

## COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION No:</b>	DM/18/00864/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Construction of 2No. pig finishing buildings for 2000 pigs and 4No feed silos at Biggin Farm, New Brancepeth. Retention of extension to existing agricultural building at Hill House Farm, New Brancepeth, to house pigs.
<b>NAME OF APPLICANT:</b>	Mr Tim Bates
<b>ADDRESS:</b>	Biggin Farm, New Brancepeth, Durham. DH7 7HQ
<b>ELECTORAL DIVISION:</b>	Deerness Susan Hyde
<b>CASE OFFICER:</b>	Planning Officer 03000 263961

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site is located in open countryside 2 km to the west of New Brancepeth and just over 1 km to the east of Esh Winning and currently the site forms an open field. Biggin Farm, which is in the applicants ownership and which consists of a farmhouse and farm buildings currently used for storage is located 850 metres to the north east of the site. This farm has a land holding of 650 acres. In addition Hill House Farm which consists of a farmhouse and a group of farm buildings, some of which are occupied for the intensive rearing of pigs is located just over 450 metres to the south of the site. The site is currently an agricultural field with mature trees located to the north of the site that form a local nature reserve. To the east of the site is located an area of more recent woodland and within that an allocated historic park and garden, and a further local nature reserve is also located to the east. The site is accessed from an established track that also forms a public right of way that joins the adopted highway to the north of the site.
2. The closest residential properties not relating to farming are located within Esh Wood within the historic park and garden and are located over 700 metres to the east of the application site.

#### The Proposal

3. Full planning permission is sought for two agricultural buildings for the intensive keeping of 2000 pigs and 4 feed silos. The 2 buildings are proposed to be 39.35 metres in length by 21.26 metres in depth with a height of 6.7 metres with an associated parking and turning area.
4. The application is before Members at the request of Councillor Bell and Councillor Wilson due to the impact on the local area from vehicular movements, the environmental impacts on the local woodland and river and the impact on residential amenity.

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## **PLANNING HISTORY**

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5. Planning application DM/17/00919/FPA for the construction of 2no. pig finishing buildings for about 4000 pigs and 5no. feed silos and Retention of extension to existing agricultural building at Hill House Farm to house pigs was withdrawn from planning consideration.
6. A prior notification for permitted development under agricultural permitted development rights for two adjacent buildings that each would measure 26.28 x 14.79m for intensive agricultural use at Hill House Farm was refused in January 2018.
7. A prior notification of development under the agricultural permitted development rights for one additional agricultural building located at Hill House Farm for a building 28.38 m x 14.20 m with a floor area of 402.97m<sup>2</sup> metres square for the intensive rearing of livestock 820 weaner pigs from a weight of 7kg to 30kg was considered to meet the agricultural permitted development rights in January 2019.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

8. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:

NPPF Part 2 Achieving sustainable development - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.

9. NPPF Part 11 Making Effective Use of Land - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
10. NPPF Part 12 Achieving Well-Designed Places - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
11. NPPF Part 15 Conserving and Enhancing the Natural Environment - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
12. NPPF Part 16 Conserving and Enhancing the Historic Environment: Working from Local Plans that set out a positive strategy for the conservation and enjoyment of the historic environment, LPA's should require applicants to describe the significance of the heritage asset affected to allow an understanding of the impact of a proposal on its significance.

<https://www.gov.uk/guidance/national-planning-policy-framework>

## **NATIONAL PLANNING PRACTICE GUIDANCE:**

13. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of relevance to this application is the practice guidance with regards to; conserving and enhancing the historic environment; design; and use of planning conditions.

