

31/05/2011

Item 1.9

Reg. No. CW9/2011/0002/CW

Applicant:
MIDLAND PIG PRODUCERS LTD

Agent:
NAOMI LIGHT
FISHER GERMAN LLP
80 TAMWORTH ROAD
ASHBY DE LA ZOUCH

Proposal: PROPOSED ERECTION OF A 2,500 BREEDING SOW PIG REARING UNIT WITH GRAIN STORE, FEED MILL, FEED HOPPERS, MESS BLOCK, WATER TREATMENT BUILDINGS TOGETHER WITH STORAGE BUILDINGS FEEDING AN ASSOCIATED ANAEROBIC DIGESTION FACILITY, SERVICE BUILDING, DIGESTATE AND METHANE GAS STORAGE TANKS SUPPLYING AN ELECTRICITY GENERATION FACILITY AND INCORPORATING A VISITOR CENTRE, 4 AGRICULTURE WORKERS DWELLINGS AND GARAGING, STRATEGIC LANDSCAPING, INCLUDING THE FORMATION OF BUNDS, A SURFACE WATER ATTENUATION POND, AND RAINWATER RETENTION AREA WITH SITE PARKING FACILITIES, WEIGHBRIDGES, SECURITY FENCING AND ASSOCIATED INFRASTRUCTURE UNDER DCC CW9/0311/174 AT LAND OFF UTTOXETER ROAD FOSTON

Ward: HILTON

Valid Date: 08/04/2011

Reason for committee determination

Members may be aware that this application was first submitted to this Council but that application was withdrawn following intervention by the County Council in relation to the importation of waste to mix with pig waste to produce bio gas. As such the proposed development is now deemed to be an application with a significant waste element and therefore must be determined by the County Council as Waste Planning Authority. The County Council has now requested this Council's comments on the application.

This is a major development falling within Schedule 1 Development for the purposes of the 1999 Environmental Assessment Regulations. An Environmental Statement (ES) accompanies the application as required by law. The scheme was subject to Screening and Scoping opinions by the County Council.

Site Description

The site occupies approximately 28ha (70 acres) in arable land with a strip of 'set aside' land around the edge of fields. There are no buildings or structures on the land. It is located approximately 1.6km north-west of Scropton Village, 0.6km south-west of Foston Village and 2km east of Sudbury. Foston Hall Prison (a Grade II listed building) abuts the east boundary. The prison is secured with high-level security and chain link fencing. Staff and visitor parking would be located on a car park on the site's east boundary and a further car park off Woodland Drive is proposed. Eight semi-detached, two storey houses are located on the southwestern perimeter of the prison. It is understood that the Prison Service has sold these houses as private dwellings. The topography is relatively flat across much of the site, although there is a slight gradient towards the southeast corner of the site from Utttoxeter Road.

To the north of the site lies Utttoxeter Road (A50). Roadside landscaping that was provided at the time the A50 was constructed measuring 70m x 740m separates and screens the site from the A50. The junction currently provides access to Foston Hall Prison, Maidensley Farm and the houses on Woodland Drive and Foston Close. It would also be the main access to the application site. A second agricultural access to the site is located to the east of the site off Woodland Drive.

Woodland planting occupies the south and southeast boundaries of the site. This land is not within the applicant's ownership and the woodland is used for private game shooting. Dale Brook lies south of the woodland.

Maidensley Farm is located on the west boundary of the site and is set in both arable and pasture land. Some of the traditional farm buildings have been converted for residential use. A native hedgerow and field drain forms the common boundary to the application site to Maidensley Farm. Maidensley Farm has been split into three separate dwellings, which includes dwellings not related to farming use.

Wider views of the site are available from Hanbury village and photographs of the view from the churchyard will be displayed at the Meeting.

Proposal

The anaerobic digester is used to process the pig slurry and remove 97% of the odour; it also takes green waste redirected from landfill that is mixed with the slurry to produce methane, which is used to generate electricity and hot water. The electricity and hot water would be used to run the pig units with the potential for other local buildings such as Foston Prison to make use of any surplus hot water. A visitor centre, mess block, service building, processing plant and feed mill are proposed on the site. The green waste (45,000 tonnes per annum, imported to the site) would be mixed with pig slurry (35,000 tonnes), dewatered to assist with the anaerobic digestion of the 'smoothie' mix that would be fed into the digesters.

The application can be broken down into three elements:

The Pig Farm

The pig farm would operate a 2500-sow pig unit producing approximately 1000 bacon pigs per week (25,000 pigs on the farm when fully operational). The farm comprises 4 dry sow units 28m(w) x 100m(l) x 8m(h), 2 farrowing units 24m(w) x 110m(l) x 6m(h), 2 grower units 24m(w) x 140m(l) x 6m(h) and 6 finishing units - 24m(w) x 158m(l) x 6m(h)

(4.1m to the eaves). These would be clad in a green side cladding under a grey metal profile roof.

Also associated with the pig application is a Grain Store 54m long, 18m wide and 8m to the ridge; a Processing and Storage Plant, including a repair workshop 60m long, 10m wide and 8m to the ridge together with a water treatment building that is 10m long, 6m wide and 4m to the ridge. A two-storey Visitor Centre would be constructed in brick and timber boarding under a tiled roof sited towards the entrance of the site and would include office facilities for the site. A mess block would be located on the northern perimeter of the pig unit fencing. It would provide clean and dirty changing areas, toilet facilities, a small kitchen and dining facilities for staff members. These facilities are required on the boundary for bio security and prevent cross contamination for both workers and visitors to the site. The building will be of brick and tile construction with upvc windows and doors to comply with current building regulation standards. Waste and foul water would be processed using a package treatment plant.

In addition to the above, a rainwater retention area is proposed to the southwest corner of the field, it would measure 75m x 25m and store roof water. A surface water/wetland area is proposed in the southeast part of the site.

The Anaerobic Digester, Service Building and associated Plant and storage facilities

Ten underground storage tanks are proposed. The digesters are a variation on the norm, being a canal type rather than having the traditional round tank. The proposed canal system, known as 'Plug-Flow', it is based on a higher dry matter input and is controllable to a much higher degree than a round tank. The canal is effectively a U shape to allow the "plug" (the daily input of separated slurry mixed with green waste) to travel day by day round the canal and come out at the same elevation as it went in. In order to improve the efficiency of the process the applicants proposed to introduce compostable materials into the digester at 37° in order that the process starts almost immediately rather than waiting for the slurry to heat within the tanks as is usual in the more familiar round tank system.

In order to mix the pig slurry and the imported green waste, a service building is proposed this is 50m long x 56m wide with an eaves height of 8m with a ridge height of 11 m. This is the tallest building proposed on the site and contains the 3 exhaust stacks from the electricity generating plant that lie within this building – these stacks are 25 metres high, the tallest structures proposed on the site.

To the north of the digester tanks is an emergency flare that would be activated should the gas pressure in the digester tank exceed 0.05% of the external air pressure. The 'burn' would take place within the flare stack so there should be no external manifestation of the flame. This flare stack would be 3.0m high.

