

BOROUGH OF KETTERING

Committee	Full Planning Committee - 08/05/2018	Item No: 5.2
Report Originator	Gavin Ferries Senior Development Officer	Application No: KET/2017/0672
Wards Affected	Queen Eleanor and Buccleuch	
Location	A510 (land west of), Cranford	
Proposal	Full Application: Erection of pig rearing and finishing unit	
Applicant	Mr A Robinson Cranford Power	

1. PURPOSE OF REPORT

- To describe the above proposals
- To identify and report on the issues arising from it
- To state a recommendation on the application

2. RECOMMENDATION

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that this application be APPROVED subject to the following Condition(s):-

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

2. Before development commences the applicant shall submit information to the Local Planning Authority to demonstrate that there will no more than 900 places for production pigs over 30kg at any one time within the building hereby approved, or 1800 as a cumulative total including within any other building within the area of the applicant's control identified in blue shown within the approved Location Plan IP/CP/01 received 30/08/17. Written records of the number of pigs within any buildings shall be kept for a 12month period and shall be made available for inspection by the Local Planning Authority within 1 week of any request. Once approved, the applicant shall not increase the capacity of the development without prior written approval from the Local Planning Authority.

REASON: In order to define the permission.

3. The pig housing shall utilise manure and straw only and not use a slurry system unless prior written approval has been given by the Local Planning Authority.

REASON: In order to define the permission.

4. Before development commences the applicant shall submit an odour management plan to the Local Planning Authority for approval that states how the odour from the development will be controlled to prevent an adverse impact on the

amenity of the local community in line with the ethos of the National Planning Policy Framework and Policy 8 of the North Northamptonshire Joint Core Strategy. Any approved measures required to reduce this impact shall be carried out in full before the first use of the development and thereafter as required for the extent that the activity is in operation.

REASON: In the interests of amenity in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

5. If odour complaints are received by Kettering Borough Council the applicant shall undertake a full investigation of the cause of the odour as soon as is practicable (no later than 2 weeks of being notified of the complaints by Kettering Borough Council) and submit details to reduce/prevent the odour including a timeframe for the implementation of the measures for the written approval of the Local Planning Authority within 2 weeks of the investigation and shall undertake the identified work in accordance with the approved details.

REASON: In the interests of amenity in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

6. No development shall commence until a scheme to install the underground tank has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the full structural details of the installation, including details of: excavation, the tank, tank surround, any associated pipework and monitoring system. The scheme shall be fully implemented and subsequently maintained, in accordance with the approved details or any changes as may be subsequently agreed, in writing by the Local Planning Authority.

REASON: In order to protect the quality of controlled waters in the local area in accordance with Chapter 11 of the National Planning Policy Framework and Policy 5 of the North Northamptonshire Joint Core Strategy.

7. Prior to the commencement of development, a scheme for surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. Infiltration should only be used where it can be demonstrated that they will not pose a risk to ground water quality.

REASON: To protect the quality of controlled waters in the local area in accordance with Chapter 11 of the National Planning Policy Framework and Policy 5 of the North Northamptonshire Joint Core Strategy.

8. The recommendations within the report titled Preliminary Ecological Appraisal Land West of the A510, Kettering, Northamptonshire, NN9 5HW for Cranford Power (June 2017) (contract number 130) received 18 August 2017 shall be carried out prior to the first occupation of any building by a pig.

REASON: In the interests of biodiversity and ecology in accordance with policy 4 of the North Northamptonshire Joint Core Strategy.

9. Prior to the commencement of the construction of the building hereby permitted vehicular visibility splays of 2.4m from the carriageway edge along the centre of the vehicular access by a distance of 215m measured from the centre of the vehicular access along the carriageway edge shall be provided. The splays shall thereafter be permanently retained and kept free of all obstacles to visibility over 0.9m in height above carriageway level.

REASON: In the interests of highway safety in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

10. Prior the commencement of construction the access shall be widened to a width of 7.3m with junction radii of a minimum of 10.5m. The access road into the site shall remain straight for 15m beyond the highway boundary (front of ditch or hedge). The access shall be surfaced with a hard bound material for the first 15m beyond the highway boundary up to this point and no gates or other enclosures shall be erected on the access within 15m of the road.