<https://www.gov.uk/government/collections/planning-practice-guidance>

## **LOCAL PLAN POLICY:**

14. The following policies of the City of Durham Local Plan as amended by Saved and Expired Policies September 2007 are relevant to consideration of this planning application:

Policy E7 – Development in the Countryside

15. Policy EMP17A – Agricultural and forestry development
16. Policy E10 - Areas of Landscape Value is aimed at protecting the landscape value of the district's designated Areas of Landscape Value.
17. Policy E14 - Trees and Hedgerows sets out the Council's requirements for considering proposals which would affect trees and hedgerows. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site.
18. Policy E15 - Provision of New Trees and Hedgerows states that the Council will encourage tree and hedgerow planting.
19. Policy E16 - Protection and Promotion of Nature Conservation is aimed at protecting and enhancing the nature conservation assets of the district. Development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest. Unacceptable harm to nature conservation interests will be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.
20. Policy E18 - Sites of Nature Conservation Importance seeks to safeguard such sites from development that would be detrimental to their nature conservation interest. These sites as well as being important for their wildlife and geological interest are also a valuable resource for amenity, recreation, education and research.
21. Policy E26 – Historic Parks and Gardens
22. Policy T1 - Traffic – General states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and/or have a significant effect on the amenity of occupiers of neighbouring property.
23. Policy T10 - Parking – General Provision states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
24. Policy T21 - Safeguarding the Needs of Walkers states that the Council will seek to safeguard the needs of walkers by ensuring that: existing footpaths and public rights of way are protected; a safe, attractive and convenient footpath network.
25. Q1 and Q2 - General Principles Designing for People and Accessibility states that the layout and design of all new development should take into account the requirements of all users.

26. Policy R11 - Public Rights of Way states that public access to the countryside will be encouraged and safeguarded by protecting the existing network of public rights of way and other paths from development which would result in their destruction or diversion unless a suitable alternative is provided and the proposal accords with Policy T21.
27. Policy Q5 - Landscaping General Provision sets out that any development which has an impact on the visual amenity of an area will be required to incorporate a high standard of landscaping.
28. Policy U5 – Pollution Prevention states that development that may generate pollution will not be permitted where it would have unacceptable impacts upon the local environment, amenity of adjoining land and property or cause a constraint the development of neighbouring land.
29. Policy U8a - Disposal of Foul and Surface Water requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.
30. Policy U11 - Development on Contaminated Land sets out the criteria against which schemes for the redevelopment of sites which are known or suspected to be contaminated. Before development takes place it is important that the nature and extent of contamination should be fully understood.
31. Policy H13 – Residential Areas – Impact on character and area

**RELEVANT EMERGING POLICY:**

32. Paragraph 48 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' was approved for consultation at Cabinet in June 2018. However, the CDP is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.

*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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**STATUTORY RESPONSES:**

33. County Highway Officer – The County Highway Officer notes that Broadgate Road being the route to the site from New Brancepeth is adequate for the size and frequency of vehicles to and from the planning application site and there are no current highway controls on this access road for size and number of vehicles. The proposed development included a submitted transport statement that states that during the period when the pigs arrive they do so in 4 or 5 loads over a one week period every 13 weeks. The pigs are noted to leave over a 4 week period at the end of the cycle, a total of 10 loads. Deceased pigs are removed from the site as and when required. Feed will be 1 load per week throughout the batch. The highway officer has assessed that this level of vehicle movement is low when considered against existing traffic flows along Broadgate Road. He notes that whilst Broadgate Road is narrow it is of sufficient width to allow one vehicle to pull off the road to allow another vehicle to pass and is of a similar standard to other country roads.