Other buildings and tanks including three methane storage tanks are located in a secure compound to the east of the Service building. The larger of these tanks will hold the pig slurry prior to it entering the service building for composting. The water is stored here prior to recycling through the pig buildings or being further treated for drinking by the pigs.

Agricultural Workers' Dwellings

Four dwellings are proposed and the application documents includes an agricultural justification for these houses, which is set out in the applicant's supporting information below. Two detached and two semi-detached dwellings are proposed on land adjacent to the houses on Woodland Drive. The net gain of agricultural workers' housing is 2, because it is proposed to remove the 2 existing houses on the pig farm on Woodyard Lane.

Applicants' supporting information

In summary the applicant's state that they have developed a new concept in energy production to complement pig production, that they consider would lead the industry into the next generation of pig farms. This consists of a "Green Circle Production System", with an odourless pig unit producing odourless fertiliser through an anaerobic digestion facility (AD) for local third party farmers to grow crops, which would then be used to feed the pigs. The applicants are now seeking to utilise these new sustainable methods of production to create an exemplary farm, which the applicants state would alter the standards for future British pig farming.

Animal Welfare Statement

Mindful of the objections to the withdrawn planning application, the applicants have prepared an Animal Welfare Statement. It states that the applicants work closely with Government and other agencies on animal welfare issues. Its site in Staffordshire is used by the agencies as a base to improve animal welfare. In particular the aims of this application in terms of animal welfare are as follows:

- A fully free farrowing system with no confinement, even in the early days, to meet Freedom Food requirements. We reserve, however the right to protect the stockperson, who may in the normal course of animal husbandry, restrain individual sows for treatment or help with the birthing process;
- Availability of fresh straw to avoid risk of tail-biting, sufficient in quantity also to provide comfort;
- Temperature controlled solid bedded lying areas with minimum space allowances in line with Freedom Food requirements for all pigs including dry sows, farrowing sows, boars, weaners, growing and fattening pigs;
- Generous total space allowances, beyond statutory requirements (which would be enhanced further if necessary) to enable tails to be kept on pigs without tail-biting;
- No mutilations, including tail-docking, tooth reduction and castration, in so far as is compatible with statutory requirements (slap marking);
- Ammonia reduction inside buildings via a water flushing systems;
- No need for slurry lagoon;
- Provision of natural light for the pigs; and
- Locally grown feed raw materials, including wheat barley and beans.

This is information included in a letter to Compassion in World Farming; it is not know what response if any has been made by this organisation.

Pig Buildings

The buildings themselves have been designed using latest welfare standards, ensuring strong growth of piglets with the aim of eliminating the need for the removal of teeth and nails. The actual floor level is approximately 1m above ground level and incorporates an innovative concrete and plastic slatted floor, which allows all pig waste to pass through into the water tanks below. Each pen would be split into 3 areas incorporating a concrete area for lying and foraging, a loafing area incorporating plastic slats and a soiling area with concrete slats. The pig race and areas for pig transportation would also adopt the slatted floor system. Waste materials fall continuously into the below floor tanks which would be 'flushed' every 48-hours with the waste materials being piped directly to the AD plant. Centrifugal fans, situated on the outside of each building section, would give the required air change these have a blade diameter of 1.2m in and run slowly to reduce noise but have the capacity to run at higher speeds should the air temperature outside the buildings exceed 32° they would run at full speed.

A ventilation shaft would run the length of each building. At the end of each shaft, fans would operate to ensure continual airflow. Air would enter the unit through the wall fans, enter the ventilation shaft and pass through a water curtain to remove any odorous dust particles. Water for the curtain is the cleaned and processed water from the AD plant. The used water would be recycled into the flushing system and return for cleaning within the AD plant. Carbon or organic filters (using materials such as wood and moss) would be constructed behind the air extractor fans at the end of the ventilation shafts, these are modular to allow ready replacement. The three phase odour removal systems would ensure the air leaving the buildings is approximately 97% odour free.

The Anaerobic Digester and Service Building

Ten underground anaerobic storage tanks are proposed. The digesters are a variation on the norm, being a canal type rather than having the traditional round tank more often found in this country as described above. It is an American system that the applicants assert is well proven.

Another innovation in the proposed design relates to the amount of heat required to prime the system. The proposed system is innovative, in trying to maintain the temperature of the slurry as it leaves the pig and passes through to the AD process the aim is to reduce the risk of 'temperature jolt' (damage to biogas generation) that may occur if the microbes suffer a change in temperature – it should also help to ensure that methane production is not held up whilst the mixture raises to the required temperature.

The service building has HGV vehicular access via 4 automatic roller shutter doors together with 8 separate pedestrian access points. It contains a waste reception area, office, 3 x CHP generator units [contained within sound proof containers on the west side of the building] and an associated control room. A workshop/spare parts area, a meeting room, male and female changing facilities, separator, a pre-digester mixing tank, pasteurisation tanks and an air washing unit of the same type that are proposed on the pig buildings.

The waste reception area in the service building would be sufficient to house four lorries at any one time. Lorries tip waste into open containers, which would feed into the pre digester mixing tanks and the separator. In order to reduce noise and odour impacts from the deliveries and tipping activities, operations would be carried out in the building

with all the doors closed. The sealed area would in the opinion of the applicants also reduce the visual impact of the waste and lorries tipping.

Within this service building the dewatered pig slurry is mixed with imported green waste prior to being fed into one of the 10 anaerobic digesters for composting and it is during this process that methane gas is produced. The methane gas would be collected from the digesters and fed directly to the generators also housed within the service building. The generators produce electricity and heat. The electricity would be used to power the site and any surplus would be fed into the national grid. The heated water is fed back into the pig buildings to facilitate the removal of the slurry. The applicants also propose that provision would be made to supply any surplus hot water to the boundary of the site to enable service to the adjacent Foston Hall Prison.

The control room, which constantly monitors and maintains optimum operating conditions in the building. In the event of malfunction, alarm messages are communicated to the plant operator by mobile phone. The site provider would also monitor throughput and are available on a 24hr basis for technical assistance. All equipment is designed to be 'fail safe' to maintain plant safety and environmental protection with manual resets required on all safety-critical machinery.

The changing area is provided to keep the dirty and clean areas of the building separate and also contain shower facilities for both male and female staff.

Storage tanks

The tanks are constructed on-site using prefabricated concrete panels set on an outer reinforced concrete ring and tensioned with corrosion proofed wires prior to pouring the tank bottom, which effectively concretes the panels in place. The commissioning process will involve leak testing of all the tanks and an additional pressure test on the digester after installation of the gas membrane. The water used for this operation will be supplied from the borehole and will be returned to the environment at a controlled rate; to be agreed with the Environment Agency. The tanks are constructed with a minimum design life of twenty years and in full accordance with relevant standards.

The whole AD plant area would be contained by a bunded containment system that is designed to retain any materials in the area in the event of a failure and is 110% of the largest of the tanks on the site, in this case the anaerobic digester tank.

