



**Report Reference Number:** 2020/0631/FUL

**To:** Planning Committee  
**Date:** 12 May 2021  
**Author:** Jenny Tyreman (Assistant Principal Planning Officer)  
**Lead Officer:** Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2020/0631/FULM	PARISH:	Monk Fyston Parish Council
APPLICANT:	Mrs Thorpe	VALID DATE:	19th June 2020
		EXPIRY DATE:	18th September 2020
PROPOSAL:	Erection of a livestock building with associated infrastructure (building 1 of 2)		
LOCATION:	Land Off Lowfield Road Hillam Leeds West Yorkshire		
RECOMMENDATION:	GRANT		

This application has been brought before Planning Committee as the application is a major application where 10 or more letters of representation have been received which raise material planning considerations and where Officers would otherwise determine the application contrary to these representations. Furthermore, the ward councillor for the area where the proposal lies, Cllr John Mackman, has requested the application to be heard by Planning Committee for the following reason(s):

- Significant highway safety issues/traffic routing/single track road without passing places. Previous planning appeals dismissed on this road and its junction with A63.
- Impact on nearby Green Belt and openness.
- Noise issues.
- Odour issues.
- Lack of consultation with the Environment Agency and nitrate protection area.
- Cumulative impacts.

# 1. INTRODUCTION AND BACKGROUND

## Site and Context

- 1.1 The application site is located outside the defined development limits of any settlements and is therefore located within the open countryside.
- 1.2 The application site comprises part of an agricultural field to the south side of the A63 between Monk Fryston and Hambleton, which is accessed from Lowfield Road to the west. The application site is surrounded by agricultural fields to the immediate north, east and south; with Lowfield Road to the west, beyond which are a small cluster of properties set within agricultural fields.
- 1.3 The applicant owns a block of agricultural land extending to 6.4 acres, which includes the application site and the land to the west up to where it meets Lowfield Road. At present the applicant farms the land with operations extending to mixed livestock activities. To facilitate this use there is a general-purpose agricultural building, a polytunnel and an associated area of hardstanding sited to the west of the agricultural land within the applicant's ownership, adjacent to Lowfield Road.

## The Proposal

- 1.4 The application seeks full planning permission for the erection of a livestock building, to be used as a pig rearing and finishing unit, with associated infrastructure. The proposed livestock building would be orientated on a north-south axis and would measure approximately 60.9 metres in length by 15.2 metres in width and would have a pitched roof with eaves to a height of approximately 4.3 metres above ground floor level and ridge to a height of approximately 6.2 metres above ground floor level. The external construction of the building would be concrete panels and adjustable gale breaker curtains in juniper green with Yorkshire boarding cladding to the gable ends for the external walls; and fibre cement sheeting in standard grey for the roofs. To the north of the building would be a concrete pad to be used as a manure pad, which would be enclosed within a catchment drain, with dirty water being collected within a sealed concrete tank beneath. To the south of the building would be an area of hardstanding for parking, turning, and manoeuvring. An access road would run adjacent to the southern boundary of the site and join with Lowfield Road to the west, where access would be taken from the highway.
- 1.5 The proposed livestock building would house 950 pigs on a straw based high welfare rearing system. Piglets would be delivered to the site immediately following weaning at 28 days old (7kg) and would be reared within the building for approximately 20 weeks until they reach finished weight (105kg), when they would be removed from the site. The proposed unit would operate on an all-in/all-out system, with 2.2 batches of pigs per annum (including time for cleaning and washing out of the building).
- 1.6 The building, inside, would be subdivided down the centre and split into pens either side of a central wall. The fitting out of the building would include an automated auger feeding system, together with nipple drinkers. Ventilation within the building would be based on high velocity ridge mounted fans, utilising gale breaker adjustable curtains in the side of the building to control airflow. The layout of the building would include a straw bedding area and a dunging area – the dunging area

being in the form of a scrape through passage. Manure deposited within the dunging area would be scraped on a daily basis onto the concrete manure pad to the north of the building. Dirty water would be collected within a sealed concrete tank beneath. Manure would be removed once per week via a tractor and trailer. Dirty water from the tank would be removed as and when necessary, via a vacuum tanker.

- 1.7 It should be noted that application reference 2020/0650/FUL seeks planning permission for an identical building on the adjacent site.

### **Relevant Planning History**

- 1.8 The following historical applications are considered to be relevant to the determination of this application.
- 1.9 An application (reference 2010/0386/COU) for the change of use of land to show peoples quarters was refused planning permission at appeal on 21.10.2011.
- 1.10 An application (reference 2016/0406/FUL) for the proposed erection of a 10m x 20m agricultural shed was granted planning permission on 19.07.2016.
- 1.11 An application (reference 0439/S73) to remove condition 3 (use restriction) of planning permission reference 2016/0406/FUL for the proposed erection of a 10m x 20m agricultural shed was granted planning permission on 20.09.2019.
- 1.12 A retrospective application (reference 2019/0440/FUL) for the erection of a polytunnel for agricultural use was granted planning permission on 20.09.2019.

## **2. CONSULTATION AND PUBLICITY**

- 2.1 **Monk Fryston Parish Council** – Initial response dated: 22.07.2020: Object to the proposal based on the following observations:

- Applications for this development have been disaggregated. The other relevant application reference number is 2020/0650/FULM. These prejudices the impact of the development should two applications be successful. The two related applications should be considered in conjunction with each other and not in isolation. If officers are minded to approve both applications, then a full impact assessment of both applications should be carried out before determination of the application.
- Note that access to and from the site will not be via the A63. The road splays here are not sufficient to allow a safe exit for the HGVs and heavy traffic that this development will require. The Parish Council undertook a highways survey in this area back in 2010. The results of this survey confirmed that the A63 entrance to Lowfield Road was not suitable for heavy goods traffic (HGV's).
- Observed on the proposed layout plan that the site roads and splays are not designed to guide the traffic in a Southerly direction along Lowfield Road. The indicated site splays will encourage the vehicles in a Northerly direction to the A63 which would result in unsafe access and egress to and from the A63. If Officers are minded to approve this application, then it should be a condition that the entrance splays should be designed so that the vehicles are directed South along Lowfield Road. In addition, the internal road and turning areas should be placed along the

Northern boundary not the Southern boundary in order to facilitate this requirement. A redesigned site layout should be submitted confirming this detail. Signage on Lowfield road should be placed opposite the entrance to show the direction of exit from the site.

- Note that for an enterprise of this size it should be expected that living accommodation for a site manager would be required. The conclusion that the Parish Council draws from the lack of such an application is that site accommodation is not required. If officers are minded to approve this application, it should be on the condition that no further buildings should be erected as this will be over development of the site and cause additional traffic.
- Are of the view that Lowfield Road is not suitable for HGVs. It is around 2 metres wide and the road surface is in an extremely poor condition. Would like to highlight that the next road available for public traffic is Fox Lane, Hambleton. This road has been identified as not suitable for HGVs. Lowfield Road is significantly narrower than Fox Lane, Hambleton. Lowfield Road should be designated as unsuitable for HGVs. If Officers are minded to approve this application, then it should be on the condition that Lowfield Road should be upgraded to accommodate HGVs. These works should be completed prior to any site works commencing.
- Consider that the traffic plan is seriously deficient in its detail. Due to this deficiency, it is difficult to make an accurate assessment of the impact of the traffic in the local area and on the villages of Monk Fryston and Hillam. If officers are minded to approve this application, then a full end to end transport plan should be provided for each barn and the combined barns.
- Concerned that within the application there is no mention of slurry disposal. The applicant has not detailed how the slurry will be stored during the restricted period when it is not permissible to spread slurry onto the land. The process of deep straw bedding is to keep topping it up and mucking out is carried out at the end of each batch. The Parish Council is of the view that the applicant has grossly underestimated the vehicle movements for muck disposal. The Parish Council notes that the land for the application is not sufficient to facilitate spreading so all the muck will have to be transported off site. If officers are minded to approve this application a full site waste disposal plan should be provided and approved by a competent person.
- Concerns about the animal health and welfare of this pig rearing proposal. Piglets that are separated from their mothers and kept in pens are known to suffer high levels of stress and behaviour problems. These pigs will not have any outdoor access or experience fresh air. The design statement states it is non-intensive farming, but there is no evidence of this in the application. There are key welfare concerns for pigs outlined by the RSPCA (<https://www.rspca.org.uk/adviceandwelfare/farm/pigs/keyissues>), none of which have been addressed in the design statement. The statement states it is high welfare on the basis that straw will be used, but there are many other considerations that need to be made (details can be found here <https://www.ciwf.org.uk/media/5235118/The-life-of-Pigs.pdf>)
- Appreciate that we are in a rural community and that activities such as shown in the application are considered part and parcel of a rural environment. However, such applications must be appropriate and sustainable according the local infrastructure and facilities. The Parish Council is of the view that this application is not

sustainable or appropriate to the existing infrastructure and local facilities. If officers are minded to approve, then the Parish Council would appreciate it if the conditions requested are considered.