## CONSULTATION RESPONSES:

34. Environmental Health – Noise – The proposed building is located in a rural area a reasonable distance (600-700m) from the nearest sensitive receptor and approximately 700m from the larger conurbation of Esh Winning. The nature of the area is rural with a number of existing farms in the locale and as such local populations are likely accepting of some odour from rural land uses. The use applied for is a finishing unit for pigs and as such has a number of noise and odour issues associated with it. Pig manure is highly odorous and is generally considered a more “unpleasant” smell to equine, bovine and ovine waste. Pigs also can make significant noise at times, especially when not sexed and separated and/or hungry. In addition pig units need constant ventilation and as such there is a requirement for external plant.
35. To support the above development the applicant has provided a noise and odour impact assessment. This has been assessed against the County Councils TANS and the Environmental Health Officer concludes:
36. Odour - that the development will be moderately offensive with the odour levels particularly affecting Hill House Farm. Due to the style of the operation the odour levels will fluctuate particularly with livestock deliveries, collections, cleaning out and slurry emptying and spreading. It is inevitable that actions such as spreading are likely to have the most severe impact, however this is not directly controllable by the planning regime i.e. no permission is needed to spread muck on the surrounding land. It is also further restricted by EA legislation which limits the amount and when spreading can occur.
37. Noise - the noise arising from the development is unlikely to significantly impact on the nearest residential properties the majority of the time, however I do consider potentially some pig vocalisation will be audible. In addition I do also consider that vehicle movements during night-time hours may also lead to an increased impact in the general locale. From the detail provided the noise levels are compliant with the threshold levels stated in the TANS and in terms of the NPPG noise guidance relate to the lowest observed effect level or below.
38. Ecology – note that their main concern lies with the protection of sensitive woodland habitats adjoining the site.
39. They have considered the updated Ammonia Dispersion report by AS Modelling and Data Ltd (27<sup>th</sup> March 2018 version). The report confirms that the annual mean ammonia concentrations and nitrogen deposition rates from the existing and proposed pig rearing units would not exceed the Environment Agency’s Critical Level threshold for the Local Wildlife Site and Ancient Woodland (as sensitive receptors).
40. The ammonia report considers the increases caused by the new and existing pig units but clarity is needed as to whether air quality impacts caused by the spreading of slurry on the adjacent fields are taken into account in this report. He would expect the report to also consider the potential for additional ammonia/nitrogen dispersion from slurry spreading activities and assess the cumulative impacts on the AW/LWS accordingly. He notes that from the EA response that the IPPC permit application covers ammonia emissions from air and slurry management and takes into account sensitive receptors in the permit process however he feels that information should be provided for this planning application to provide confidence that the sensitive woodlands and watercourses adjacent the site are adequately protected.
41. The proposed slurry spreading area abuts several woodlands and it would seem prudent if a 50 metre no- spread buffer could be implemented adjacent the woodlands to further reduce the potential for nutrient run-off from the site. I do appreciate however that slurry NPK values are taken into account in farm fertilizer planning and that the application of slurry would result in a reduction of artificial fertilizer inputs.
42. Archaeology – No objections on archaeology grounds

43. Drainage - From a surface water management and flood risk point of view there is insufficient information to determine if the proposed solution is acceptable. They require full hydraulic calculations for the whole of the drainage system to the outfall, simulating all storm events up to and including the 360 minutes 1 in 100 year plus 30% climate change event.
44. Environment Agency – Raised no objections to the proposed development and notes that this farm has been involved in the IPPC permit application process for the past year. This process is thorough and covers all aspects of risk from ammonia emissions to the air and dirty water/slurry management, taking account of sensitive receptors. The farm will not be allowed to operate without an IPPC intensive farm permit. If granted, the permit will include a number of conditions designed to protect the environment. However we would advise that the Local Authority's Environmental Health team take into account amenity impacts caused by the development when determining the application.
45. Landscape – The proposal would be disassociated from the existing farm and agricultural buildings and as such the modern form and scale of the proposed buildings would be seen as a conspicuous and unsympathetic feature in the landscape and there would be a noticeable change in the quality and character of the panoramic scenic views afforded from the adjacent footpath. These impacts however would be mitigated to some degree by the proposed bund, the successful implementation of the proposed screen planting, and the careful choice of recessive colours and finishes for the buildings, all of which could be secured by condition. These would significantly reduce the overall effect on the character and appearance of the surrounding landscape. The proposed bund, screen planting, colours and finishes for the buildings, should be secured by condition.
46. National Grid - Objection letter. We need to understand any proposed works to the access road, with particular interest of where the road crosses our pipeline. Also, we will need to have more details on planned usage of the road i.e. frequency, types of vehicle (both before and after construction) and maximum loads crossing it.