Agricultural Workers' Dwellings

The applicants state that there is a functional need for the workers' dwellings. An assessment of the man-hours for the site equates to 31 man-years. However given the up-to-date systems the calculation by the applicants is that the farm would require 18 staff and have 4 full-time staff permanently on site in the form of a farm manager and 3 assistant managers to operate efficiently.

There would be two on-site staff to cover shifts at any one time. Duties on the site would be 24hr monitoring of sows and new piglets, monitoring of technological equipment including straw delivery systems, feed, water, temperature controls, administration of medicines, monitoring and security, managing herd movement between rooms and final transportation by vehicle.

Whilst this is a new enterprise, the applicants have a long experience of pig management and the need for the specialist staff will be essential from day one of the operation. The applicants consider that there is a clear functional need for permanent workers on the site. There are no other dwellings available in sight and sound of the site that would meet the requirements of the business and as the financial and functional test required under the provisions of PPS 7 have been met planning permission is requested to be granted for the four dwellings at the outset of the development.

The applicants propose that the existing dwellings at their existing Woodyard Lane site would be demolished should planning permission be granted. The proposal if accepted would add a net two dwellings to the stock of agricultural workers houses in the area.

[The following part of the report details the applicant's assertions about the following material considerations. Only those that are relevant to this Councils response to the application are reported here, as there is no access to the comments from consultees, these cover, air quality/odours, visual impact and landscape setting and noise issues]

Air Quality/Odours

An odour assessment has been undertaken to consider the likely significant effects odour from the development will have on nearby residences and local amenity. The report firstly collected data on existing levels of particulates in the locality that may give rise to odour. The pig unit buildings would be fitted with a flushing system, which removes ammonia build up within the buildings, which normally occurs about 48 hours after defecation, the water being pumped directly into the anaerobic digester in a sealed system. This would, it is asserted, mean that the liquid is not exposed to the air at any time prior to being processed in the anaerobic digesters.

An air cleaning system is also incorporated where air from within the unit is passed through a liquid filter to remove particulates and then through a secondary organic filter. The dispelled air would be 97% odour free. A similar system of air extraction is employed within the main service building of the anaerobic digester. Modelling has been undertaken to assess the worst-case scenario for odour at identified locations surrounding the site. The applicant's assessment concludes that the impact on air quality of emissions to atmosphere from road traffic generated during the construction and operation of the proposed facility would be negligible. Emissions to atmosphere from the three gas engines would not significantly affect air quality at ground level it is claimed. The odours from the bio filters would be 'damp wood' in character and impact would be negligible at locations off site. The bio filters would remove all raw gas/pig odour smells in the opinion of the applicants and its consultants consider that this air cleaning system to be state of the art that is not capable of being improved upon.

Landscape and Visual Impact

A landscape and visual assessment has been undertaken and presents the results of a specialist assessment of the potential landscape, townscape and the likely significant visual effects of the proposed development.

Consideration is given to relevant policies and guidelines at national, county and local level. A baseline description of the site highlighting important characteristics of the existing landscape and how these may change over time is also provided.

The assessment considers the impacts, which the proposals are likely to have, in both the short and long terms, and describes the landscape mitigation measures, which form an integral part of the scheme proposals. Seasonal variations between winter and summer and effects both during the day and at night are all considered.

It concludes the types of buildings proposed are not unusual in rural locations and as such they would not appear discordant or out of character with the local area. The landscaping proposed would largely screen the site over time and as such the applicants have assessed the effects on the surrounding landscape as negligible.

Noise

A noise impact assessment has been undertaken to identify typical day and nighttime background noise levels adjacent to the closest residential properties. The assessment then goes on to consider the likely significant effects of noise from the pig units, the AD plant and vehicle movements at these locations.

Currently the dominant noise source at all these locations was the road traffic on the A50. The assessment concluded that noise generated as a result of the operation of the pig farm and AD plant, including the electricity generators would fall below that of the existing monitored noise levels at the site. The noise generation was considered insignificant and unlikely to cause complaints.

During construction, noise levels were classed as having moderate significance, however the effects would be temporary. As highlighted within Annex 1 to PPS24: Planning and Noise, background level readings and estimated plant noise levels are significantly less than 55db and as such it is stated noise from construction activities need not be considered as a determining factor in granting planning permission.

The document accompanying this application also considers the potential for noise associated with the transportation of pigs from the site prior to slaughter. It concludes that with the limited hours that the pigs would be loaded and the provision of a suitably designed and constructed 4.0m high noise attenuation fence, the noise from loading pigs should not cause undue disturbance to the occupiers of nearby dwellings.

Construction

A methodology for construction and mitigation measures is contained within Appendix 7 of the ES. All current building regulations, EA guidance and safety at work legislation would be adhered to throughout the design and build process. Construction of the plant is expected to take 18 months.

Contamination

A contamination survey has been undertaken to assess any form of existing contaminants on the land and the likely significant effects of contamination as a result of the development. The assessment concludes that contamination as a result of historical uses on the site is low. During construction and operation of the proposed development, new sources of potential contamination would be introduced to the site. Disturbance of the ground may also cause the mobilisation of any existing ground contamination. However, the applicants propose that measures would be implemented

during the construction phase to control and minimise any risk posed to humans, groundwater and local rivers. If the proposed development is permitted and completed, site activities would be carried out in accordance with permit conditions set by and under the jurisdiction of Environment Agency, which would minimise the risk of polluting groundwater and local rivers.

Cultural Heritage

Assessments have been undertaken to determine and likely significant effects the proposed development would have on cultural assets such as historic and listed buildings, ancient monuments and subterranean remains. The County Council's specialist officers would report on these elements of the development.

Ecology

The applicants have undertaken an ecological survey to assess the existing flora and fauna on site including all individual and groups of trees, the impact the development may have on flora and fauna and requirements that may be necessary to mitigate any significant adverse impacts. Derbyshire Wildlife Trust and Natural England will provide the County Planning Authority with comments on this aspect of the development.

Flood Risk

The development area is categorised Zone 1 at low risk of flooding accordingly it is located outside Flood Zones 2 and 3 identified by the Environment Agency's flood maps where there is an increased risk of flooding in the Flood Risk Assessment that accompanies the planning application. The Environment Agency will report direct to the County Planning Authority on this aspect of the development.

Transport

A Transport Assessment (TA) has been submitted and considers accessibility to the proposed development by all modes of transport and assesses the likely significant effects of the proposal on the transport network in the locality of the site. The Highways Agency and County Highways Authority will report direct to the County Planning Authority on these issues. However, if the County Planning Authority has received consultation responses, they will be reported at the meeting.

Planning History

There is no relevant planning history of development on this site.

Responses to Consultations

The Environmental Health Enforcement Manager has a number of comments in relation to odour and noise from the proposed development. His overall opinion is that, with such a state of the art facility, it is difficult to make a case against the development, although he remains concerned given the proximity to neighbouring properties. He therefore proposes a number of conditions to ensure that the applicant's claims on odours come to fruition and that where the reality falls short of what is claimed, the ultimate sanction is that the site is temporarily closed on an agreed timescale whilst investigation and remediation takes place.