Further response dated 22.01.2021: The concerns expressed in the Parish Council's objection dated 22.07.2020 have given rise to the Parish Council obtaining two reports:

- (1) 'Proposed Pig Unit Commentary' – compiled by an independent pig consultant with over 35 years of management experience in the pig industry; and
- (2) 'Access Appraisal Report' – from Sanderson Associates, who provide consultancy services on highways and traffic safety.

The reports amplify the initial reasons for objection as follows:

- *The suitability of the location for such an intensive operation.* The Pig Unit Commentary Report highlights why the Parish Council considers that the intensity of the operation makes this location unsuitable for the proposed development. The proposal is for pig units of significant scale. Because the development is not co-located with a wider arable farm, virtually everything that is brought to the site will have to be taken off it. The commentary forecasts that there will be potentially 332 visits (664 traffic movements) to the site per year by lorries and tractor/trailer/tanker combinations to facilitate this investment. This is approximately three times the number of heavy vehicle movements suggested by the applicant's Design & Access Statement with around 25% of them made by articulated lorries.
- *The lack of a full and comprehensive waste disposal plan.* The site will have to process 650 tonnes of manure and an estimated 162 cubic metres of liquid slurry per 20-week batch, which will need to be safely stored during periods when regulations (referred to in the report) prevent manure and slurry from being spread on farmland during the Winter months. The plans fail to show the necessary tanks or their size to facilitate this legal requirement.
- *The suitability of the road and road surface for HGVs.* The Access Appraisal Report illustrates why the route to/from the site via the southern route along Lowfield Road is unsuitable.
- *The lack of a full and comprehensive transportation plan.* The most viable route for heavy vehicles to navigate to/from the primary road network is to take the route along Hillam Common Lane and Austfield Lane. This route has recently been the subject of a highly relevant ruling by the Planning Inspectorate in which the Inspector observed that Austfield Lane: is frequently used by pedestrians (often visiting 'Bert's Barrow' farm shop) and has no footpath provision; is too narrow for two large vehicles to pass side by side and therefore poses a risk of the carriageway being overrun at unsuitable places; and has limited forward visibility, especially at its northern end. Furthermore, a large vehicle entering or exiting Austfield Lane at the A63 junction whilst another vehicle is pulling in or out would necessitate other vehicles to sit stationary on the A63, increasing the risk of rear end shunt collisions on what is an extremely busy road. The route is therefore not fit for the purpose of carrying additional HGV traffic to such an extent that the author of the report is of the opinion that in the interests of highway safety and the protection of the free flow of traffic this planning application should be refused. In addition to

the Access Appraisal Report has highlighted an issue with the applicant's assertion that access and egress will only be in a Southerly direction. The issue arises not least because "sat nav" systems will direct drivers to use the most direct route off the A63 but also because the configuration of the proposed site layout favours Northerly vehicle movements rather than Southerly ones, particularly for large vehicles. The concern is that there will be nothing to prevent this happening because the proposed soft measures to encourage traffic to access the site to/from the south will be insufficient to prevent use of the Lowfield Road/A63 junction. Such use of the Lowfield Road/A63 junction is dangerous because a) it is narrow and has inadequate sight lines and b) the relevant stretch of the A63 is frequently used for overtaking and has particularly fast-moving traffic.

Further response dated 20.03.2021: Object to the proposal based on the following observations:

- The applicant has submitted a revised Design and Access Statement that includes a significant increase in the projected number of vehicle movements over and above the original projections. It is considered that Lowfield Road is not suitable for use by any large or heavy vehicles and it is certainly not suitable for the numbers now being stipulated.
- Photographs provided showing the deterioration being caused in the make up of the road by the vehicular movements associated with existing users. They illustrate how the outside edges of the road are sinking into the soft margins which in turn are being churned. They illustrate how the carriageway is breaking up and becoming increasingly potholed. The road is neither wide enough for large vehicles nor of a suitable make up for heavy vehicles. With no kerb structure in place to retain the road base, the substrate is already in what can only be a progressive and continuous cycle of deterioration.
- The intention is now to run on average 6 HGVs per week in and, as a consequence, out of Lowfield Road over 52 weeks of the year. It is inevitable that the road will deteriorate rapidly under the strain such vehicles will impose on the existing fabric. The view of the applicant that these movements will have a 'negligible impact on the local highway' is not accepted.
- Photographs provide showing that the junction cannot even properly accommodate the current vehicle usage, which is significantly less both in number of movements and size of vehicles than those proposed by the applicant. The photographs show that the margins are being churned up beyond the current carriageway makeup to such an extent that two service boxes, originally safely within the soft verges, are now in jeopardy.

## 2.2 Hillam Parish Council – Raise the following concerns:

- There is a concern that this is the industrialisation of agricultural land: a) The Landscape and Visual Impact report itself explains that the key characteristics of the area (NCA 39) are: *"A low-lying, predominantly flat landscape, with large, regular and geometric arable fields without hedges but divided by ditches and dykes, many of which form important habitats and key corridors for species movement"* - 2 x 61 metre long and 6 metre high barns and associated buildings will have significant visual impact. Also *"Much of the land is at or below mean high-water mark and maintained by drainage, with fertile soils giving rise to one of the most productive areas for root crops and cereals"* which is what is predominant view

is - again the proposed barns will change that landscape significantly. b) The 'Zone of Theoretical Visibility' map, presented in the Landscape and Visual Impact report indicates that the majority of Monk Fryston, Hillam and Hambleton settlements have a 'potential view' which suggests the 'Visual receptor sensitivity' being graded as 'Medium' is incorrect, as the Visual Receptor Sensitivity satisfies the description for 'High' as well as 'Medium', i.e. residents, those using public rights of way, and *"communities where the development results in changes in the landscape setting or valued views enjoyed by the community"*- there is a bench on Common Lane in Hambleton, placed specifically for the view, that looks directly across at the proposed location.

- The odour report is based on meteorological data from Leeds Bradford Airport - a different topography, we would prefer to see one done in the Monk Fryston/Hillam/Hambleton area.
- There are concerns regarding potential odour issues when operating at reduced extraction at night.
- The two applications are confusing, why are they submitted separately? Both state the same amount of transport - so the assumption is that it is double the amount of transport i.e., 2 food deliveries per week not 1, same for loads of pigs in and out.
- Lowfield Lane junction with A63 would need widening and reinforcing to allow for transport lorries to swing in.
- Lowfield Lane experiences flooding at junction point to A63 in heavy rain and wet conditions.
- Plans state lorries are to move southwards towards Hillam Common Lane. Plans state Lowfield Lane to have passing places installed, this would be welcomed but there is concern about the viability within the space available. The junction with Hillam Common Lane should also be improved and reinforced to take lorries turning onto assuming the traffic will be using this junction, and if so which route will lorries be taking to return to the A63?
- Regarding traffic impact; plans suggest traffic will be negligible - but it is the overall traffic through the neighbouring villages that is a problem - a problem that adding further HGV movement to, however negligible, will not help.
- Hillam Common Lane, Lowfield Lane and Austfield Lane are already crumbling from heavy traffic (Viners HGV's), and Fox Lane would not be suitable for HGV's.
- Noise impact of fans on residents in the area.

