'EIA Development' under the 1999 Regulations and an Environmental Statement has been submitted with the application.

Relevant history:

133643 – Planning application to construct 2 pig rearing units, 1 straw storage building and a farm house for an agricultural worker. Deemed refusal 11/01/16

Representations:

Chairman/Ward member(s): No representations received to date

Parish/Town Council/Meeting: Object to the proposal with the main concerns being –

1. Financial Sustainability
2. Environmental impacts-Odour
3. Environmental impacts-Noise
4. Site contamination/alternative site consideration
5. Environmental impacts-Traffic
6. Environmental impacts-Water

7. Environmental impacts- Wildlife and visual amenity
8. Human health and animal welfare
9. Emergency planning
10. Public Fears
11. National and local policies
12. Conclusion

Upton Parish Council has been given a mandate by the residents to vehemently object.

Local residents: The application has received a high level of interest. The majority of the interest was due to a campaign run by Animal Aid. Sent direct to the WLDC website were 284 objections. The majority of these were not local residents. Sent via the Animal Aid Campaign were 7316 objections. Again the majority were not from the village, they were from outside the district and included many international objections. The main concerns of local residents concerns are as follows –

- Odour
- Water supply being infected
- Fire risk
- Do not want lorries and extra farm vehicles coming through the village, road structure is not good enough for this
- Devalue property
- Could this not be built on the edge of the village?
- Will detract from the peace, safety and tranquillity of the village
- No grounds for the dwelling
- Environmental report may be subjective
- Increasing the amount of livestock will add to the amount of flies and will ruin any outdoor pursuits.
- Creation of waste from this site will damage local ecology
- Will add pressure to the water supply
- Not a suitable location
- Health issues
- Concerns over the disposal of waste
- Will lose the natural landscape for wildlife
- Will lose normal countryside sound
- Will lose local pub, award winning chip shop at a loss of local jobs and the heart of the village as no customers will want to queue or sit outside enjoying a drink and food.
- Application could be the first foot in the door for a bigger unit
- If granted, animal rights protestors will arrive in the local community on mass. Would bring chaos to the village. No matter how well meaning, they will drive out regular trade
- Usual for new enterprises of this nature to be given a mobile home until the business has proved its viability
- Enterprise does not require 24/7 supervision for welfare purposes
- Many houses available in the local area which could accommodate the worker with security by CCTV becoming the industry norm
- Contrary to ECON 2 and ECON 5
- Risk of pollution
- High risk of transferring infection to other animals

- Lack of emergency planning
- Breach of residents human rights
- Animal welfare
- Concerned that a comprehensive noise impact assessment has not been made on all receptors
- Economic benefit and employment benefit has been overstated
- Visual impact
- Leisure based business will be affected by noise, odour and heavy traffic
- Too close to residential properties

The Animal Aid campaign was a pre-worded email for which objectors could insert their name and address. The concerns raised were as follows –

- Animal welfare
- Public safety
- Water pollution
- Noise
- Negative impacts on the local community

3 letters of support received stating –

- Believe the constraints on UK land and the UK requirements for cheap meat mean that these types of farming operations are desperately needed
- Support British
- Why a high welfare, small scale pig shed situated in a farming area further away from the village than the sewage and commercial buildings is a wild idea is baffling
- Having a working farm may deter fly tipping
- The proposed building is up to current RSPCA and freedom food standards therefore any negative comments about welfare are just silly
- Here in Britain we have some of the best farming practices in the world, it would be nice if people supported it

Petition: A petition has been received from the Parish Council by 147 residents affected by the potential granting of permission to build and operate the proposed industrial pig unit in Upton.

The petition is objecting to the proposed planning application 134462 for approval to build and operate an industrial pig unit at Upton.

Sills & Betteridge: Solicitors letter on behalf of 3 residents in Upton. Clients wish to associate themselves with the objection of the Parish Council and amplify a number of key points.