#### **PUBLIC RESPONSES:**

47. 466 letters of objection have been received from local residents, the Parish Council and contributors. In addition, an identical letter of objection was submitted by a further 753 people, and a further petition signed by 30 people. Details of the objections from the Parish Council and amenity groups are provided below, then a summary of the main objections raised by local residents.
48. Brandon and Byshottles Parish Council – Object as the local road network is not suitable for such large vehicles. In addition, the odours and noise from the farm itself would detrimentally affect the residential amenity of local residents. There is a culvert that may house a long eared bat that may be affected. There are already 2000 pigs at Hill House Farm and the noise and odour reports should include these. Local Councillors have already received complaints from local residents regarding slurry spreading with residents having to re wash clothes due to the smell. The submitted plan of spreading is within 400 metres of local residents' houses.
49. They raise concerns about the impact on the ancient woodland at Ragpath Woods and Esh Woods from the ammonia and slurry spreading– and consider the report underestimates the impact of the ammonia and on the ancient woodland. In addition they raise concerns about the impact of the slurry on the Dearness River from runoff.
50. Concern is also raised about the impact on the public right of way and bridleway from odour with horses having a particularly violent reaction to pig odour.
51. The Parish Council also raise concerns about the welfare of the pigs.

52. Woodland Trust – objects to the proposal on the deterioration and disturbance to Ragpath Wood a woodland trust site and Esh Wood which are both designated as plantations on ancient woodland sites. (Ancient woodland are areas of continuous woodland since 1600AD and an irreplaceable resource that has taken centuries to develop.). Main concern relates to harmful levels of ammonia / nitrogen deposition from slurry spreading up to Ragpath and Esh Wood, and the leaching of nutrients spread uphill from the woodland from ammonia and nitrogen. They consider the proposal is contrary to NPPF para 175c which protects ancient woodland unless public benefit would clearly outweigh the loss and deterioration of habitat.
53. They consider a buffer of 50 metres is required adjacent to the woodland with 30 metres planting as a buffer tree belt. In addition they provide a list of 8 'notable trees' of local importance which would be affected by spreading. They note Natural England's standing advice for buffering such trees includes a buffer of 15 times the diameter of the tree or 5 metres beyond the edge of the canopy.
54. Durham Wildlife Trust – Supports the comments of the woodland trust regarding buffering of woodland habitat with a preferred buffer of 30 metres along the woodland edge that is allowed to naturally develop over time to form additional woodland habitat.
55. Esh Residents Group – Object due to the impact on local wildlife and local woodland, impact on walking and recreational routes from the spreading of slurry and the odour from the pig farm. Concern about the impact on the local road network from extra large vehicles. Concern about the impact on a local rural centre that works with vulnerable people from odour.
56. Durham and District Riding Club – Object as the development will lead to the loss of the bridleways being of use to horse riders. This is from the odour of the pigs affecting horses as they have an incredibly strong sense of smell – with some studies showing it is thousands of times stronger than humans. Many horses become afraid and anxious and can behave erratically when they detect odours from pigs. In addition concerned about slurry spreading which is shown crossing the bridleway. They note the bridleways in this area are some of the best in the north east for their variety and interconnecting to other routes and would be a major loss if the pig farm was granted consent.
57. Brandon Village Residents Association – Raise an objection on behalf of almost 95% of the residents due to the increase in traffic movements, size of HGV's and odour.
58. Cllr Roberta Blackman-Wood – Raises concerns that residents have brought to her attention about the impact on odour and pollution on the local environment and particularly the woodland and river, the impact of additional traffic on the road safety of this rural area, the cruelty of keeping pigs in such an intensive way, the animal husbandry on the site with the number of dead animals and sheep over the past couple of years on the farm. She requests members of the committee listen to the concerns of residents and local groups and refuse the application.
59. Wear Anglers Association – Raise concern about the run off from slurry into the River Deerness affecting its fragile fishing environment.
60. Campaign for the Protection of Rural England – considers that this development would be an unacceptable intrusion into the countryside that would severely impact upon the enjoyment of users of the adjoining public rights of way. It may also detrimentally affect the setting of a Grade II\* listed building. In addition, its sustainability is questioned when one considers the potential impact on other producers.
61. Cornsay Parish Council – Object to the proposed development due to being detrimental to the local countryside and from the impact on the local woodland, odour, pollution from the pig building and from slurry spreading.