REASON: In the interests of highway safety in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

11. There shall be no external illumination on the site at any time other than in accordance with a detailed scheme which shall first have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of the visual amenity and rural character and in the interests of biodiversity in accordance with Policies 3 and 4 of the North Northamptonshire Joint Core Strategy and chapter 11 of the National Planning Policy Framework.

Officers Report for KET/2017/0672 & KET/2017/0674

This application is reported for Committee decision because there are unresolved, material objections to the proposal.

3.0 Information

Relevant Planning History

PCU/EIASCRL2820/78101 4 December 2017 Screening Direction from Department for Communities and Local Government in relation to the development:

The development falls within the description at paragraph 1 - Agriculture and aquaculture **(c)** (Intensive livestock installations) of Schedule 2 to the 2017 Regulations. Therefore, the Secretary of State considers the proposal to be 'Schedule 2 development' within the meaning of the 2017 Regulations.

The Secretary of State does not consider that the proposal is likely to have significant effects on the environment.

The Secretary of State hereby directs that the proposed development **is not 'EIA development'** within the meaning of the 2017 Regulations.

Site Visit

Officer's site inspection was carried out on 25 September 2017.

Site Description

The application sites consist of an agricultural field located off the A510 South of the A14. The two applications have slightly different red lines due to the applications containing either building 1 or building 2.

Proposed Development

The applications seek consents for the erection of two buildings for pig rearing which are both 61m x 15.2m which are 6.3m in height along with associated hardstanding and alterations to the access.

The development consists of the two planning applications which are fundamentally and intrinsically linked;

KET/2017/0672 Erection of pig rearing and finishing unit (application 1 of 2)

KET/2017/0674 Erection of pig rearing and finishing unit (application 2 of 2)

Any Constraints Affecting the Site

UNKNOWN

4.0 Consultation and Customer Impact

Cranford Parish Council:

Object on highways grounds on the basis of the absence of visibility from the access and increased vehicle movements.

Object on noise and odour impacts to the surrounding area and properties from pigs and vehicles

Object on risk of contamination and pollution and lack of facilities for workers which could increase such risks.

Acknowledging that it isn't a material consideration but also Object on animal welfare grounds due to the size of the building compared to number of pigs, low level of visits proposed and limited changes of pig bedding stated.

They also raise concerns regarding the level of information provided including the absence of an Environmental Statement (*officer's comment: the Secretary of State's Screening Direction means that it is not required*).

Highway Authority:

Originally raised concerns regarding principle of the access onto the A510 but in light of the Secretary of State's written statement which includes consideration of traffic and risk, no objection subject to conditions improving the access and restricting traffic levels to accord with the submitted reports.

Lead Local Flood Authority:

Additional drainage information is required including how the hierarchy for surface water disposal is followed, how the development is mitigated for floor risk, how surface water flooding is proposed to be dealt with and why the proposed methods of disposal of surface water are appropriate.

The Lead Local Flood Authority response notes that it may not be appropriate for infiltration or connection to watercourse if pollution risks.

(Officer's comment: infiltration of surface water could result in unacceptable impact on the aquifer and cannot be supported. The discharge of potentially polluted water to the watercourse is also not considered to be acceptable. Environment Agency recommended conditions cover this aspect given the need to be able to restrict these aspects)

Also advised that consent is required for the discharge to the watercourse.

Environmental Protection:

Recommended conditions in relation to the protection from odour and pollution control given that the site is below Environment Agency thresholds.

Environment Agency

No objection subject to conditions including the need to protect the aquifer and prevent contamination of the water course. Advised that infiltration into the ground is unlikely to be acceptable.

Neighbours

128 letters of objection were received to the two applications along with a petition containing 19,257 names and addresses.

The main points of objection were;

- Odour
- Traffic and highways safety
- Pollution of nearby watercourse and land

- Contamination of land/soil
- Unethical treatment of animals
- Commercial nature and appearance
- Absence of benefit to local community/area
- Limited employment
- Unsustainable location for lorry farming
- Noise
- The development was submitted as two applications to circumvent planning controls

5.0 Planning Policy

National Planning Policy Framework

Achieving Sustainable Development

3. Supporting a prosperous rural economy

8. Promoting healthy communities

11. Conserving and enhancing the natural environment

North Northamptonshire Joint Core Strategy

Policy 1 Presumption in favour of Sustainable Development

Policy 3 Landscape Character

Policy 4 Biodiversity and Geodiversity

Policy 5 Water Environment, Resources and Flood Risk Management

Policy 6 Development on Brownfield Land and Land affected by contamination

Policy 8 North Northamptonshire Place Shaping Principles

Policy 25 Rural Economic Development and Diversification

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of development
2. Highways
3. Odour
4. Noise
5. Pollution control
6. Other

1. Principle of development

The applications seek consent for the erection of two buildings with associated works for access and turning. The buildings are proposed for the fattening of pigs from small pigs (28 days approx. 7kg) to large pigs (approx. 24 weeks at 105kg). The pigs are brought to the site as small piglets, kept within the building before being removed from site approximately 20 weeks later.