LCC Highways: Initially requested that the applicant provide the information as set out below –

- Drainage of the site is reliant on a balancing pond with no outfall. The Highways and Lead Local Flood Authority (HLLFA) would request the applicant provides calculations confirming this system performs satisfactorily in terms of size of the pond/run off and catchment.
- The HLLFA request the applicant submits a transport Statement with a breakdown of the type, size and number of vehicles accessing the site

Following further information received there were no objections subject to 3 suggested conditions.

Environment Agency: Initially objected to the application as submitted because the applicant has not supplied adequate information to demonstrate that the risks of pollution posed to surface water can be safely managed. Further information was supplied by the applicant for which the Environment Agency thought was satisfactory and therefore withdrew their objection.

Upper Witham Internal Drainage Board: The site is partly within the Boards District. The applicant states that there is no discharge from the pond. Should this be required the Board wish to be re-consulted. A land drainage consent may be required from the board. A permanent undeveloped strip of sufficient width should be made available adjacent to the top of the bank of all watercourses on site and adjacent to the site to allow future maintenance works to be undertaken. Suitable access arrangements to this strip should also be agreed.

Public Protection: No objections

Lincolnshire Fire and Rescue: Object to the application on grounds of inadequate access and water supplies for firefighting.

Natural England: No comments

Lincolnshire Wildlife Trust: Our previous concerns centred on the potential for damage to Upton Grange Roadside Nature Reserve (RNR) from traffic movements generated by the proposal. We have read the Access, Transport and Traffic Statement and note that all traffic associated with the units will be routed via the west. This will therefore avoid the RNR and we are satisfied that there should not be any significant negative impacts on the nature conservation interest of Upton Grange RNR and are pleased to remove our holding objection on this basis.

Animal Aid: Object to the proposal and sent detailed objections divided into the following five categories -

- Animal welfare
- Public health
- Environment
- Local community
- Local economy

Archaeology: No objections/comments to the proposal

Relevant Planning Policies:

National Guidance
National Planning Policy Framework

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

National Planning Practice Guidance

<http://planningguidance.communities.gov.uk/blog/guidance/>

Emerging Central Lincolnshire Local Plan 2012-2036

The final consultation (on the 'Proposed Submission Draft') finished on 26 May 2016 and the plan has now been submitted to the Secretary of State.

Since it is now formally within its examination period, The Submission Draft Local Plan is now at the most advanced stage possible, prior to actually being examined and adopted. It therefore carries as much weight as it is able to whilst being in a pre-adopted state.

The policies considered relevant are as follows –

LP1: A Presumption in Favour of Sustainable Development

LP14: Managing Water Resources and Flood Risk

<https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/>

West Lindsey Local Plan First Review 2006

STRAT 1: Development Requiring Planning Permission

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm#strat1>

STRAT 12: Development in the Open Countryside

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm#strat12>

ECON 5: Intensive Livestock Units

<https://www2.west-lindsey.gov.uk/planning/localplan/written/cpt7.htm#econ5>

CORE 10: Open Space and Landscaping within Developments

<http://www2.west-lindsey.gov.uk/localplan/written/cpt8.htm#core10>

NBE 10: Protection of Landscape Character in Development Proposals

<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe10>

NBE 14: Waste Water Disposal

<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm#nbe14>

Main issues

- Principle
- Highways
- Odour, Noise and Nuisance
- Effect on the Open Countryside
- Manure Storage and Foul Sewage
- Drainage
- Animal Welfare

Assessment:Principle

The application seeks permission for the erection of 2 No. livestock buildings, each measuring 73.2m x 15.8m. The livestock buildings include 61m x 15.8m of livestock accommodation, together with an additional 12.2m of covered manure storage at the western end of the buildings.

Each building will accommodate 995 pigs on a straw based rearing system with 1990 pig places on the site in total. Pigs are reared from weaners through to finished weight at 105kg. The site will operate on a 22 week cycle with slightly more than 2 batches of pigs per annum. The site will operate on an 'all in, all out' system for both buildings.

The proposed buildings will be constructed from an internal steel portal frame. The external cladding materials are concrete panels and timber boarding for the walls, and fibre cement sheeting for the roofs.