[The County Council is responsible for carrying out consultation in respect of this application and interpreting consultation responses. However, when this Council was considering the application, consultation responses were received and these are listed below for the information of the Committee when it determines this Council's response to this planning application. It should be remembered that these comments are now a year old and as such the responses to the current application sent to the County Council by consultees may be different to these particularly in respect of the odours, ecology and archaeology as this application is accompanied by updated information.]

Foston and Scropton Parish Council objects to the development for the following reasons:

- The risk of air pollution by way of smells and other such pollution.*
- The increased traffic that would result, in particular concerns over the exit/entrance slip roads from the A50 and slower moving vehicles.*
- The large/tall buildings are alien to the environment on a Greenfield site. The PC believes the landscaping would not screen this.*

East Staffordshire Borough Council has no objection.

East Midlands Councils (formerly EMRA) confirms that the Planning Statement provides a useful summary of policy as expressed in the Regional Plan. East Midlands Councils accept that the planning statement correctly identifies Policy 24 as encouraging diversification of the rural economy where that is consistent with a sustainable pattern of development and the environmentally sound management of the countryside. Policy 39 of the Regional Plan is also identified as being relevant in terms of energy reduction and efficiency and that the Three Cities Sub Area has opportunities for generating energy from waste through a variety of different technologies. The conclusion is that the development is broadly in accordance with the above policies in principle but very careful consideration of the implications of the development in terms of the environmentally sound management of the countryside at a local level is required. The East Midlands Councils organisation would be guided by the views of other key stakeholders such as the Environment Agency in relation to the assessment of the potential environmental impacts.

EMDA supports the planning application as it provides an opportunity to reinforce the rural economy and provide an opportunity to showcase sustainable agriculture on an industrial scale that could in future positively modernise the sector in the region.

The Highways Agency has no objection subject to conditions requiring wheel washing during construction operations and measure to prevent the transfer of debris onto the A50. The Highways Agency also requires a contribution towards highway improvements to the A50/A515 junction at Sudbury to the west of the application site that should be secured through the medium of a Section 106.

The County Highway Authority has no objection subject to conditions and informatives covering the construction of a temporary access prior to general construction works, the wheel washing of construction traffic vehicles and the formation and laying out of the

new access and internal roads and turning areas prior to the occupation of any part of the development.

Severn Trent Water has no objection subject to a condition requiring the submission of details of foul and surface water drainage disposal to be agreed prior to the commencement of the development.

The Environment Agency has no objection subject to the development being undertaken in accordance with the flood risk assessment that accompanied the planning application and recommends conditions to secure this. The Agency also confirms that the site will be subject to approval under the provisions of a Pollution Prevention Control Permit that covers all aspect of the operation of the site. This Permit will be issued by the Environment Agency and would be enforced by that Agency.

The Council's Land Drainage officer has no objection to the development subject to the conditions recommended by the Environment Agency being imposed on any planning permission.

The Crime Prevention Design Advisor is satisfied that the full bio security, including enclosure and demarcation of all space within a full and secure boundary of the site provides good levels of security and defensible space and on that basis is content with the proposed development and the measures detailed in the application.

The Development Control Archaeologist is content with the study that has been undertaken but takes the view that more work would be necessary during construction to monitor excavations.

English Heritage offers no comments on the proposal as the application falls outside its jurisdiction.

Natural England has no comment to make on the application, as it does not consider that the proposals are likely to significantly affect the natural environment and welcomes the proposed habitat creation.

The Derbyshire Wildlife Trust has some concerns about the initial survey work in that the applicant's consultants have not consulted local nature conservation groups. Additionally the bird nesting assessment was carried out at a time of year when the birds, especially ground nesting species, would have finished breeding. The Derbyshire Wildlife Trust stated that other issues relating to tree retention and the presence of newts have not been properly addressed. [These issues have been addressed in the new application and it will be for the County Council to determine if the appropriate standards have been achieved.]

East Midlands Airport has no objection.

The Health and Safety Executive advises that it has no comments on the application as the site does not lie within a consultation distance for a major hazard site or major hazard pipeline and the development would not appear to trigger the need for an application for Hazardous Substances Consent. However, it advises the Council that should planning permission be granted the responsibility for the safe operation of the site lies with the operator and the H&SE would be responsible for enforcing any breach of legislation or regulation made under the Act.

Responses to Publicity

[Again the County Council is responsible for carrying out publicity for the application. What follows here is a summary of the objections this Council received in response to publicity at that time is for the information of the Committee. Again the County Council is responsible for assessing any responses prior to reaching its decision on this application.]

2 petitions signed by a total of 110 residents of Foston, Scropton, Hatton and other local villages and settlements have been received. The points of objection raised in the petition that are different to the detailed objections set out in the individual letters are as follows:

- The welfare of animals – they will be bred, fed and slaughtered without seeing sunlight or breathing fresh air.*
- There is a call for the proposal to be determined at a public inquiry.*

The campaign group 'Vegetarians International Voice for Animals' (VIVA) has submitted a letter of objection and 2700 e-mails have been received that are based on its objections. Three other organisations – The Soil Association, PETA and The Pig Business have also objected to the development. The additional points of objection by these groups to those expressed above and below are summarised here:

- It is acknowledged that animal welfare is not taken into account when determining applications; this group considers that this is unfair. This size of enterprise is untested in the UK and should be considered as an industrial unit. Most of the supporting e-mails are making reference to health and animal welfare issues.*
- There is a strong possibility that the development could assist in the spread of pathogens and carcinogens that could be harmful to human health.*
- The use of antibiotics in the pig industry could result in resistance being built up in the human population that could reduce the effectiveness of antibiotics in the human population*
- Flatulence and breath will significantly increase CO² by more than the levels currently generated by the village. Calculations are included that VIVA claims confirm this point. In the light of this the proposal is not considered as a 'green' development.*
- The anaerobic digester would pose a risk to occupiers of nearby houses and should not be allowed to go ahead a minimum separation of 250 metres is recommended in a document produced by Northampton County Council; the separation of the plant from Maidensley farm is only 150 metres.*
- There is a residual odour following digestion and this would need to be managed. There is potential for pollution of local watercourse and ground arising from the massive use of water for the digester and the animals.*
- Contrary to the assertions in the application the Prison service has not committed to accepting power or heat from the proposed plant.*
- The prisoners have no right to be heard so their civil rights are infringed because they cannot express an opinion for or against the development.*

- The Council has previously opposed even small-scale development in the vicinity of the site, Maidensley Farm; if this were permitted it would obliterate the countryside in the locality.
- The development would be contrary to the Council's own environmental policy relating to reduction of impact of Council activities on the environment, and permission should not be granted.

The Governor of Foston Hall Prison has written on behalf of the Ministry of Justice and has requested assurances that the following issues will be addressed in the planning process:

- Potential bio hazards
- Noise
- Odours
- Disruption to the core business of the prison.

If these areas were adequately addressed then the Prison Service would not seek to register any formal objection to this development.