2.3 **Landscape Consultant** - These comments apply to both applications (2020/0631/FULM and 2020/0650/FULM). Each application seems to be one of a pair of agricultural buildings. The landscape proposals seem to be the same for both applications, but it would only be expected for them to be implemented once in their entirety for one or both developments. The application details including the LVIA and Soft Landscape Proposals Plan have been reviewed and generally there are no significant concerns or objections. The proposals are fairly typical in style and scale as agricultural buildings and the landscape proposals will provide a sufficient degree of screening. The only recommendation would be that the roof and wall panel colours are muted recessive colours to reduce their visibility (dark green

or brown wall panels, green or anthracite grey roof panels). Details of building colours could be conditioned. The landscape proposals should be implemented in the first available planting season after construction and the initial 5-year plant defect/replacement period should be confirmed by condition.

- 2.4 **Environmental Health** – Initial response dated 08.07.2020: Odour - Local policy plan EMP14 refers only to Intensive livestock operations which are defined as buildings and associated works both for the permanent indoor housing of pigs, poultry or cattle and the temporary housing of such livestock when a slurry system is employed. It states that the unit or any associated structure is a minimum of 800 metres from the defined development limits of any town, and 400 metres from the defined development limits of other settlements. Elsewhere, proposals may be acceptable within 400 metres of an occupied property but not nearer than 100 metres in even the most exceptional case. National guidance PPS7 refers to all livestock units. It states that permitted development rights do not extend to buildings to be used for the accommodation of livestock or associated structures such as slurry tanks, when built within 400 metres of 'Protected Buildings' (includes most residential and other permanent buildings such as schools, offices, etc). The closest dwellings are understood to be between 400 and 550 metres from the proposed pig units. Furthermore, dispersion modelling within the supporting Odour Assessment (ref: 3300r1 dated 31st March 2020) predicts through a series of algorithms no exceedance of the recommended 3.0 ouE ms-3 at any receptor thus concludes negligible impact, although it is difficult to verify these claims in the absence of software package ADMS-5.2. In view of the above, would recommend the following condition regarding odour: The development hereby permitted shall be carried out in accordance with the supporting Odour Assessment dated 31st March 2020 (ref: 3300r1).

Noise - The applicant has commissioned a Noise Impact Assessment (ref: 2015/R01 dated 29th April 2020). Overall, the assessment has been carried out in accordance with the appropriate methodology, and the use of BS4142:2014 is considered acceptable for pig noise in the absence of sector-specific standard. The assessment is based on 30% night-time extraction capacity whereby only one fan is operational and it is advised that a consequence of utilising a second or third fan during this time period is a greater exceedance (LAr) of existing background levels (LA90,T). Furthermore, the accuracy of the night-time assessment is reliant on pigs sleeping during night-time hours. In view of the above, would recommend the following conditions regarding noise: (1) The development hereby permitted shall be carried out in accordance with the supporting Noise Impact Assessment dated 29th April 2020 (ref: 2015/R01); and (2) The cumulative level of sound associated with the proposed development, when determined externally under free-field conditions, shall not exceed the representative background sound level at nearby sensitive receptors. All noise measurement/predictions and assessments made to determine compliance shall be made in accordance with British Standard 4142: 2014: Methods for rating and assessing industrial and commercial sound, and/or its subsequent amendments.

The proposed site falls within a Nitrate Vulnerable Zone (NVZ) as designated by the Environment Agency (EA) and it is therefore recommended that the Environment Agency are consulted on the proposals.

Further responses dated 14.01.2021: Requirement for a Manure Management Plan - This typically applies when the process is subject to an Environmental Permit regulated by the Environment Agency (EA), and the relevant threshold is either

2,000 production pigs (over 30kg) or 750 breeding sows. These applications are for 1900 production pigs and, therefore, is not subject to a permit. Nevertheless, the EA guidance seems to only concern itself with a manure management plan when there are sensitive receptors within 400m and my understanding was that there are no dwellings within this range. However, the guidance does not seek to protect residential amenity but to ensure that Best Available Techniques (BAT) is adopted so I take the point. An example of a recent similar intensive pig farm application within the district is Dam Lane, Thorpe Willoughby (ref: 2012/0485/OUT and before my time) and a manure management was not required in that instance.

Odour report not taking into account manure pad - The manure pad is enclosed within a catchment drain, and dirty water will be collected within a sealed concrete tank beneath. As mentioned in previous comments, it is difficult to verify the odour assessment in absence of the software package used when running the algorithms. Nevertheless, the relevant odour criteria is 3.0 ouE ms<sup>-3</sup> and the greatest impact is predicted to be <0.5 ouE ms<sup>-3</sup> (negligible) at the nearest residential receptor. Therefore, it is unlikely that the manure pad would give rise to odour that would amount to exceedance of the criteria. However, in the interest of accuracy, would agree that this should be addressed within the odour assessment.

Market for waste/sufficient storage during periods when regulations prohibit spreading on land and/or when there is no demand - The applicant proposes to remove manure on a weekly basis and the EA would be best placed to advise on the suitability of this. The relevant guidance emphasises that there are legal obligations in this regard, particularly since the site falls within a Nitrate Vulnerable Zone (NVZ). It was previously recommended to consult with the EA.

Further response dated 21.01.2021: The inclusion of manure pads in the odour assessment does not change the outcome of the report. A slight increase in odour emissions is predicted and remains within the relevant odour criteria.

- 2.5 **NYCC Highways** – Initial response dated 30.06.2020: The Highway Authority were consulted at the pre-application stage and did raise its concerns regarding the junction with the A63 and Lowfield Road not being sufficient to safely allow for vehicles associated with the pig rearing business to use this junction. The applicant is however in agreement to the routing of the business being conditioned. However, the following issues need to be addressed: (1) The applicant was advised in the pre-application discussions that passing places along Lowfield Road would be required, given the narrow width of the carriageway. The applicant has mentioned in the Design and Access statement that they are happy for this to be conditioned. However, there is quite a bit of work that will be required to determine whether or not there is sufficient land to actually install the passing places. It is recommended that the initial investigation work is carried out now and submitted for consideration. (2) Please can the applicant provide details of the number of staff the pig rearing business will employ; (3) Please can a plan be submitted showing the proposed parking and turning arrangement for the business? This will need to show that the vehicles, presumably HGV's when bringing in the pigs and removing them from site can turn on site, along with car parking and turning for staff; (4) Please can the applicant also advise what visibility splays are achievable at the access? The splays will need to be in land controlled by the applicant or the Highway Authority.

Further response dated 14.10.2020: Following the submission of further information, there are no highway safety objections subject to conditions relating to: (1) new and altered private access or verge crossing; (2) visibility splays at Lowfield

Road; (3) delivery of off-site highway works; (4) details of access, turning, and parking; (5) construction management plan; (6) routing of vehicles.

Further response dated 14.01.2021: Following the submission of further information on vehicular movements associated with the proposed development, there are no objections to the additional vehicles due to the low amount (1 every 2 weeks), so as long as the original recommendation to provide passing places and preferred route is conditioned, the County Councils position remains the same.

Further response dated: 09.04.2021: Following the submission of representations questioning the vehicle trip figures, the agent/applicant has agreed the original vehicle figures were incorrect and that those provided in the submitted representation are more realistic. As such, advice from the County Council Improvement Manager (IM) and local Highway Officer (HO) for the Selby area was sought and it was concluded that the increase of traffic on Lowfield Road would not be a reason for refusal, as the applicant has agreed to improve the access to the site, provide passing places/localised widening on Lowfield Road and the junction with Hillam Common Lane, which will also be an improvement for all highway users on Lowfield Road. Therefore, no objections subject to conditions relating to: (1) new and altered private access or verge crossing; (2) visibility splays at Lowfield Road; (3) delivery of off-site highway works; (4) details of access, turning, and parking; (5) construction management plan; (6) routing of vehicles.

2.6 **Yorkshire Water Services Ltd** – No response.