The application needs to be assessed against policies STRAT 12 and ECON 5.

STRAT 12 states that planning permission will not be granted for development proposals in the open countryside that is, outside of the settlements listed in Policy STRAT 3, unless the development is essential to the needs of agriculture, horticulture, forestry, mineral extraction or other land use which necessarily requires a countryside location, or otherwise meets an objective supported by other Plan policies.

By its very nature the proposal requires a countryside location and therefore accords with policy STRAT 12.

Policy ECON 5 states that generally, development proposals for new or expanded livestock units in the countryside will be permitted provided that:

- i. They or any slurry or sewage sludge storage facility are located not less than 400 metres from a building occupied by people, which is not directly and functionally related to the enterprise. The final distance will be determined by other factors which will be taken into account such as prevailing winds, lack of bunding, screening and topography;
- ii. As a result there would not be an over-intensification of livestock units in a locality;
- iii. The development complies with all other relevant policies in the Local Plan.

The proposal would be located approximately 620m away from the nearest residential property and would therefore be in accordance with policy ECON 5. There is a building in commercial use approximately 200m away. Whilst this is within the 400m specified the property it is not in the path of the prevailing wind and is also in general industrial use (B2) and not a residential

dwelling. The commercial property has also consulted and no objections have been received. Given this context it considered on balance acceptable

Highways

The highways team initially requested the following information-

- Drainage of the site is reliant on a balancing pond with no outfall. The Highways and Lead Local Flood Authority (HLLFA) would request the applicant provides calculations confirming this system performs satisfactorily in terms of size of the pond/run off and catchment.
- The HLLFA request the applicant submits a transport Statement with a breakdown of the type, size and number of vehicles accessing the site

The required calculations were subsequently submitted and the Transport information was submitted with the application. The highways team subsequently raised no objections to the proposal subject to imposition of 3 conditions.

The proposal would bring about 2 car movements per day for the 1 full time employee and an average 1.5 HGV movements per week. There would be infrequent movements of agricultural vehicles for straw delivery, feed and manure removal.

Odour, Noise and Nuisance

It is proposed that two pig rearing houses which would accommodate up to 1,990 pigs be constructed on the land. The houses would be ventilated using uncapped high velocity ridge mounted fans. The pigs would be reared from piglets weighing around 7 kg to a weight of approximately 105 kg. Spent litter and manure would be removed from the house on a daily basis and stored in a midden to the west of the rearing houses.

Odour emission rates from the proposed pig rearing houses have been assessed and quantified based upon emission rates obtained from available published research. The odour emission rates so obtained have then been used as inputs to an atmospheric dispersion model which calculates odour exposure levels in the surrounding area.

The odour report is based on an Atmospheric Dispersion Modelling System (ADMS). The study concludes that at all the receptors considered, the predicted odour concentrations are below the Environment Agency's benchmark for moderately offensive odours.

Objections have been received with regards to odour however without firm and convincing evidence to the contrary, there is no reason to doubt the conclusions of the ADMS report.

A noise survey has been conducted to determine the typical background noise levels at the nearest dwellings to the proposed pig rearing units.

From the calculations within the report it has been concluded that the noise impact of the extract fans and livestock will be negligible.

Concern has been raised from many residents regarding the odour and noise and that businesses would suffer due to the level of odour and residential amenity will be compromised. Whilst it is accepted there would be some level of odour, more at different times of the production process, these would not be at level to warrant refusal of the application. Nor would the noise generated by the application.

Again little evidence has been submitted to substantiate claims that the noise from the pigs and unit would harm the amenity of residents.

Unsubstantiated claims have been made that the emissions from the livestock unit would be a threat to public health. The Council's Environmental Health Department has powers to control nuisance from flies, odour and noise, and neither that department nor the Environment Agency has raised any objections to the proposal.