Some 40 individual letters were received these are mainly from local residents but do include objection from the wider country received as individual objections. The objections to the development are summarised as follows:

- a) The development would be contrary to numerous policies in the Development Plan relating to preventing unnecessary development in the countryside (PPS 7, Regional Planning Policies and Local Plan Policies). The development represents industrial development in the middle of the countryside. It would be contrary to policies in PPS 5, regional policy and local plan policy relating to the protection of cultural assets such as Foston Hall and Sudbury Hall; the development would introduce significant additional HGV traffic into the locality to the detriment of the rural character of the area. There would be unacceptable noise and smell arising from the development, which is unacceptable under the terms of the above policies. The Committee should take account of more than the cheap electricity and cheap food that would arise from this development, and note the impact on residents adjoining and close to the site, in Foston village that is immediately upwind of the site.
- b) Increased noise pollution for residents of Woodland Drive and the wider area from lorries manoeuvring. The site should be subject to strict controls and monitoring on these issues to the levels predicted in the application documents. There is concern that as the operation becomes older, maintenance of the suggested standards would become more difficult. The quality of the material entering the system would be difficult to control; there is concern that substandard material will just be spread on adjoining land.
- c) Prevailing winds would take smells towards Foston and then Church Broughton. Maintenance of the odour control systems is essential and the rigorous enforcement of the site boundary odour limits would be essential. There are no guarantees that the air purification system would work 100% of the time – there is only have the applicant's word for it. There should be compensation payable by the Company for breaches of those standards and it should be shut down if there are breaches of control standards.
- d) Dust would be a particular problem when animals are being moved and lorries are manoeuvring on concrete yards. People with respiratory problems would be

at greatest risk; it is asserted that an occupier of a nearby house has such problems.

- e) There would be light pollution that affects neighbouring houses and this would disturb restful sleep or make sleep impossible.
- f) The amount of lorries entering and leaving the site would be intolerable; it would be like a private motorway. The junction to the A50 has been improved but it is still a dangerous junction. The access to the site would be overwhelmed by a huge increase in heavy lorry traffic entering and leaving the site at this minor junction. Existing light traffic has difficulty joining the A50, particularly at peak times. The access from the A50 at Dove Valley Park would be much safer. The A50 junctions either side of the access are poor with Sudbury suffering from an adverse camber, there have been fatal accidents and frequent other accidents.
- g) If there was a drought or a flood, there is doubt as to how the site would cope.
- h) There is a risk of explosion from the site as methane is to be produced and stored on the site – what are the contingency plans? Concerns are raised about whom would be responsible if something dangerous occurred on the site.
- i) There would be a number of vermin and flies due to the nature of the waste treated. There are doubts that electricity generated is going to be negligible and not worth the investment, as such the pig farm would remain without the 'green' generation facility. Much of that waste would be imported from outside the area. The generation is just a carrot to attract Government grants and reduce the costs to the developers at the expense of the local residents who will suffer large financial losses.
- j) Increased risk of flooding, Scropton already suffers from flooding and the size of the buildings would increase the risks at Woodland Drive. The Foston Brook on Leathersley Lane frequently floods and any increased flood risk would be unacceptable to residents in Scropton and the local area.
- k) This is green belt/greenfield land, which is not previously developed, and the development is an unwarranted visual intrusion/pollution in a countryside location. Development has been resisted in this area for many years; this should continue. The presence of such a facility would be off-putting to potential investors in South Derbyshire particularly if the smell hangs over the A50, which is a major route into the District
- l) The development would adversely affect the setting of Foston Hall a Grade II listed building. English Heritage has previously objected to development to the south of the prison on the basis that it would adversely affect the setting of the listed building. This development would have the same impact. The site is part of the former parkland surrounding Foston Hall; its loss beneath concrete would be a pity.
- m) The new jobs would simply transfer from the Woodyard Lane site; no new jobs would be created.
- n) The area is already overdeveloped/inundated with factories, travellers and several intensive farming enterprises; the local infrastructure already struggles with the number of large lorries in the vicinity, none of which impacts on councillors or Council Staff.
- o) The applicants state that they require 4 new houses; however there would be many houses available to them should this development go ahead provided they pay the market price prior to the application being submitted, there would then be no need for these new houses as residents would be willing to sell.
- p) Water voles, newts, bats, herons and owls have been observed on the application site that adjoins a watercourse – there would be a significant impact on the ecology of the area.

- q) The proposed landscaping would take many years to become established and the negative effects of the development would be very apparent for many years. The trees to be planted will eventually block out sunlight to the nearby houses.
- r) The applicants already have a site in the area and the proposal would be better sited there or on the under utilised Dove Valley Park where it would not affect local residents in Foston and be far less intrusive.
- s) The possibility of an increase in the risk of the spread of diseases, particularly from foot and mouth disease, H1N1 and Pig Influenza, carried by water and transportation. Due to the number of staff and visitors to Foston Hall Prison who could be contaminated when they access the prison to visit, or indeed the prison becoming a no go area in the event of an outbreak of foot and mouth disease, indeed a recent outbreak started at a pig farm. It would have a direct impact on the Prisoners on the Foston Hall site; potentially it would be a breach of their human rights. A resident has submitted the transcript of a BBC radio programme that illustrates the smell problem from pig farms and how they can become a breeding ground for diseases including swine flu.
- t) DEFRA is promoting Free Range Hens, this is the complete opposite of that principle. The developer should be encouraged to apply nearer to his own home.
- u) There has been inadequate publicity for this application that would have a significant impact on the residents of Foston and Scropton and would make living in South Derbyshire even more unbearable. The applicants say they have extensively consulted the local population but this is simply not true.
- v) When there are road accidents on the A50 the traffic is diverted through Scropton Village. The grass verges are eaten away by the large lorries from Cranberry Foods on these occasions and more traffic would be a disaster for the small village. What would happen if the A50 were closed for 2-7 hours due to accidents?
- w) The worst thing about the proposal is the miserable, unnatural lives the pigs will have, as they are intelligent animals that deserve better.
- x) The traffic generated by the food and abattoir waste would increase the carbon footprint.
- y) A Freedom of Information request was made to the Ministry of Justice in relation to the involvement in the proposal by Foston prison. Their reply is as follows:-
 "I should explain that neither NOMS (National Offender Management Service), nor the Governor of HMP Foston Hall has entered into any agreement, either formal or informal, with Leavesley's or Midland Pig Breeding to take part or have any involvement in this proposed project. Nor is there any commitment to receive power, energy, or any other product at this prison that may be produced from this proposed site".
 This statement casts doubt over the viability of the whole scheme and means that MPP's suggestion that they will provide resources to the prison is untrue and is just a means of gaining planning permission.
- z) The Ministry of Justice letter also states that they have not yet carried out a risk assessment in relation to the proposal and will rely on the Local Planning Authority to carry out due a diligence exercise in relation to potential health and safety or public health issues. It has been confirmed that the LPA is not responsible for disease matters but is impact on public health considered in the planning process?
- aa) This proposal is possibly the largest pig farm in the UK with between 26,000 – 30,000 pigs on site at any one time, which is wholly inappropriate to be situated near a populated area on a green field site whilst brownfield sites lie languishing in South Derbyshire.

bb) *There would be a devaluation of property values arising from persistent smells from composting operation, dust from the site, noise from machinery and pig squealing when being loaded onto lorries. One objector has had their property valued in the light of the proposal and argues that the house would be almost unsaleable even at the much reduced price quoted that is half a previous valuation. The company paid £7,000/acre and the land will become worth £50,000, a good investment for them.*

Development Plan Policies

The relevant policies are:

East Midlands Regional Plan: Policies 1, 2, 12, 24 & 39.