2.7 **Selby Area Internal Drainage Board** - If the surface water were to be disposed of via a soakaway system, the IDB would have no objection in principle but would advise that the ground conditions in this area may not be suitable for soakaway drainage. It is therefore essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year. If surface water is to be directed to a mains sewer system the IDB would again have no objection in principle, providing that the Water Authority are satisfied that the existing system will accept this additional flow. If the surface water is to be discharged to any ordinary watercourse within the Drainage District, Consent from the IDB would be required in addition to Planning Permission, and would be restricted to 1.4 litres per second per hectare or greenfield runoff. No obstructions within 9 metres of the edge of an ordinary watercourse are permitted without Consent from the IDB.

2.8 **SuDS and Development Control Officer** – No response.

2.9 **The Environment Agency (Liaison Officer)** – Providing a formal response is not within our remit as the applications do not meet the criteria in our consultation checklist for intensive farming. However, have the following advice: Consider that the process described is acceptable. The applications are proposing an impermeable surface and an underground slurry which, as long as it is big enough to hold six-month slurry storage, we would consider adequate. The weekly removal of manure has to do with the farm management and it is not out of the ordinary. Manure can't stay inside the building for long as the ammonia level will start to irritate the livestock. For you to consider if the storage tank was adequate, you would require confirmed storage capacity and slurry calculations. Attached advice and guidance on Nitrate Vulnerable Zone storage requirements.

2.10 **County Ecologist** - The land on which the livestock unit and access track would be located is agriculturally-improved grassland of low value for biodiversity and no threats to protected species have been identified. The ecological appraisal is very thorough but in places it offers general guidance to the applicant rather than an assessment of the actual development proposal. For example, it provides useful advice on reducing ecological impacts of external lighting but it's unclear how this relates to the application since the drawings submitted do not appear to show any external lighting. Some of the recommendations contained in the report are over and above what we would usually expect for a development where no specific nature conservation issues have been identified, e.g. finger-tip search prior to site clearance. Equally the hedgerow and woodland planting that's proposed is likely to be substantially more valuable than installing hedgehog boxes. For this reason we suggest an informative that the applicant should consider the recommendations contained in the ecological appraisal rather than a condition requiring strict adherence. The detailed landscaping proposals found in the LVIA plan will achieve useful net gain for biodiversity by strengthening the northern boundary hedgerow, providing new hedgerow trees and an area of native-species planting wrapping around the eastern end of the proposed livestock unit. I would query whether Silver Birch is suitable as a hedgerow shrub but otherwise the planting mixes are appropriate to the area.

2.11 **Natural England** – Initial response dated 06.07.2020: Natural England is not able to assess this case as there is insufficient information provided in relation to air quality impacts. Manure stores, slurry lagoons and livestock sheds are a major source of emissions of ammonia which is directly toxic to vegetation and especially to lower plants (mosses, liverworts and lichens). Ammonia is also a major contributor to the deposition of nitrogen, which reduces habitat biodiversity by promoting the growth of a relatively small number of the more vigorous plant species which then out-compete the other species present. Our Impact Risk Zones<sup>1</sup> have identified that interest features of designated sites North York Moors, Robin Hoods Bay: Maw Wyke to Beast Cliff, Biller Howe Dale and Newtondale Sites of Special Scientific Interest may be sensitive to impacts from aerial pollutants, such as those emitted from this proposed development. The consultation documents provided do not include any assessment of air quality impacts. In order for us to advise on this case an initial screening for air quality impacts should be completed. Simple screening tools are available via the internet, such as the Simple Calculation of Atmospheric Impact Limits (SCAIL) model: <http://www.scail.ceh.ac.uk/>. The results of this screening should inform the need for any further, more detailed assessment which may be required to fully assess the impacts of the proposal. Where screening results indicate a more detailed assessment is necessary this should be carried out and completed prior re-consulting Natural England. Natural England has not considered any other matters at this stage. We will provide advice on all relevant matters upon receipt of this information.

Further response dated 11.09.2020: Following the submission of the further information requested, no comments.

2.12 **North Yorkshire Bat Group** – No response.

2.13 **Yorkshire Wildlife Trust** – No response.

2.14 **Designing Out Crime Officer** – No comments.

- 2.15 **North Yorkshire Fire & Rescue Service** - The proposals/plans should demonstrate compliance with the requirement B5 of Schedule 1 to the Building Regulations 2010 (as amended), access and facilities for the fire service. ADB B5, Section 15 Vehicle access, 15.1 a) or b), and 15.10 & Table 15.2 Road access and construction. And the following: ADB B5 Section 16 Provision of Hydrants, 16.8, or 16.12 and 16.13 Alternative supply of water.
- 2.16 **Public Rights of Way Officer** – No response.
- 2.17 **HER Officer** - There are no known archaeological sites in the area indicated or within the immediate vicinity. No objection to the proposal.
- 2.18 **Neighbour Summary** – All immediate neighbours were informed by neighbour notification letter; a site notice was erected; and an advert placed in the local press.
- 2.19 Forty-four letters of representation have been received as a result of this advertisement of the application, three of which support the application and thirty-three of which object to the application.
- 2.20 The three letters of support are from residents of Castleford, Pontefract and Monk Fryston (one of whom is believed to be the applicant) with reasoning for support being as follows:
- The application site is 2 miles from the village.
  - The application site is on agricultural land.
  - The proposal meets current planning policy.
  - We need more local produce.
- 2.21 The forty-one letters of objection (six of which are duplicates) are from residents of Monk Fryston (20), Hillam (13), Birkin (2), Drighlington (2), Dewsbury (2) and Upper Batley (2). These raise concerns in respect of:
- The impact of odour and noise from the proposed development, particularly in the context of the proximity of the development to neighbouring properties and the villages of Hillam and Monk Fryston.
  - The submitted odour report omitting reference to the manure pad and the spreading of manure on surrounding agricultural land.
  - Insufficient explanation surrounding slurry and waste management.
  - The lack of a manure management plan.
  - The potential of the development to overlook neighbouring properties and impact on the health and wellbeing of the occupants of neighbouring properties.
  - Bio-hazard protection measures associated with the proposed development.
  - The impact of the proposals on the openness of the adjacent Green Belt.
  - The impact of the proposal on highway safety and inaccurate traffic figures being included within the submitted documents.
  - Animal welfare issues.
  - Flood risk and drainage.
  - The impact of the proposals on the horses at the adjacent site.
  - The disaggregation of the applications.

### **3 SITE CONSTRAINTS**

#### **Constraints**

- 3.1 The application site is located outside the defined development limits of any settlements and is therefore located within the open countryside.
- 3.2 The application site is located within Flood Zone 1, which has a low probability of flooding.

### **4 POLICY CONSIDERATIONS**

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states *"if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise"*. This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making.
- 4.2 The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.
- 4.3 On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options took place early in 2020. There are therefore no emerging policies at this stage so no weight can be attached to emerging local plan policies.
- 4.4 The National Planning Policy Framework (February 2019) (NPPF) replaced the July 2018 NPPF, first published in March 2012. The NPPF does not change the status of an up-to-date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2019 NPPF.
- 4.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

*"213...existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."*

#### **Selby District Core Strategy Local Plan**

- 4.6 The relevant Core Strategy Policies are:
  - SP1 - Presumption in Favour of Sustainable Development
  - SP2 - Spatial Development Strategy

- SP13 – Scale and Distribution of Economic Growth
- SP15 - Sustainable Development and Climate Change
- SP18 - Protecting and Enhancing the Environment
- SP19 - Design Quality

### **Selby District Local Plan**

4.7 The relevant Selby District Local Plan Policies are:

- ENV1 - Control of Development
- ENV2 – Environmental Pollution and Contaminated Land
- EMP13 – Control of Agricultural Development
- EMP14 – Intensive Livestock Units
- T1 - Development in Relation to Highway
- T2 - Access to Roads

## **5 APPRAISAL**

5.1 The main issues to be taken into account when assessing this application are:

- The Principle of the Development
- Design and Impact on the Character and Appearance of the Area
- Impact on Residential Amenity
- Impact on Highway Safety
- Flood Risk and Drainage
- Nature Conservation and Protected Species
- Other Issues

### **The Principle of the Development**

5.2 Policy SP1 of the Core Strategy outlines that “...when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework...” and sets out how this will be undertaken. Policy SP1 is therefore consistent with the guidance in Paragraph 11 of the NPPF.