## 62. Summary of comments from local residents:

- Concern raised about the impact on the local nature reserve from spreading, ammonia and odour from the proposed pig unit.
- Concerns about the impact of such an isolated building detracting from the views in the countryside both from the public footpaths adjacent the site and the wider views from across the valley including Ushaw College.
- No evidence the mitigation of the landscaping will be effective and screening that takes 15 years to establish leaves an unacceptable industrial style building for 15 years in this countryside location.
- Isolated buildings are not a characteristic feature in this area. They would appear incongruous, dissociated from the existing farm complex and out of keeping with the rural area.
- Odour is an issue now for local residents and peaks of odour will occur when pigs are being delivered, collected, and when the slurry tanks were being emptied which may be 160 times a year.
- Concern about the impact on the Deerness River from the run off from muck spreading.
- The existing road network is narrow, winding, has poor visibility and is not suitable for additional HGV traffic.
- The local environment has been restored by local people over many decades and this proposal will detrimentally affect the enjoyment of local residents in their area and the local wildlife and habitat.
- There are existing problems with muck spreading with residents saying this has happened next to existing houses covering their gardens and local walkers on the public footpath.
- The existing pig farm is detrimentally affecting the historic park and garden on Eshwood Estate from ammonia which is detrimentally affecting the acid loving trees and plants with rhododendrons and azaleas already being affected and their lakes being affected by a filamentous algae from the water being rich in nitrates.
- The ammonia released will affect asthma sufferers.
- There are existing concerns about animal welfare.
- The farm already has an unhygienic odour on a weekly basis.
- Odour in the form of ammonia, toxic bio-aerosols and antibiotic resistant organisms wrapped in a toxic stench affect the health and welfare of neighbouring households.
- Local residents have been keeping odour diaries and can demonstrate odour issues with the existing farm that is detrimentally affecting their lives.
- The proposal for intensive pig rearing is more like an industrial process than a farm.
- Concerned there will be odour which will spread to the local villages on a semi-permanent basis.
- Concerned that walkers and ramblers that use the footpath will be affected by the odour.



- Concern that drainage from the site could lead to additional slurry from the building entering the river.
- Meat production affects global warming and is not wanted.
- The keeping of pigs in intensive rearing units is unfit for human consumption as it contains hepatitis, antibiotics, chemicals and unsafe feed.
- Intensive farming has often been cited as a breeding ground for disease, for example the relatively recent 'swine flu' pandemic that originated in an intensive pig farm.
- The keeping of pigs in an intensive way with a slotted floor and no stimulation is not fit for the local environment or in keeping with the County Councils sustainable community strategy. This type of installation is the opposite of a low carbon economy and contrary to sustainability and climate change commitments.
- All the negatives of this development provide one job only in the local community so there is no local benefit.
- The proposal will lead to a high level of CO2 emission when the County Council has committed to playing its part in tackling climate change.
- The Lionmouth Centre (which employs 11 people) and is a not-for-profit Community Interest Company, that provides a safe, tranquil place for local people with mild to moderate mental health, social and/or learning disabilities to take part in meaningful activities objects as they consider the odour will affect their terrace and facility
- Compassion in farming raise concerns that the proposal involves running a farm using a fully slatted system for the floor of the pig building, or a slurry piping system that cannot deal with required manipulable material required to stimulate pigs. They consider this may well be in multiple breach of EU regulations which are also part of UK law. In addition it would not lead to the pigs receiving any stimulation.

#### **APPLICANTS STATEMENT:**

63. No statement has been submitted by the applicant.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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### The Development Plan

64. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of the development, the impact on the character and appearance of the surrounding area, ecology and highway safety.