The raising of pigs falls within the definition of agriculture contained within s336 of the Town and Country Planning Act 1990 (as amended) which states;

“agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “agricultural” shall be construed accordingly;

The proposed use is agricultural as it is the keeping of livestock for the production of food. The NPPF within Chapter 3 and Policy 25 of the Joint Core Strategy both support the general principle of agricultural development within the countryside.

It is noted that the development is for intensive pig farming however the screening direction from the Secretary of State dated 4 December 2017 rules that the development is not EIA development and therefore the consideration is limited to those elements subject to planning controls only.

Agricultural development often falls outside of the remit of planning and there are various controls relating to agricultural uses which are not subject to planning.

There have been lots of concerns raised regarding the ethical treatment of pigs and whether the proposed treatment and rearing of them in this way is humane or not. It is noted that the treatment of animals is not subject to planning controls. There are specific criteria covering the welfare of pigs contained within Government guidance including within “SMR12: Welfare of Pigs” and the DEFRA guidance “Code of Recommendations for the Welfare of Livestock Pigs” which include space requirements for the rearing of pigs. It is not within the remit of planning to consider these aspects.

As such the principle of development is generally acceptable subject to consideration of specific impacts.

2. Highways

The Secretary of State Screening Direction written statement considers that the proposal is not likely to be a significant generator of new trips on to the road network. This is on the basis that the application submission considers that the level of traffic generation from the proposal amounts to an average of 1.5 HGV's (3movements) per week.

In light of the Screening Direction, the Highways Authority have advised that they do not have an objection in traffic generation terms subject to conditions to prevent intensification of traffic usage from the site beyond those detailed within the application. Such a restrictive condition would be reasonable in order to prevent highway traffic and congestion issues arising from the

proposed development.

There have been numerous objections on the basis of the commercial nature of the development and the highways impacts of this level of vehicular use. However, subject to the recommended restrictions, the impact would not be significantly more intense than were the field used for pastoral (livestock) instead of arable (crops) and therefore the traffic impact itself does not justify a refusal.

The access is onto the A510 which is a heavy trafficked classified "A" road. The creation of any new access onto the road is resisted in principle by the Highways Authority. There is currently a grassed field access which means that whilst there are upgrades to the access proposed and required, it is not the creation of a new access and therefore it is not a principle refusal in access terms.

The visibility splay required for a 60mph road is 2.4m a set back from the rear of the carriageway by 215m. This is shown on the submitted plans as being achievable/deliverable, as such there is sufficient visibility that would allow for access and egress without creating unacceptable risk.

The Highways Authority have requested that the access is upgraded to a 7.3m width access with improved junction radii with a 15m straight access to allow for the largest vehicles visiting the site to pass each other within the site off from the highway. This can be delivered as the land is contained within the field and is within the applicant's control. They have also requested that the turning proposed within the site is to be retained in perpetuity.

It is considered that subject to conditions requiring the access and site layout to meet these specifications and retaining them, that the development would have an acceptable highways impact.

3. Odour

The application is supported by an odour report which states that the impact of the development is acceptable. Whilst concerns were raised by KBC regarding the accuracy of the report, the report was accepted by the Secretary of State as being acceptable and therefore it is necessary to consider the report as being accurate.

The written statement accompanying the Screening Direction states;

The project is also accompanied by an Odour Impact Assessment, prepared in accordance with EA odour management guidance. This shows that at all nearby residences that were considered, and the odour concentrations would be below the EA's benchmark for moderately offensive odours.

As such following the findings of the report, there is not demonstrable harm from the proposal in terms of odour generation. It is necessary to control the

impacts of the proposal to accord with the levels within the report and to ensure that there can be appropriate monitoring of any impacts. As such there are conditions in relation to pig numbers, odour complaints and pig bedding and clearing recommended.