5.3 The application site is located outside the defined development limits of any settlements and is therefore located within the open countryside.

5.4 Policy SP2A (c) of the Core Strategy states “Development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13; or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances”.

5.5 Policy SP13C of the Core Strategy states, “In rural areas, sustainable development (on both Greenfield and Previously Developed Sites) which brings sustainable economic growth through local employment opportunities or expansion of businesses and enterprise will be supported, including for example (amongst other things) the development of well-designed new buildings; the diversification of

agriculture and other land based rural businesses". Policy SP13D of the Core Strategy states, "In all cases development should be sustainable and be appropriate in scale and type to its location, not harm the character of the area, and seek a good standard of amenity".

- 5.6 Policy EMP13 of the Selby District Local Plan supports agricultural development in principle and states "Agricultural development will be permitted provided the proposal: (1) Is necessary for agricultural purposes; (2) Is well related to existing farm buildings or situated on a site which minimises its visual impact; (3) Would not create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenity; (4) Is of a scale and design appropriate to its setting; (5) Is adequately screened and landscaped; and (6) Would not harm acknowledged nature conservation interests or a historic park or garden".
- 5.7 Policy EMP14 of the Selby District Local Plan refers only to intensive livestock operations which are defined as buildings and associated works both for the permanent indoor housing of pigs, poultry or cattle and the temporary housing of such livestock when a slurry system is employed. It states "Proposals for new intensive livestock units or the extension of intensive livestock units will only be permitted where: (1) The proposal satisfies the requirements of Policy EMP13 as an acceptable form of agricultural development; (2) The unit or any associated structure is a minimum of 800 metres from the defined development limits of any town, and 400 metres from the defined development limits of other settlements. Elsewhere, proposals may be acceptable within 400 metres of an occupied property but not nearer than 100 metres in even the most exceptional case, depending on the particular circumstances and the number of properties affected; and (3) The operation of the unit, either individually or cumulatively with existing livestock units in the locality, would not have a significant adverse effect on residential amenity or unreasonably constrain further residential development in a settlement".
- 5.8 The proposed development is considered to result in the construction of a well-designed new building of an appropriate scale, which would contribute towards and improve the local economy, and enhance or maintain the vitality of rural communities, in accordance with Policies SP2 and SP13 of the Core Strategy. Furthermore, the proposed use of the livestock building as a pig rearing and finishing unit would mean it would be necessary for agricultural purposes in accordance with Policies EMP13 and EMP14 of the Selby District Local Plan. Having regard to the above, it is considered that the principle of the development is acceptable. The following sections of this report will go onto consider the impacts of the development.

### **Design and Impact on the Character and Appearance of the Area**

- 5.9 Policy EMP13 of the Selby District Local Plan sets out that agricultural development will be permitted provided, in relation to its design and impact on the character and appearance of the area, a) the proposal is well related to existing farm buildings or situated on a site which minimises its visual impact; b) the proposal is of a scale and design appropriate to its setting; c) the proposal is adequately screened and landscaped; and d) the proposal would not create conditions prejudicial to highway safety or which would have a significant adverse impact on local amenity. Policy ENV1 of the Selby District Local Plan and Policies SP18 and SP19 of the Core Strategy also relate to the design and impact on the character and appearance of the area of proposals.

- 5.10 The submitted plans demonstrate that the proposed livestock building would be sited to the eastern end of the extent of the applicant's agricultural land, which extends to approximately 6.4 acres. It is noted that there is already a general-purpose agricultural building, a polytunnel and an associated area of hard standing sited to the west of the agricultural land within the applicant's ownership, adjacent to Lowfield Road. Therefore, the proposed agricultural buildings would be sited in an isolated location away from these existing farm buildings. However, the submitted Design and Access Statement, prepared by Ian Pick Associates Ltd, states that the siting of the proposed livestock building away from the existing buildings is to ensure no loss of residential amenity to the nearby properties and businesses, to the west side of Lowfield Road. Where an agricultural building is not related to existing farm buildings (which this is not) it must be demonstrated that it is situated on a site which minimises its visual impact. In this respect, a Landscape Visual Impact Assessment, prepared by LIVA Ltd, has been submitted as part of the application. It should be noted that this considers the cumulative impact of the two proposed livestock buildings – the one proposed under this application and the one proposed under application reference 2020/0650/FUL. This concludes that the scale and nature of the development and its juxtaposition to other agricultural development will have a medium landscape character sensitivity and the magnitude of change is small; therefore resulting in a level of landscape effect of minor (i.e. not a material change). This is subject to mitigation measures including: native tree and hedgerow planting to the site boundaries; management and maintenance of existing surrounding hedgerow and trees; and the use of materials for the external envelope of the buildings which minimise potential visual intrusion and follows the local vernacular to aid visual blending; all which have been incorporated into the proposals. The Council's Landscape Architect has been consulted on the proposals and has reviewed the Landscape Visual Impact Assessment. The Landscape Architect has advised that they have no significant concerns or objections to the proposal, including in relation to the siting and visual impact of the proposal. He advises that the proposals are fairly typical in style and scale as agricultural buildings, and the landscape proposals will provide a sufficient degree of screening. The materials to be used in the external construction of the building are considered appropriate and can be conditioned. Furthermore, the landscape proposals can be conditioned to be implemented in the first available planting season after construction, as can the initial 5-year plant defect/replacement period.
- 5.11 The impact of the proposals on highway safety will be considered later in this report, however, having regard to the anticipated number and type of traffic movements to and from the site, it is not considered that these would result in any significant adverse impact on the character of the area. In addition, the applicant has confirmed that no external lighting is proposed, therefore this would not have the potential to result in any significant adverse impact on the character of the area. A condition could be attached to any planning permission granted that no external lighting shall be installed at the site unless details of such lighting are first submitted to and approved in writing by the Local Planning Authority in the interests of the character and appearance of the area.
- 5.12 Having regard to the above, it is considered that the design and impact of the proposal on the character and appearance of the area would be acceptable in accordance with Policies ENV1 and EMP13 of the Selby District Local Plan, Policies SP18 and SP19 of the Core Strategy and national policy contained within the NPPF.

## Impact on Residential Amenity

- 5.13 Policy EMP13 of the Selby District Local Plan sets out that agricultural development will be permitted provided, in relation to residential amenity, there would be no significant adverse effect on local amenity. Policy EMP14 of the Selby District Local Plan, although referring only to intensive livestock operations which are defined as buildings and associated works both for the permanent indoor housing of pigs, poultry or cattle and the temporary housing of such livestock when a slurry system is employed (which is not the case here) sets out that proposals for new intensive livestock units will only be permitted provided, in relation to residential amenity, the unit or any associated structure is a minimum of 800 metres from the defined development limits of any town, and 400 metres from the defined development limits of other settlements. Elsewhere, proposals may be acceptable within 400 metres of an occupied property but not nearer than 100 metres in even the most exceptional case, depending on the particular circumstances and the number of properties affected. Policies ENV1 and ENV2 of the Selby District Local Plan also relate to the effect of proposals on amenity.
- 5.14 The application site is in excess of 800 metres from the defined development limits of any town, in excess of 400 metres from the defined development limits of other settlements (such as Monk Fryston, Hillam and Hambleton) and while there are curtilages of residential properties within 400 metres of the application site, siting of actual residential properties is 400 metres or in excess of 400 metres of the siting of the proposed building. There are no residential properties within 100 metres of the application site.
- 5.15 The application has been supported by an Odour Assessment, prepared by Redmore Environmental, and a Noise Impact Assessment, prepared by Matrix Acoustic Design Consultants. It should be noted that these consider the cumulative impact of the two proposed livestock buildings – the one proposed under this application and the one proposed under application reference 2020/0650/FULM.
- 5.16 The Odour Assessment sets out that odour emissions from the proposed development (namely from the ridge mounted fans and side wall openings) have the potential to cause impacts at sensitive locations, therefore an odour assessment has been undertaken to quantify the effects in the vicinity of the proposed development. Potential odour releases were defined based on the size and nature of the proposed rearing unit. Impacts at sensitive receptors were quantified using dispersion modelling, the results compared with the relevant odour benchmark level and the significance assessed in accordance with the appropriate guidance. Predicted odour concentrations were below the relevant odour benchmark level at all sensitive locations in the vicinity of the site for all modelling years. In addition, resultant impacts were classified as not significant at all receptors in accordance with the stated criteria. As such, the Odour Assessment concludes that the potential odour emissions from the unit are not considered to represent a constraint to the proposed development.
- 5.17 The Noise Impact Assessment has determined the typical background noise levels at the nearest residential properties to the proposed development and has assessed noise emissions from plant and livestock as a result of the proposed development in accordance with BS4142:2014. It has been calculated that the noise impact from plant and livestock during the day and evening would be low and during the night would be negligible. On this basis, the Noise Impact Assessment

concludes that the proposed development will not result in an adverse noise impact at the nearest residential properties, such that on noise grounds it is acceptable.