### Principle of Development

65. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires planning applications to be determined in accordance with the statutory development plan for the area, unless other material considerations indicate otherwise. This requirement is reaffirmed in paragraphs 11 and 12 of NPPF where Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:-

c) approving development proposals that accord with an up to date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

66. The statutory development plan currently comprises of the saved policies of the City of Durham Local Plan. Paragraph 213 of NPPF confirms that the level of weight that should be attributed to each of these saved policies is affected by the degree of their consistency with NPPF. The policies that are the most important for the determination of the application relate to Policy EMP17A which is permissive of agricultural development in the countryside provided that the development is justified in terms of size and location and appropriate measures are incorporated to mitigate the effects of the development on the countryside. This is considered to be consistent with the NPPF which requires (para 170) the intrinsic character and beauty of the countryside to be recognised and to support sustainable economic growth (Part 6). Policy E7 seeks to restrict development in the countryside – which is defined as areas beyond settlement boundaries to specific categories of development. and is considered to be broadly in accordance with NPPF part 6 which supports a prosperous rural economy, taking a positive approach to allow sustainable growth and expansion of businesses and diversification of agriculture. Policy E16 on the protection and promotion of nature conservation and E20 on Local Nature Reserves is considered to be consistent with Part 15 of the NPPF. Policy H13 on the protection of residential amenity in residential areas is considered to be consistent with Part 15 and paragraph 127 which seeks a high standard of amenity for existing and future users.

67. The relevant local plan policies are therefore considered to be in accordance with the latest NPPF and are considered up to date, and so paragraph 11 is not engaged. The application is therefore assessed against the relevant Local Plan policies and the advice in the NPPF.

#### Agricultural need for the development

68. The land is part of an established agricultural business with Hillside Farm and Biggin Farm being leased long term by the same person and both adjoining farms employing tenants by the landlord. Biggin farm has a land holding of 650 acres used to grow arable crops and for the keeping of sheep. Hillside Farm operates as an existing pig farm with the intensive rearing of 700 pigs in the larger building and 300 pigs in the smaller building. (These existing farm buildings have been used for the keeping of pigs by utilising permitted development rights from the use of existing farm buildings for the keeping of animals.) The agent has clarified that the juvenile pigs are brought onto site at 35kgs and reared to a finishing weight of 110kgs.

69. The applicant has stated that the proposed building for the intensive rearing of pigs is to make the farm economically viable. Policy 17A in the justification notes that new buildings in the landscape can have an impact and that there is often little flexibility in the functional appearance and location requirements of modern agricultural buildings and structures these should be sited as close as practicable to existing groups of buildings. The policy goes on to say that if for operational reasons the buildings must be sited in isolation special attention will need to be given to their siting design and external appearance taking into account the amenity of local residents and views from roads and public rights of way

70. The proposed buildings would be located separately from Biggin Farm and Hill House Farm and appear as an isolated agricultural building. The materials proposed are plastic coated coloured metal sheeting. The total floor area would be 840.5sqm, which is larger than the majority of the farm buildings at the closest farm – Hill House Farm.

71. It is therefore concluded that the proposed building would be designed for agricultural purposes and be reasonably necessary for the purposes of agriculture on the unit, and as such there is no conflict with policy 17A of the Local Plan with regard to the principle of the development.

## Visual Impact

72. The site is located in open countryside, designated in the City of Durham Plan 2004 being beyond the settlement boundaries of New Brancepath to the east and Esh Winning to the north west. Whilst it does not benefit from having a specific landscape designation there is a local nature reserve with ancient woodland located some 700 metres to the north, a local historic park and garden located 250 metres to the east, a separate Local Nature Reserve 1km to the south east and designated areas of high landscape character located 250 metres to the east and 700 metres to the west of the application site. The site lies within an area identified in the County Durham Landscape Strategy (2008) as a *Landscape Improvement Priority Area* with a strategy of 'enhance'.
73. Close, open views of the proposal would be afforded from the footpath that runs north-south adjacent to the proposal (*Brandon & Byshottles* No. 40) and from the footpath (*Brandon & Byshottles* No. 54) that runs east-west approx. 280m to the north. Long distant views out of the AHLV will be afforded from higher vantage points from roads, footpaths and dwellings on the southern slopes of Deerness valley including Langley Park to Bearpark road (C17) and Broadgate Road (U18.23).
74. The landscape character of this area comprises gently rolling or gently undulating pastoral fields, separated by hedgerows, and wooded valleys with roadside stone walls. Isolated farms with the farm buildings grouped round the farmhouse are scattered across this landscape between the settlements of New Brancepath and Esh Winning. On the application site itself the site falls away to the north east which will necessitate cut and fill to accommodate the proposal. Ground levels will be raised to the north and east to create a bund to partially screen the development. In addition the footpath that runs east west (*Brandon & Byshottles* No. 54) gently climbs in height towards Hill House Farm which affords elevated views of the application site
75. The hedgerows that bound the site to three sides are historic hedgerows and they contribute to the landscape character of the area. From the site visit it is noted that the hedgerow to the west is well established and affords screening adjacent to the footpath however the hedgerow to the south is lower in height and with the increase in height of the adjacent footpath is less effective for screening the development. The submitted plans provide adequate assurance that the building is to be set at a sufficient distance away from the historic hedgerows such that they should not be affected by the proposed development.