The nearest property is approximately 290m from the proposal and there are potential odour implications of the development. It is considered that there are odour impacts on the property but they are shown as not being of an extent that would be of a level of harm that would justify a refusal within a rural farming area.

It is considered that subject to appropriate conditions, that the odour impacts of the development would be reasonably acceptable in this location.

The pig waste and bedding is proposed to be used as fertiliser on agricultural land (muck spreading) on arable fields. This is likely to result in smells, however this falls outside of the planning remit and is not subject to controls.

4. Noise

There have been concerns raised regarding the noise generation of the pigs in particular regarding the delivery and removal of the pigs in lorries. A squealing pig can produce 130db which is very loud and can cause pain.

- 30db whisper
- 50db light traffic
- 60db conversation
- 70db snoring
- 85db lorry passing
- 90db lawn mower
- 110db rock concert
- 120db thunderclap
- 130db pig squeal**
- 140db jet engine at take off

However, given the distance to any residential units from the pig sheds, the noise levels would not be problematic to any of the houses due to the decrease in levels over distance. The pigs would be loaded from within the site close to the buildings. In terms of the lorries containing pigs to and from the site, any pig noise would be limited in event numbers and very short in duration.

The greatest impact of the noise will be within the buildings, to the workers and therefore they would be most affected. There is no requirement for noise related conditions but workers within the buildings would be likely to need noise protection safety equipment (ear plugs or ear protectors).

5. Pollution control

There are potential impact on the nearby watercourses and the protected water aquifer as a result of the proposed development. During the application a hydrological impact assessment has been submitted (following requests from

the Secretary of State as part of the Screening Direction).

The document has been referred to the Environment Agency who have provided detailed comments on the documents – due to the technical nature of the documentation, the comments/advice and requested conditions from the Environment Agency are recommended to be imposed.

The conditions cover surface water disposal and tanks. These conditions are considered to cover the surface water drainage scheme requirement requested by the Lead Local Flood Authority.

The proposal will create large amounts of pig waste which will need to be managed. It is noted that concerns have been raised by objectors regarding the potential that the pig excrement could pollute the aquifer and the nearby watercourse. It is acknowledged that there is potential for this to occur but it should not occur provided the system is correctly maintained and monitored as advised by the Environment Agency. Action could be taken if there are incidents by the appropriate body.

The solid waste is proposed to be scraped onto the concrete manure pad which has a catchment drain for dirty water into the sealed tank. The pig waste and bedding is proposed to be used as fertiliser on agricultural land (muck spreading) on arable fields.

There are pollution control measures identified within the Environment Agency's conditions and non-planning enforcement measures and restrictions in relation to potential harm/pollution of the watercourse. It is considered that provided that the applicant follows best practice (as identified within the Secretary of State's written statement) then there is not a significant risk.

6. Other considerations

The buildings are commercial agricultural in appearance and design with the buildings being 61m x 15m with a ridge height of 6.3m. The buildings are isolated within the open countryside but as agricultural buildings, this is not intrinsically inappropriate.

The area is currently generally dark and the introduction of external lighting would potentially result in a change in character from the rural agricultural nature of the area. Therefore a condition in relation to external lighting is considered appropriate and is recommended.

As the proposals are for intensive pig farming this has raised significant levels of public concern regarding the ethical treatment and raising of pigs. However, it is noted that the treatment of animals themselves is not subject to planning controls. There are specific criteria covering the welfare of pigs contained within Government guidance including within "SMR12: Welfare of Pigs" and the DEFRA guidance "Code of Recommendations for the Welfare of Livestock Pigs" which include space requirements for the rearing of pigs.

The application is accompanied by a preliminary ecological appraisal which

whilst it is slightly substandard by failing to consider the South East Quarry Cranford Local Wildlife Site adjacent to the site, the recommendations within the report are considered by the County Ecologist to be acceptable in this instance and should be conditioned.

Conclusion

Subject to the recommended conditions, the proposed development is for agricultural development on an agricultural unit and the likely impacts are considered to be sufficiently controlled as to not result in unacceptable impacts.

Background Papers

Title of Document:

Date:

Contact Officer:

Previous Reports/Minutes

Ref:

Date:

Gavin Ferries, Senior Development Officer on 01536 534316