- 5.18 The Council's Environmental Health Officer (EHO) has been consulted on the proposals and has reviewed the Odour Assessment and the Noise Impact Assessment.
- 5.19 In terms of odour, the Council's EHO has advised "*The closest dwellings are understood to be between 400 and 550 metres from the proposed pig units. Furthermore, dispersion modelling within the supporting Odour Assessment (ref: 3300r1 dated 31st March 2020) predicts through a series of algorithms no exceedance of the recommended 3.0 ouE ms-3 at any receptor thus concludes negligible impact, although it is difficult to verify these claims in the absence of software package ADMS-5.2*". In view of the above, the Council's EHO raises no objections to the proposal in respect of odour, but recommends a condition is attached to any planning permission granted requiring the development to be carried out in accordance with the submitted Odour Assessment.
- 5.20 Following a number of letters of representation being submitted raising the fact that the submitted Odour Assessment does not take account of the manure pad to the north of the proposed buildings, which would be a source of odour, the Council's EHO has provided further comments on the application. They have advised "*The manure pad is enclosed within a catchment drain, and dirty water will be collected within a sealed concrete tank beneath. As mentioned in previous comments, it is difficult to verify the odour assessment in absence of the software package used when running the algorithms. Nevertheless, the relevant odour criteria is 3.0 ouE ms-3 and the greatest impact is predicted to be <0.5 ouE ms-3 (negligible) at the nearest residential receptor. Therefore, it is unlikely that the manure pad would give rise to odour that would amount to exceedance of the criteria. However, in the interest of accuracy, it is agreed that this should be addressed within the odour assessment*".
- 5.21 An updated Odour Assessment was submitted on 21 January 2021 for consideration, which takes into account the manure pad to the north of the buildings. The Council's EHO has reviewed this and has advised that the inclusion of manure pads in the odour assessment does not change the outcome of the report. A slight increase in odour emissions is predicted and remains within the relevant odour criteria.
- 5.22 A number of representations have also been submitted raising concerns around the lack of a manure management plan. The Council's EHO has been consulted on this matter and has advised "*This typically applies when the process is subject to an Environmental Permit regulated by the Environment Agency, and the relevant threshold is either 2,000 production pigs (over 30kg) or 750 breeding sows. This application is for 1900 production pigs and, therefore, is not subject to a permit. Nevertheless, the Environment Agency guidance seems to only concern itself with a manure management plan when there are sensitive receptors within 400m and my understanding was that there are no dwellings within this range. However, the guidance does not seek to protect residential amenity but to ensure that Best Available Techniques (BAT) is adopted. An example of a recent similar intensive pig farm application within the district is Dam Lane, Thorpe Willoughby (ref: 2012/0485/OUT and before my time) and a manure management was not required in that instance*". Given the above, Officers do not consider it to be reasonable or

necessary to attach a condition requiring a manure management plan to any planning permission granted.

- 5.23 In terms of noise, the Council's EHO has advised *"Overall, the assessment has been carried out in accordance with the appropriate methodology, and the use of BS4142:2014 is considered acceptable for pig noise in the absence of sector-specific standard. The assessment is based on 30% night-time extraction capacity whereby only one fan is operational and I would advise that a consequence of utilising a second or third fan during this time period is a greater exceedance (LAr) of existing background levels (LA90,T). Furthermore, the accuracy of the night-time assessment is reliant on pigs sleeping during night-time hours"*. In view of the above, the Council's EHO raises no objections to the proposal in respect of noise, but recommends two conditions are attached to any planning permission granted: the first requiring the development to be carried out in accordance with the submitted Noise Impact Assessment; and the second requiring the cumulative level of sound associated with the proposed development, when determined externally under free-field conditions, to not exceed the representative background sound level at nearby sensitive receptors.
- 5.24 Having regard to the above, it is considered that the impact on residential amenity would be acceptable in accordance with Policies ENV1, ENV2 and EMP13 of the Selby District Local Plan and national policy contained within the NPPF.

### **Impact on Highway Safety**

- 5.25 The proposed development would be accessed from Lowfield Road to the west, via an existing farm access which would be upgraded as part of the proposals. All traffic is proposed to be routed southwards along Lowfield Road from the site towards Hillam Common Lane, thus avoiding the existing junction with the A63 to the north. Three passing places would be installed on Lowfield Road (on land which has been confirmed to be Highway Maintainable at Public Expense), as shown on drawing no. IP/JT/05 REV B. For vehicles to access the site from the A63, or vice versa, the applicant has advised that they could be routed either east via Gateforth, or west via Hillam, which could be conditioned as considered appropriate.
- 5.26 In terms of traffic movements associated with the proposed development; the original Design and Access Statement submitted with the application advised as follows. It should be noted that these figures relate to the operation of two proposed livestock buildings – the one proposed under this application and the one proposed under application reference 2020/0650/FUL.
- Pig Delivery – 1 artic lorry per batch, with 2.2 batches per annum.
  - Finished Pig Removal – 2 artic lorries per week, during weeks 17-20 of each batch.
  - Feed Delivery – 1 per week, via artic lorry or rigid lorry.
  - Manure Removal – 1 per week, via tractor & trailer.
- 5.27 Following a number of letters of representation being submitted raising concerns over an underestimation of the traffic movements associate with the proposed development, the applicant advised that in addition to those set out within the original Design and Access Statement, there would also be the following:
- Removal of liquid waste – 2 per annum via vacuum tanker.
  - Delivery of fresh straw – 2 per month via straw trailer.

- 5.28 Inspections, drug deliveries, vet visits, equipment maintenance, attendance by staff etc. are all considered to result in traffic movements of a minimal scale and are argued to already be present at the site in relation to the existing operations.
- 5.29 North Yorkshire County Council Highways were consulted on the proposals on the above basis and advised that they had no highway safety concerns regarding the proposals, subject to conditions relating to (1) new and altered private access or verge crossing; (2) visibility splays at Lowfield Road; (3) delivery of off-site highway works; (4) details of access, turning, and parking; (5) construction management plan; (6) routing of vehicles to the A63 via Gateforth.
- 5.30 Subsequently the Parish Council submitted a further objection which contained two reports: (1) 'Proposed Pig Unit Commentary' – compiled by an independent pig consultant with over 35 years of management experience in the pig industry; and (2) 'Access Appraisal Report' – from Sanderson Associates, who provide consultancy services on highways and traffic safety. In response to the submission of this objection, the agent/applicant agreed the original vehicle figures were incorrect and that those provided in the submitted representation were more realistic – a revised Design and Access Statement with amended traffic movement figures was therefore subsequently submitted.
- 5.31 North Yorkshire County Council Highways were consulted on the revised proposals. Following discussions between the Project Officer (PO), Improvement Manager (IM) and local Highway Officer (HO) at North Yorkshire County Council for the Selby area, it was concluded that the increase of traffic on Lowfield Road would not be a reason for refusal, as the applicant had agreed to improve the access to the site, provide passing places/localised widening on Lowfield Road and the junction with Hillam Common Lane, which will also be an improvement for all highway users on Lowfield Road. Therefore, North Yorkshire County Council Highways have advised they have no highway safety concerns regarding the proposals, subject to conditions relating to: (1) new and altered private access or verge crossing; (2) visibility splays at Lowfield Road; (3) delivery of off-site highway works; (4) details of access, turning, and parking; (5) construction management plan; (6) routing of vehicles.
- 5.32 Having regard to the above, it is considered that the impact on highway safety would be acceptable in accordance with Policies ENV1, EMP13, T1 and T2 of the Selby District Local Plan and national policy contained within the NPPF.