## Effects on landscape character

76. The Landscape Officer has noted that the proposal would be an isolated agricultural building that due to its industrial scale would be a notable incursion in open countryside, exacerbated by its disassociation from the existing farm and agricultural buildings. The nearest farmstead is approx. 400m to the south east (Hill House Farm). Views of the agricultural buildings will be particularly evident from the adjacent footpath to the south that affords elevated open views over the site.
77. However, the presence of the mature hedgerow bounding the site to the west would serve to soften the proposal in some longer distant views. The proposed mitigation scheme would also help assimilate the proposal into the landscape in time (up to 15 years) and reduce the overall effects on the character of the surrounding landscape.

## Potential visual effects

78. The Landscape Officer has clarified that the most significant visual impacts of the proposal would be experienced by users of the public rights of way in the immediate vicinity, in particular the footpath (*Brandon & Byshottles* No. 40) that passes the site to the west and from the footpath (*Brandon & Byshottles* No. 54) that runs east-west. The proposed buildings would not be seen in association with any other agricultural building (especially when viewed from the south) and in these views, the modern form, materials and scale of the proposed buildings would be seen as a dominant and unsympathetic feature which would adversely affect the landscape and panoramic scenic views afforded from these locations.

79. The proposal would also feature in more distant views from higher vantage points such as Ushaw Farm, the C17 and Broadgate Road largely as a result of its elevated position on the ridge between the Deerness Valley and the Red Burn. However it is noted that the site takes advantage of a shallow dip in the ridge; this along with the mature, albeit gappy hawthorn hedgerows that bound the site will help to soften the appearance of the development and assimilate it into the landscape in these views. Given the distance and the siting it is however noted that the proposed development will cause some harm in the landscape setting until such time that the mitigating measure including the proposed landscaping has the opportunity to become established.
80. The visual and landscape impact in closer views would be more difficult to mitigate. However the proposed bund, screen planting, and the careful choice of recessive colours and finishes for the buildings, all of which could be secured by condition would assist in reducing the impact of the building. The details of the colours of Laurel Green box profile cement roof (BS 12-B-29), Flexstone Green walls and Olive Green (BS 12-B-27) are appropriate colours for the setting. The building will however still be clearly visible from close range views from the public footpath to the south of the site, of a large industrial scale, and a notable incursion into the open countryside isolated from the existing farm buildings at Hill House Farm and Biggin Farm.

#### Effects on landscape designations

81. The proposed development would be visible from some public vantage points within the AHLV. However given the distance and the proposed mitigation measures it will not adversely affect the special character or quality of the AHLV to any significant degree. Given the orientation and location in Red Burn Valley and intervening woodland, the development would not be considered to detract from the enjoyment and setting of the locally designated park and garden Esh Hall from a visual perspective.
82. To conclude, the justification for Policy EMP17A seeks farm buildings to be grouped together, and this is the general advice given to all farmers in relation to farm buildings. The grouping of buildings reduces the impact on the visual amenity of the open countryside and has the added advantage of providing increased security and improved animal husbandry from a farm building that houses livestock being within sight and sound of the farmhouse. Part 1 of Policy EMP17A requires the proposals for agricultural development to be justified in terms of size and location. In this case the building is proposed to be isolated as the applicant stated this improves animal welfare. However officers have continued discussions with the agent during the course of the application and he has indicated that he would consider a siting adjacent to the existing farm buildings at Hill House Farm. In addition officers are not aware of any independent guidance that demonstrates the need for the pig buildings to be located in an isolated location. It is considered that the requirement in EMP17A for a layout that concentrates development in one location is consistent with Part 12 of the NPPF where para 130 states that 'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.
83. On this basis it is concluded that the proposed development would have an adverse impact on the landscape character – particularly when viewed from close quarters from the footpath that runs north-south adjacent to the proposal (*Brandon & Byshottles* No. 40) and from the footpath (*Brandon & Byshottles* No. 54) that runs east-west. Officers also note the strength of objection from local residents which demonstrates that the public rights of way and local nature reserve in Ragpath Wood are well used and enjoyed by local residents and that the current landscape character of the area is valued by residents. It is noted that Part 15 of the NPPF seeks to protect and enhance valued landscapes and recognise the intrinsic character and beauty of the countryside. Paragraph 170 seeks to ensure that planning policies and decisions contribute to and enhance the natural environment.