Saved Local Plan: Environment Policies 1, 5, 9, 11, 13 & 14; Housing Policies 8 & 11; Employment Policies 4, 5 & 8; Transport Policies 6 & 7; Community Facilities Policy 1.

National Guidance

PPS 1 - Delivering Sustainable Development and the 'Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1'

PPS 3 - Housing

PPS 4 - Planning for Sustainable Economic Growth

PPS 5 - Planning for the Historic Environment

PPS 7 - Sustainable Development in Rural Areas (as amended by PPS 4)

PPS 9 - Biodiversity and Geological Conservation

PPS10 - Planning for Sustainable Waste Management

PPG13 - Transport

PPS 22 - Renewable Energy

PPG 24 - Planning and Noise

PPS 25 - Development and Flood Risk

Other Guidance

The Guidelines for Landscape and Visual Impact Assessment (GLVIA) - published by the Landscape Institute and the Institute of Environmental Management and Assessment 2002;

Landscape Character Assessment. Guidance for England and Scotland" (LCA) published by the Countryside Agency and Scottish National Heritage 2002.

East Midlands Regional Landscape Character Assessment (April 2010)

The Landscape Character of Derbyshire (2003)

Planning Considerations

The purpose of this report is to assist the Planning Committee to provide South Derbyshire District Council's comments on this significant planning application. The final decision rests with the County Council and the views of this Committee will assist it in reaching a decision without binding the County Planning Authority to following this Council's comments.

The main issues central to the determination of this application are:

The Development Plan - the principle of the development, waste disposal (Waste Disposal Local Plan), Impact on the character and appearance of the countryside, agricultural development, (the adopted South Derbyshire Local Plan) East Midlands Regional Plan.

Material Planning Considerations - Government advice as set out in the PPS and PPG documents referred to above. In considering the development in the light of the above, the following matters would be material to this Council's consideration and response to the County Planning Authority: noise, smell, the landscape and visual impacts of the development. The impact of these issues on neighbouring houses, the occupiers of the prison and wider community arising from the development.

If the application is accepted as being in general accord with the provisions of the Development Plan, the determining factor on all these issues would be whether the mitigation measures proposed by the applicant are accepted to a point where enforceable planning conditions could be recommended for inclusion in a decision by the County Planning Authority should it be minded to grant planning permission. If Members are satisfied on these issues then no objections subject to conditions could be the comment made to the County Planning Authority. If not then reasons for objection based on evidence would need to be drawn up in the light of policy considerations and areas where Members consider that the application fails in terms of its impact on the area and residents.

Non-material considerations – animal welfare, spread of disease, health and safety and devaluation of property values. Animal welfare and control of diseases are covered under separate legislation – it would be for the applicants to satisfy the relevant authorities on these issues in terms of the Health and Safety Executive, DEFRA and the Health Protection Agency. Again it will be for the County Council to determine weight that should be applied to the objections prior to determining the planning application.

Members are aware that the devaluation of property cannot form a reason in itself for refusing a planning application if, for other reasons, planning permission ought to be granted. If permission were granted objectors assert that houses around the site would be significantly devalued.

Planning Assessment

Pre-application discussions.

There were extensive discussions with the applicants prior to the submission of the previous planning application that was withdrawn. Arising from those discussions officers identified that any application would fall under the requirements of Schedule 1 of the Environmental Impact Regulations and given its open countryside location it would be for the applicants to justify that location. The significant issues that were identified related to noise, smell, access and impact on the highways, visual intrusion, flood risk, impact on the setting of the Foston Hall Listed building and the need to assess if there were archaeological remains within the site. The applicants were also advised to consult the local community prior to making an application. The above information formed the basis of this Council's then Scoping Opinion in respect of the requirements of the Environmental Impact Assessment Regulations 1999 and the Screening Opinion

that preceded the Scoping Opinion were both on the Planning Register prior to that application being withdrawn.

Clearly smell was to be a crucial determining factor and the applicants were confident that it could be addressed. This odour reduction system is now proposed in the current planning application and is to be combined with the flushing system described towards the start of this report as the means by which odour reduction would be achieved at the application site.

The applicants have also introduced the flushing system at one of its existing farms in Staffordshire. Environment Health and Planning Officers have visited this site and it can be reported that in that location and with the numbers of pigs at that facility, it appeared that odours were considerably reduced by the flushing system.

The Development Plan

East Midlands Regional Plan

It should also be noted that on 27 May 2010, the Secretary of State for Communities and Local Government, wrote to all council leaders indicating the Government's intention to abolish Regional Strategies. Nevertheless, the EMRP will remain part of the Development Plan until formally revoked through the enactment of the Localism Bill late in 2011. The Secretary of State's intention to abolish Regional Strategies may, however, be a material consideration in the determination of planning applications.

The South Derbyshire Local Plan

Environment Policies 1 & 5 – the issue here is whether the development can be justified in this countryside location. There is no doubt that the application will have a material impact on the character and appearance of the countryside. An assessment of the visual and landscape impact along with noise and odour implications are set out below in 'Material Planning Considerations'. The primary use of the site is as an agricultural business where a location in the countryside can be said to be necessary as locating a pig farm immediately adjacent to a town or village may not be acceptable. This site enjoys a reasonably remote location away from settlements but with excellent access to the trunk road network and a farm is a use normally found in the countryside. Whilst acknowledging the serious objections in terms of visual intrusion and landscape impact, the application site is considered to be well located in terms of its surroundings; being well screened from the south by existing plantations and having a well landscaped trunk road on its northern boundary. With the exception of the views set out below in Visual and Landscape Assessment, this existing screening helps to ensure that the farm buildings would not intrude unduly into the landscape. This screening also helps to visually separate the proposed use from the nearby Foston Hall Prison with its Grade II listed buildings. Accordingly the farm is considered acceptable in terms of the above policies. However, the determining factor will be whether the mitigation measures outlined in the planning application are sufficient to warrant a recommendation of No Objection to the County Planning Authority.

Housing Policies 8 & 11 – if the development were permitted then the justification for the housing associated with the development has been confirmed as set out in the information supporting the application. If permitted the dwellings should be subject to an occupation condition similar to the agricultural occupancy condition but designed to reflect the mixed occupation of the proposed dwellings referred to in the supporting

information. In addition the offer to demolish the existing houses on the Woodyard Lane site referred to in the application documents should be secured through either a Section 106 Agreement or a Unilateral Undertaking depending on the requirements for an agreement identified by the County Planning Authority as part of its consideration of the planning application.