### **Flood Risk and Drainage**

- 5.33 The application site is located within Flood Zone 1, which has a low probability of flooding.
- 5.34 In terms of drainage, the submitted application form sets out that surface water would be disposed of via soakaway and foul sewage would be disposed of via 'other means'. A 'Flood Risk, Surface Water and Foul Drainage Assessment' has been submitted with the application which clarifies that in relation to foul and dirty water, the manure pad to the north of the building would be enclosed within a catchment drain, with dirty water being collected within a sealed concrete tank beneath. This tank would have a capacity of 22,000 gallons (to serve the two proposed livestock buildings – the one proposed under this application and the one proposed under application reference 2020/0650/FULM) with a unit of this size

expected to produce <40,000 gallons of dirty water per annum. The dirty water would be made up of wash out water (from the shed being power washed following each batch) and contaminated rainfall which falls on the manure pad. The tank would be emptied as and when necessary via a vacuum tanker.

- 5.35 The Local Lead Flood Authority, Yorkshire Water and the Internal Drainage Board have been consulted on the proposals. The Local Lead Flood Authority and Yorkshire Water have not provided a response. The Internal Drainage Board have advised that if the surface water were to be disposed of via a soakaway system, the IDB would have no objection in principle but would advise that the ground conditions in this area may not be suitable for soakaway drainage; it is therefore essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year. A condition could be attached to any planning permission granted requiring surface water drainage proposals to be agreed prior to the commencement of development, such that if soakaway testing is undertaken and proven to be a viable option for surface water drainage in this location it can be implemented; while if not an alternative method of surface water drainage would need to be approved.
- 5.36 Having regard to the above, it is considered that the proposals are acceptable in respect of flood risk and drainage in accordance with national planning policy.

### **Nature Conservation and Protected Species**

- 5.37 The application has been supported by a Preliminary Ecological Appraisal (PEA), prepared by Craig Emms, Consultant Ecologist. This sets out that the site is part of a farm and is for the most part, surrounded by arable land and pasture. Habitats on and adjacent to the site include grassland and a hedgerow. There are no ponds on the site and no ponds within 500m of the site. The survey revealed that the site's habitats which will be affected by works are common and widespread and are considered to be of low intrinsic biodiversity value. The site is not of sufficient ecological value to warrant whole-scale protection from development. The PEA provides recommendations which will reduce the risk of harm to any wildlife in the lead up to construction on the site and during the development itself. Proposed ecological enhancements for wildlife include the placement of hedgehog boxes in the bases of hedgerows and the erection of bird and bat boxes on suitable trees within the curtilage of the farm. Once applied and carried out, the PEA sets out that the recommended ecological protection and enhancements will provide assurance that there is no net loss to biodiversity and no unacceptable adverse impact on ecosystem services.
- 5.38 North Yorkshire County Council Ecology have been consulted on the proposal and have reviewed the PEA. They have advised that the land on which the livestock unit and access track would be located is agriculturally improved grassland of low value for biodiversity and no threats to protected species have been identified. While the ecological appraisal is very thorough, in places it offers general guidance to the applicant rather than an assessment of the actual development proposal. For example, it provides useful advice on reducing ecological impacts of external lighting, but the application drawings do not appear to show any external lighting. North Yorkshire County Council Ecology have advised that some of the recommendations contained in the report are over and above what they would usually expect for a development where no specific nature conservation issues have been identified, e.g. finger-tip search prior to site clearance. Equally the hedgerow and woodland planting that is proposed is likely to be substantially more

valuable than installing hedgehog boxes. For this reason, North Yorkshire County Council Ecology suggest an informative is attached to any planning permission granted that the applicant should consider the recommendations contained in the ecological appraisal, rather than a condition requiring strict adherence. The detailed landscaping proposals found in the Landscape Visual Impact Assessment plan will achieve useful net gain for biodiversity by strengthening the northern boundary hedgerow, providing new hedgerow trees and an area of native-species planting wrapping around the eastern end of the proposed livestock unit.

- 5.39 Natural England have been consulted on the proposal and advised, in their initial response, that insufficient information had been provided in relation to air quality impacts. They advised *“Manure stores, slurry lagoons and livestock sheds are a major source of emissions of ammonia which is directly toxic to vegetation and especially to lower plants (mosses, liverworts and lichens). Ammonia is also a major contributor to the deposition of nitrogen, which reduces habitat biodiversity by promoting the growth of a relatively small number of the more vigorous plant species which then out-compete the other species present. Our Impact Risk Zones have identified that interest features of designated sites North York Moors, Robin Hoods Bay: Maw Wyke to Beast Cliff, Biller Howe Dale and Newtondale Sites of Special Scientific Interest may be sensitive to impacts from aerial pollutants, such as those emitted from this proposed development. The consultation documents provided do not include any assessment of air quality impacts. In order for us to advise on this case an initial screening for air quality impacts should be completed. Simple screening tools are available via the internet, such as the Simple Calculation of Atmospheric Impact Limits (SCAIL) model: <http://www.scail.ceh.ac.uk/>. The results of this screening should inform the need for any further, more detailed assessment which may be required to fully assess the impacts of the proposal. Where screening results indicate a more detailed assessment is necessary this should be carried out and completed prior re-consulting Natural England.”*
- 5.40 Following on from the above comments from Natural England, the applicant’s agent has undertaken an initial screening for air quality impacts using the Simple Calculation of Atmospheric Impact Limits (SCAIL) model and submitted this for consideration. The results of ammonia modelling within the additional information provided by the applicant’s agent claim compliance with Natural England guidance. Natural England have been re-consulted on this information and have advised that they have no further comments to make.
- 5.41 Having regard to the above, the proposals are considered to be acceptable in respect of their impact on nature conservation and protected species, in accordance with Policies ENV1 and EMP13 of the Selby District Local Plan, Policy SP18 of the Core Strategy, national policy contained within the NPPF, the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2017.

### **Other Issues**

- 5.42 The proposed development is not located within the Green Belt, however, it is located within close proximity to the Green Belt, which covers land to the opposite side of Lowfield Road and to the north of the A63. As set out in paragraph 145 of the NPPF, buildings for agriculture (such as this one) are considered to be appropriate development in the Green Belt and are therefore not considered to be harmful either to the openness of the Green Belt or to the purpose of including land in the Green Belt (as confirmed in recent case law). Given the above and given the

location of the proposal outside the Green Belt, it is considered that the proposal would not have any significant adverse impact on the openness of the Green Belt.

- 5.43 The proposed building will be used for the housing of livestock and the application site falls within a Nitrate Vulnerable Zone (NVZ) as designated by the Environment Agency. The Environment Agency have confirmed that the proposed development would be located within a NVZ and have provided advice and guidance on NVZ storage requirements. It is considered the proposals meet the requirements set out in the guidance.

## **6 CONCLUSION**

- 6.1 The application site is located outside the defined development limits of any settlements and is therefore located within the open countryside. The application seeks full planning permission for the erection of a livestock building, to be used as a pig rearing and finishing unit, with associated infrastructure.
- 6.2 The application is considered to be acceptable in principle in accordance with the relevant policies of the development plan. The proposed development is considered to result in the construction of a well-designed new building of an appropriate scale, which would contribute towards and improve the local economy, and enhance or maintain the vitality of rural communities, in accordance with Policies SP2 and SP13 of the Core Strategy. Furthermore, the proposed use of the livestock building as a pig rearing and finishing unit would mean it would be necessary for agricultural purposes in accordance with Policies EMP13 and EMP14 of the Selby District Local Plan.
- 6.3 Furthermore, having assessed the proposals against the relevant policies, it is considered that the proposals are acceptable in respect of their design and impact on the character and appearance of the area, impact on residential amenity, impact on highway safety, flood risk and drainage, nature conservation and protected species, and other issues identified.