Effect on the Open Countryside

The application site sits in the West Lindsey Landscape Character Area of The Till Vale. The principle for accommodating new development is that developments should be accompanied by new tree and hedgerow planting to integrate with surrounding field patterns. The new planting should be of native species, designed to frame not screen views from the surrounding, expansive farmland landscape. The development would be seen within the context of a large open arable landscape which includes commercial buildings and on this basis it is not considered to give rise to a significant adverse visual impact subject to the imposition of a landscaping condition to help integrate it within its surroundings.

Manure Storage and Foul Sewage

The expected volume of farmyard manure produced by the development is 1400 tonnes per annum. The manure is made up of 280 tonnes of straw and 1120 tonnes of pig manure.

The design of the internal layout of the building enables the livestock to be fastened back providing gates onto the straw bedded area to enable the dunging area to be scraped. With this type of system, the manure is removed from the dunging areas daily through scraping and the manure is stored within the designated covered storage area at the western end of the building.

The covered manure storage area at the western end of the building is required to be enclosed by a catchment drain to prevent any escape of effluent from the designated area. The manure storage area is required to be drained into a sealed effluent tank. The manure storage area will be emptied on a frequent basis and the manure stored in field heaps prior to disposal through spreading on agricultural land as a fertiliser.

Further information was required from the Environment Agency as to the manure heaps and storage on the land. This information was supplied by the agent and informed that the land is controlled by the applicant in the immediate area. The applicant also controls additional land in the direction of Harpswell which covers 260ha. The manure will be taken to and spread over any areas of the land in accordance with current DEFRA Regulations.

With regards to the foul sewage, clarification was requested with regards to the foul sewage. The agent clarified that a sewage treatment system was to be provided for human waste from the dwelling. After treatment the cleansed water run-off would discharge to the stream adjacent to the road that discharges into the head waters of the River Till within 200m. Any applications to the water board would be made separately from the planning application. Given that the dwelling has been removed the sewage treatment system will not be required.

A storage tank for the proposal is for the contained storage of any liquid run off from the pens and isolated containment of the cleaning waters used to clean the pens. The liquid is removed from site in tankers for certified treatment as needed.

The Environment Agency, Public Protection and Internal Witham Drainage Board were consulted on these proposals information and have raised no objections.

Drainage

The drainage of the site is reliant on a balancing pond with no outfall. The Highways and Lead Local Flood Authority (HLLFA) requested that the applicant provide calculations confirming that this system performs satisfactorily in terms of size of the pond/run off and catchment.

Following this the agent submitted surface water storage requirements for the site. It was also confirmed that roof water only is collected for attenuation due to the 100% run off characteristics of the roof materials. Rainfall onto the concrete will drain to the adjacent ground and onto the water table.

Information was also received on the depth of the balancing pond. Following this the HLLFA had no objections subject to conditions.

Ecology

As part of the application an ecological report has been submitted.

There were no reptiles observed during the walkover survey. None of the trees on the site had any features which would offer potential for use by roosting bats.

No protected species were found on site.

The habitats on the site do have the potential to be used for nesting by species of common bird therefore any site preparation/clearance work should commence outside the active nesting season.

The application will be conditioned to be in accordance with the recommendations of the ecology report. The recommendations also include biodiversity enhancement.

Animal Welfare

A high level of interest has been raised with regards to the application and animal welfare by an animal rights campaign. The question of Animal welfare is not considered to be a material consideration in the determination of this application as this is beyond the scope of planning legislation and there are other regulatory frameworks that address animal welfare issues.

Other matters

An objector has raised that it should not be allowed as it is within 3 kilometres of the perimeter of an aerodrome and would exceed 3 metres in height. This however is the permitted development limit under Part 6 of The Town and Country Planning (General Permitted Development) (England) Order 2015. The application is a full application and is not being determined as permitted development.

Sills & Betteridge have stated that no design and access statement has been submitted and therefore the application should be refused. Information is supplied with the Environmental Statement and therefore whilst not described as a Design and Access statement, it covers the necessary information that would be supplied within a Design and Access Statement.

Some objectors have stated that the proposal is contrary to policy ECON 2: Agricultural Development, however, this is not a saved policy.

The devaluation of property is not a material consideration.