Employment Policies 4, 5 & 8 – These policies contain a presumption against new employment development in the countryside except in locations on the edge of established settlements where a need is established. The exception is not applicable to this site. As stated above, the primary use of the site is considered to be large-scale agricultural development where a location in the countryside is acceptable in principle subject to the policy and material planning considerations set out in this report.

The AD part of the application could be accommodated in a business park or industrial estate as a separate entity. However, this application must be judged on its own individual merits and it is the strong assertion of the applicants that the pig farm is reliant on the AD part of the application and vice versa; without one there would be no other part of the development. The AD plant is well related to the trunk road network and where there are proven flows of Green Waste currently using the road. The applicants assert that these sources could easily be diverted onto this site to assist with renewable energy generation. The County Planning Authority will have to assess whether this part of the proposal accords with its policies.

On the basis that the pig farm and AD elements are interlinked it is necessary to assess the visual, noise, traffic and odour impacts of this development before a determination as to the suitability can be made and following that a recommendation to the County Planning Authority on this Council's view on the planning application. These areas are considered in the following section of this report.

Waste Policies

Derbyshire County Council, as the waste planning authority, is responsible for assessing the application against the policies in the Derby and Derbyshire Joint Waste Disposal Local Plan. However, as stated above many of the criteria in that Plan are similar to those in the South Derbyshire Local Plan relating to the control of development in the countryside and will be a determining factor for the County Planning Authority.

Material Planning Considerations

Government Advice on all issues - PPS & PPG

There is a wide presumption against unwarranted development in the countryside – this is more so in areas of green belt or SSSI. However this site has no special protection and it is for the applicant to justify the countryside location. The applicant has submitted a justification for the use to be located in the countryside and refers to various Government policy and advice documents to support that contention. In particular the need for a diverse rural economy that reflects modern farming practices and minimises visual intrusion. The application is accompanied by information that addresses the issues identified in the various areas of Government advice such as PPG 24 – Planning and Noise, PPS 25 – Development and Flood Risk and particular weight is given to PPS 10 and 22, which deal with Sustainable waste disposal and Renewable Energy. The

issue to be considered is if the benefits arising from the recycling of pig waste and other green waste are so strong as to allow for the formation of a new large-scale farming unit in the countryside. However, there may be an overriding factor in terms of other impacts such as visual intrusion that may outweigh that presumption in favour of addressing waste recycling and renewable energy. A detailed review of the Environmental Statement was undertaken to inform the contents of this report and the analysis below.

Visual impact

This is the most significant potential impact arising from this development. The proposal has been carefully assessed in this regard and three main areas have been identified as locations where the development would be visible in the wider landscape. These are at high ground between Tutbury and Hanbury, from the A50 heading east from Sudbury and on footbridge over the A50 at Foston. Below is a discussion of the impacts on these three areas, followed by an assessment of the more localised visual impacts.

The high ground between Tutbury and Hanbury – Hanbury village lies almost directly south of application site and commands views over the Dove Valley and the development contained within it. Photographs have been taken from the churchyard in the village but there may be other high spots along the ridge from which the site would be visible. From Hanbury there are views of the site but these are seen in the context of other major development in the Dove Valley such as Dove Valley Park and the Cranberry Foods site at Scropton. The site itself is also seen in the context of substantial areas of tree plantation that would assist in mitigating the views of this substantial development from the Church Yard and wider village at Hanbury. These are distant views with the main pig buildings in the foreground and the service buildings and other structures in the background, seen against the background of the landscaping along that part of the A50. The site would be seen as a significant addition in the landscape of the Dove Valley but because of the distance from the ridgeline to the site, the sensitivity of this impact is considered low.

The A50 heading east from Sudbury, including the footpath adjacent to the A50 – the photographs are taken from the lay by on the A50 on its northern side. These illustrate that there would be views from the A50 of the service building with its 3 associated exhaust stacks with some views of the feed mill and other smaller buildings. This is perhaps the most prominent view of the site. The application plans have proposed landscaping in the form of bunds and tree planting in the northwest corner of the site and along the western boundary. In addition the view must be assessed against the Guidelines for Landscape and Visual Impact Assessment (GLVIA) and the other guidance referred to above. The first is a standard methodology that has been used at Appeal Inquiries to assist with assessing landscape impact. In that document, whilst landscape impact can be seen as significant, the viewpoint from the road is seen as having low visual sensitivity because that view is seen from a trunk road. For the purposes of this Planning Assessment the methodology in the Landscape Assessment document is accepted and from the A50 the view is deemed to be significant but its sensitivity is low. When this is combined with the mitigation measures proposed in the form of the landscaped bunds it is considered that the visual impact of the development would be mitigated to a point where refusal of the application on visual impact grounds would not be sustainable at appeal.

The footbridge over the A50 at Foston – photographs have been taken from the footbridge. The main view of the site is from the bridge itself where there is a view of the site along the old Uttoxeter Road. This view would take in the tanks and silos, the service building and the access to the site. As with the above assessment this would be a transient view of the site by users of the footbridge. Whilst the impact is significant from the footbridge the sensitivity of the view is low.

Local Visual Impact

Visual Impact on Houses; Maidensley Farm and Woodland Drive – These properties are in closest proximity to the site. The houses are referred to and assessed in the application documents. The site would be visible from the upper floors of the Maidensley Farm house; ground floor views and views from habitable room windows on the barn conversions would be screened both by buildings in the case of Maidensley Farm and the existing hedge on the boundary of the application site in the case of the barn conversions. The application plans propose a 30m wide, by 2m high landscape bund along the boundary to the Maidensley Farm complex and this is considered to mitigate any views that may be possible through the existing boundary hedge. The orientation of the houses on Woodland Drive is such that there would be no views into the site from the majority of those houses from main habitable room windows. The application proposes that there be significant tree planting along the eastern boundary of the site, in part to screen the development and in part to mitigate potential noise from the site. Due to the proximity of the houses at Maidensley Farm and Woodland Drive the proposal could have an adverse visual impact, however, for the reasons set out above, the development has sufficient mitigation measures proposed to minimise that impact.

Visual Impact on Foston & Scropton Villages and their hinterland – Due to the presence of substantial areas of trees, hedges and landscaping to the A50, there is no direct visual impact arising from the development at either of these villages. Members will be aware of isolated properties to the North of the A50 but from these houses, the landscaping associated with the A50 provides ample screening of the proposed site. There will probably be views of the 25m high flues and possibly the roof of the services building that is some 11m to the ridge. None of these views are considered significant and would not constitute grounds for refusing planning permission.

Visual Impact on Foston Hall Prison – The proposed landscape master plan would mitigate any visual impact on the setting of the listed building. The prison site has already degraded the immediate setting of the building by the erection of security fences and the provision of additional temporary prison buildings. These are all demountable and it is possible that the setting of the listed hall and stables could be restored should the prison be closed. However there does not appear to be any prospect of this happening and this application should be judged on its merits at the time of the application.