## **7 RECOMMENDATION**

This application is recommended to be GRANTED subject to the following conditions:

01. The development for which permission is hereby granted shall be begun within a period of three years from the date of this permission.

Reason:

In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

02. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below:

IP/JT/01 – Location Plan

IP/JT/02 – Layout Plan

IP/JT/03 – Floor Plans and Elevations

IPA1110-SL – Soft Landscape Proposals

IP/JT/05 Rev B – Passing Places

Reason:

For the avoidance of doubt.

03. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be concrete panels and adjustable gale breaker curtains in juniper green with Yorkshire boarding cladding to the gable ends for the external walls; and fibre cement sheeting in standard grey for the roofs (as shown on drawing no. IP/JT/03). Only the approved materials shall be utilised.

Reason:

In the interests of visual amenity and in order to comply with Policies SP18 and SP19 of the Core Strategy and Policies ENV1 and EMP13 of the Selby District Local Plan.

04. The landscaping and tree planting scheme as submitted on drawing no. IPA1110-SL shall be implemented in its entirety within the first available planting season following the construction of the development hereby permitted. All trees, shrubs and bushes shall be adequately maintained for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Reason:

In the interests of visual amenity and in order to comply with Policies SP18 and SP19 of the Core Strategy and Policies ENV1 and EMP13 of the Selby District Local Plan.

05. No external lighting shall be installed on site unless details of such lighting, including the intensity of illumination and predicted lighting contours, have been first submitted to and approved in writing by the Local Planning Authority. Any external lighting that is installed shall accord with the details so approved.

Reason:

In the interests of visual amenity and residential amenity and in order to comply with Policies SP18 and SP19 of the Core Strategy and Policies ENV1 and EMP13 of the Selby District Local Plan.

06. The development hereby permitted shall be carried out in accordance with the supporting Odour Assessment, prepared by Redmore Environmental, dated 21 January 2021.

Reason:

In the interests of residential amenity and in order to comply with Policies ENV1, ENV2 and EMP13 of the Selby District Local Plan.

07. The development hereby permitted shall be carried out in accordance with the supporting Noise Impact Assessment, prepared by Redmore Environmental, dated 29 April 2020.

Reason:

In the interests of residential amenity and in order to comply with Policies ENV1, ENV2 and EMP13 of the Selby District Local Plan.

08. The cumulative level of sound associated with the proposed development, when determined externally under free-field conditions, shall not exceed the

representative background sound level at nearby sensitive receptors. All noise measurement/predictions and assessments made to determine compliance shall be made in accordance with British Standard 4142:2014: Methods for rating and assessing industrial and commercial sound, and/or its subsequent amendments.

Reason:

In the interests of residential amenity and in order to comply with Policies ENV1, ENV2 and EMP13 of the Selby District Local Plan.

09. The development hereby permitted must not be brought into use until the access to the site at Lowfield Road has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements. The crossing of the highway verge and/or footway must be constructed in accordance with the approved details and/or Standard Detail number E2 and the following requirements.

- Any gates or barriers must be erected a minimum distance of 13 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.
- Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway and must be maintained thereafter to prevent such discharges.
- The final surfacing of any private access within 13 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
- Measures to enable vehicles to enter and leave the site in a forward gear.
- Measures to enable vehicles to leave in a southerly direction, these must include physical measures as well as all appropriate signs.

All works must accord with the approved details.

Reason:

To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.

10. There must be no access or egress by any vehicles between the highway and the application site at Lowfield Road until splays are provided giving clear visibility of 215 metres measured along both channel lines of the major road from a point measured 4.5 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

In the interests of highway safety.

11. The following scheme of off-site highway mitigation measures must be completed as indicated below:

- Passing places/localised road widening and improvements to the junction with Lowfield Road and Hillam Common Lane to North Yorkshire County Council Specification in the locations shown on drawing number IP/JT/05 Rev B prior to commencement of any works on site.

Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of the scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority.

An independent Stage 2 Road Safety Audit carried out in accordance with GG119 – Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site.

A programme for the delivery of the scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site.

The off-site highway works must be completed in accordance with the approved engineering details and programme.

Reason:

To ensure that the design is appropriate in the interests of the safety and convenience of highway users.

12. There must be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) at Lowfield Road until full details of the following have been submitted to and approved in writing by the Local Planning Authority:

- vehicular and cycle parking;
- vehicular turning arrangements including measures to enable vehicles to enter and leave the site in a forward gear, and;
- loading and unloading arrangements.

No part of the development must be brought into use until the vehicle access, parking, manoeuvring and turning areas at Lowfield Road have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.

13. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited, to arrangements for the following:

- details of any temporary construction access to the site including measures for removal following completion of construction works;
- restriction on the use of the A63 access for construction purposes;

- wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- the parking of contractors' site operatives and visitor's vehicles;
- areas for storage of plant and materials used in constructing the development clear of the highway;
- details of site working hours;
- details of the measures to be taken for the protection of trees; and
- contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason:

In the interest of public safety and amenity.

14. No development shall commence until a Vehicle Management Plan for the routing of Vehicles to and from the site from the A63 has been submitted to and approved in writing by the Local Planning Authority. The Plan shall thereafter be implemented as approved and make provision for:

- Monitoring of the approved arrangements during the life of the development.
- Ensuring that all drivers of vehicles under the control of the applicant are made aware of the approved arrangements.
- The disciplinary steps that will be exercised in the event of a default.
- Appropriate signage, details to be approved by the Local Highway Authority and erected advising drivers of the vehicle routes agreed with the Local Highway Authority.

Reason:

In the interests of maintaining highway efficiency and safety.

15. Prior to the commencement of the development hereby permitted, a scheme for the provision of surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Internal Drainage Board. Any such scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use.

The following criteria should be considered:

- Any proposal to discharge surface water to a watercourse from the redevelopment of a brownfield site should first establish the extent of any existing discharge to that watercourse. Peak run-off from a brownfield site should be attenuated to 70% of any existing discharge rate (existing rate taken as 140lit/sec/ha or the established rate whichever is the lesser for the connected impermeable area).
- Discharge from "greenfield sites" taken as 1.4 lit/sec/ha (1:1yr storm).
- Storage volume should accommodate a 1:30 yr event with no surface flooding and no overland discharge off the site in a 1:100yr event.
- A 20% allowance for climate change should be included in all calculations.
- A range of durations should be used to establish the worst-case scenario.
- The suitability of soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 or other approved methodology.

Reason:

To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding.

**INFORMATIVE:**

Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's web site:

[https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification\\_for\\_housing\\_\\_\\_ind\\_est\\_roads\\_\\_\\_street\\_works\\_2nd\\_edition.pdf](https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification_for_housing___ind_est_roads___street_works_2nd_edition.pdf)

**INFORMATIVE:**

Notwithstanding any valid planning permission for works to amend the existing highway, there must be no works in the existing highway until an Agreement under Section 184 or 278 of the Highways Act 1980 has been entered into between the Developer and North Yorkshire County Council as the Local Highway Authority. To carry out works within the highway without a formal Agreement in place is an offence.

**INFORMATIVE:**

The applicant is advised that they should consider the recommendations contained in the contained within the Preliminary Ecological Appraisal (PEA), prepared by Craig Emms, Consultant Ecologist.

**8 Legal Issues**

**8.1 Planning Acts**

This application has been determined in accordance with the relevant planning acts.

**8.2 Human Rights Act 1998**

It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

**8.3 Equality Act 2010**

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However, it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

**9 Financial Issues**

Financial issues are not material to the determination of this application.

**10 Background Documents**

Planning Application file reference 2020/0631/FULM and associated documents.

**Contact Officer:** Jenny Tyreman (Assistant Principal Planning Officer)

**Appendices:** None