Some objectors have raised the issue regarding the selection of sites. Although this is not considered to be a relevant planning consideration the agent has nevertheless informed the officer that the site has been chosen as the applicant owns the land whereas the other land being farmed is rented.

Lincolnshire Fire and Rescue have objected due to inadequate access and water supplies for firefighting. This is dealt with under separate legislation.

Conclusion

The proposal has been considered against the Development Plan namely saved policies STRAT 1: Development Requiring Planning Permission, STRAT 12: Development in the Open Countryside, ECON 5: Intensive Livestock Units, CORE 10: Open Space and Landscaping within Developments, NBE 10: Protection of Landscape Character in Development Proposals and NBE 14: Waste Water Disposal of the West Lindsey Local Plan First Review June 2006 (saved policies 2009) together with policy LP1: A

Presumption in Favour of Sustainable Development and LP14: Managing Water Resources and Flood Risk in the Central Lincolnshire Proposed Submission Local Plan (April 2016) including the advice given in the National Planning Policy Framework and the National Planning Practice Guidance. In light of this assessment, it is considered that the erection of two pig rearing units and a straw storage building is acceptable. No demonstrable harm has been demonstrated with regards to noise and odour with no objections from the Environment Agency and Public Protection. The proposal would not be detrimental to the highways safety. The proposal is located at an acceptable distance from the main settlement and is not considered to have a significant adverse impact on the character and appearance of the existing countryside due to its context within the wider landscape. Accordingly a grant of conditional planning permission is considered appropriate.

Recommendation: Approval subject to conditions.

Conditions stating the time by which the development must be commenced:

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

Reason: To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

Conditions which apply or require matters to be agreed before the development commenced:

2. No development shall take place until, a scheme of landscaping including details of the size, species and position or density of all trees to be planted, fencing and walling, and measures for the protection of trees to be retained during the course of development have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a landscaping scheme to enhance the development is provided in accordance with West Lindsey Local Plan First Review Policy STRAT 1 and CORE 10.

3. Before development commences on site further details relating to the vehicular access to the public highway, including materials, specification of works and construction method shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented on site before the development is first brought in to use and thereafter retained at all times.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site.

4. No development shall take place until a manure management plan has been submitted to and approved in writing by the Local Planning Authority. Development shall be in full accordance with the agreed plan.

Reason: To ensure the correct management and disposal of waste.

Conditions which apply or are to be observed during the course of the development:

5. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawing: 928-01-FCW Rev F dated Feb 2015, 928-02-FCW Rev A dated April 2015, 928-03-fcw Rev D dated April 2016, 928-04-FCW Rev B dated Feb 2015 and 928-06-fcw Rev A dated Jan 2016. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and saved Policy STRAT 1, STRAT12, CORE 10, NBE 10 and NBE14 of the West Lindsey Local Plan First Review 2006.

6. Prior to the commencement of construction of any building(s) or commencement of the use, the vehicular access to the development shall be improved in accordance with drawing number 928-01-FCW Rev F dated Feb 2015.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site.

7. Prior to any of the buildings being occupied, the detailed arrangements for the surface water drainage shall be completed in accordance with the drainage strategy submitted by the applicant as part of this planning application.

Reason: To ensure that the development is provided with a satisfactory means of drainage.

8. Development shall be in full accordance with the recommendations made within the Ecology and Protected Species Survey, Land off Cow Lane, Upton, Gainsborough, Lincolnshire dated September 2015 by Scarborough Nixon Associates Limited.

Reason: To safeguard wildlife in the interests of nature conservation and to enhance bio diversity in accordance with saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006 and guidance within the National Planning Policy Framework 2012

Conditions which apply or relate to matters which are to be observed following completion of the development:

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first operation of the lagoon or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome, in the interests of the visual amenities of the locality and in accordance with West Lindsey Local Plan First Review 2006 Policies STRAT 1, STRAT 12 and CORE 10.

Informative

1. Prior to the submission of details for any access works within the public highway you must contact the Divisional Highways Manager on 01522 782070 for application, specification and construction information.