Overall Conclusion on Visual Impacts

It is considered that the viewpoints and local impacts identified above are not sufficient on their own to warrant refusing planning permission. They represent views of low sensitivity at the closest points to the site or are distant views of the site in the context of a valley landscape that is already degraded by other development. The impact on local houses can be either mitigated or the houses have no direct views to the built

development on the site. Provided the development is subject to conditions requiring the implementation of the Landscape Master Plan, following the approval of the precise details of that plan, then it is considered that the development is in accordance with the requirements of Environment Policies 1 & 5 of the adopted South Derbyshire Local Plan in terms of the agricultural buildings.

Odour issues

The overall methodology for assessing the odour impacts has been accepted by the Environmental Health Enforcement Manager. The conclusion of the air quality assessment is that the submitted report adequately addresses the odour issues at all the potential receptors identified in the report in principle. None of the houses identified, including those on Woodland Drive and Maidensley Farm, are sufficiently close to be affected by odours once the air from all buildings on the site has been treated by the methods described above in the 'Applicants Supporting Information'. Subject to these being implemented should planning permission being granted, the Environmental Health Enforcement Manager has no objection to the development.

The AD service building would appear as a large agricultural building, similar in size to the composting building Egginton Common. That too has an eaves height that allows lorries to tip and it has sliding doors that seal the building prior to tipping. The building also operates under negative pressure and there is a carbon filter system in operation. There are houses in close proximity to that building as occurs on this application site. According to the Environmental Health Enforcement Manager's records there have been no reports of odour complaints arising from that building.

The proposed filter system at the current application site on the AD Service building is much more up to date in that particulates within the building would be substantially removed prior to discharge to the atmosphere through the carbon filter.

The installation of the odour control system is considered essential if the planning application were granted planning permission.

Noise Issues

The application is accompanied by a Noise Report that addresses the issue of noise in terms of impact on local dwellings arising from the operation of the site including the loading of pigs prior to transport for slaughter. In terms of the general operation of the site, the buildings and other machinery can be constructed to ensure that noise impacts are minimised and mitigated. In loading pigs, a mitigation measure is proposed in the form of a 4.0m high fence around the loading area to form a solid barrier around it.

The Environmental Health Enforcement Manager advises that the noise generated by the development is unlikely to be greater than that occurring from the A50 and the supporting information accompanying the application supports this point of view.

The Environmental Health Enforcement Manager states that subject to the implementation of the mitigation measures identified in the Noise Report at paragraphs 5.1 to 5.10, it is unlikely that any concerns about noise would be sufficient to warrant objection to the development.

Conclusions

This is clearly a very contentious planning application. The issues are far reaching in that there has never been a planning application for a pig farm of this scale submitted in this country. If permitted, the development would be a first in terms of intensive farming because of its scale and the associated reuse of waste material to produce energy, heat and crops to serve the whole food manufacturing cycle. Having taken all the submitted information, responses from consultees and examined all the policy considerations as set out above, the conclusion is that whilst this is a substantial development in the countryside, the primary use of the site is agricultural and as such a location in the countryside can be acceptable.

The AD and composting operation, including the containers and silos to produce methane and fertiliser is a use that could potentially be provided at an industrial site rather than in the countryside location. However, if members are minded to accept that the pig farm can reasonably be accepted in this location, then there is such a close synergy between the two uses that the AD operation should be accepted as well. This is as the case for them to be located together has, it is considered, been made. Given the level of proposed odour control for this aspect of the development and the overall appearance as a part of a larger farm complex, the AD complex is considered to conform to Development Plan policies subject to the recommended conditions.

The recommended conditions below together with those identified above are considered sufficient to protect the amenity of occupiers of nearby houses to a point where a response of **No Objection** subject to conditions can be recommended to the Planning Committee for consideration.

Recommendation

That Derbyshire County Planning Authority be advised that subject to the signing of a Section 106 Agreement to secure the demolition of the houses at the existing pig farm on Wood Yard Lane Church Broughton, then South Derbyshire District Council has **NO OBJECTION** to the proposed development subject to the following conditions:

1. The occupation of the dwellings shall be limited to the family and/or dependents of a person employed, or last employed, wholly or mainly in the operation of the pig farm hereby permitted or in forestry.

Reason: The site is within open countryside where the Development Plan provides that development shall be confined within the limits of an existing town or village, except where there are other overriding reasons justify a departure from that policy. The Local Planning Authority is concerned to ensure that such workers' dwellings are maintained available to meet the needs of the locality and to avoid proliferation of dwellings in the countryside.

2. Before any building is brought into use the odour control measures assessed in the report by the SLR Odour Impact Assessment dated March 2011 shall be installed in accordance with manufacturers instruction.

Reason: To ensure the Odour Control measures set out in the EIA are implemented prior to the occupation of any building on the site.

3. Noise mitigation measures shall be implemented in accordance with the noise control recommendations set out in Paragraphs 5.1 - 5.10 (shown as 5.1 - 5.7 and the 5.1 - 5.3 on pages 9 & 10 of the Hepworths Acoustics report dated March 2011) and stated as being required at Paragraph 7.6 in the same document prior to the first use of any of the buildings hereby permitted.

Reason: In order to ensure that the site operates in accordance with the mitigation measures proposed in the submitted EIA.

4. The site, its plant and equipment shall be operated and maintained strictly in accordance with manufacturers requirements. In the event that there is a breakdown of noise or odour control measures, the site shall be prepared for shutdown in accordance with a timetable that has been submitted to and approved in writing by the County Planning Authority. For the avoidance of doubt the breakdown of the odour control system will have been considered to have occurred if odours at the site boundary exceed 3 ouE/m^3 as a 98th percentile of hourly means at the site boundary being the measure described in Section 3.1 of the Odour Impact Assessment prepared by SLR in its report dated March 2011.

Reason: In order to ensure that the site operates in accordance with the mitigation measures proposed in the submitted EIA.

5. There shall be no loading of animals at any time outside the hours of 0700 and 1000 on any day as set out in paragraph 5.6 of the report prepared by Hepworths Acoustics dated March 2011.

Reason: In order to ensure that the site operates in accordance with the mitigation measures proposed in the submitted EIA.

6. Before any building is brought into use the landscape bunds and noise, security fence shall be formed and constructed in accordance with detailed drawings that shall have received the prior written approval of the County Planning Authority. The planting of the landscape bunds shall be undertaken in accordance with a detailed planting plan submitted to and approved in writing by the County Planning Authority, using the species identified by FCPR in its Landscape and Visual Assessment dated March 2001 at Figure 11 in Appendix 8 to the submitted EIA. The landscaping bunds, planting and fences shall thereafter be maintained in accordance with a Landscape Management Plan that shall be submitted to and approved in writing by the County Planning Authority.

Reason: In order to ensure that the site operates in accordance with the mitigation measures proposed in the submitted EIA.

7. Control of the hours of operation during construction 0730 - 1830 Monday to Friday, 0730 - 1300 on Saturday with no construction activities on Sunday Bank or Public Holidays.

Reason: In the interests of the occupiers of nearby houses.

8. The imposition of such dust and mud on road conditions as deemed necessary by the County Planning Authority in accordance with its standard requirements for waste disposal sites both during construction and during the operation of the site if permitted.

Reason: In the interests of the amenity of the occupiers of nearby houses.