Whilst landscaping and screening will assist in reducing the impact this will take up to 15 years to establish within this popular recreational area. Part 12 of the NPPF seeks to achieve well designed places with paragraph 124 stating that 'Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'. Para 170 b) recognises the intrinsic character and beauty of the countryside. In this case the isolation of the proposed large farm building from the established group of buildings at Hill House Farm increases the prominence of the building in the landscape, adjacent to the public footpaths, that detrimentally affects the close range views within the open countryside.

84. In contrast the extension onto the existing farm building at Hill House farm is modest in size being 9.40 x 10.20 x 3.60m high and located to the rear of an existing farm building and within a cluster of buildings on the established farm. It is noted the modest size would have allowed the applicant to progress the building under permitted development rights if he had requested a prior notification before development commenced on site. Both long range and close range views of the building are not considered to detract from the visual amenity of the area due to the appropriate siting on the established farm and forming a subordinate extension to the established farm group.

### Impact on Ecology

85. Policy E16 of the Local plan seeks to protect and enhance the nature conservation assets of the district. This policy states development proposals are appropriate where they: b) As far as possible avoid any unacceptable harm to nature conservation interests as a result of the development, and provide mitigation measures to minimise unacceptable adverse effects on identified nature conservation interests that cannot be avoided. In addition the NPPF in Part 15 Para 175 c) states that 'development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons...'
86. In this case the Local Wildlife Site and Ancient Woodland is the relevant nature conservation asset. It is noted that the Woodland Trust who are the land owners have clarified that there are also designated veteran trees within the site. The County Ecologist has considered the updated Ammonia Dispersion report by AS Modelling and Data Ltd ( 27<sup>th</sup> March 2018 version) that confirms the annual mean ammonia concentrations and nitrogen deposition rates from the existing and proposed pig rearing units would not exceed the Environment Agency's Critical Level threshold. It is, however, noted that the submitted reports have not accounted for an additional building the applicant has erected under permitted development rights at Hill House Farm that also houses pigs that are being intensively reared. As such the modelling data would need to be updated to include the new figures to allow an updated assessment to be made. The submitted data is therefore not considered to be adequate.
87. The County Ecologist also notes that the ammonia report considers the increases caused by the new and existing pig units but clarity is needed as to whether air quality impacts caused by the spreading of slurry on the adjacent fields are taken into account in this report. He would expect the report to also consider the potential for additional ammonia/nitrogen dispersion from slurry spreading activities and assess the cumulative impacts on the AW/LWS accordingly. He notes that from the Environment Agency response that the IPPC permit application covers ammonia emissions from air and slurry management and takes into account sensitive receptors in the permit process however he feels that information should be provided for this planning application to provide confidence that the sensitive woodlands and watercourses adjacent the site are adequately protected. He also notes that as the slurry spreading area abuts several woodlands it would seem prudent if a 50 metre no- spread buffer could be implemented adjacent the woodlands to further reduce the potential for nutrient run-off from the site.
88. It is therefore considered that there is inadequate information submitted with the application to demonstrate that the Local Wildlife Site and Ancient Woodland would be adequately protected which is contrary to Policy E16 of the Local Plan and Part 15 of the NPPF.

## Impacts on Amenity

89. Policy H13 seeks to prevent development that would have an adverse effect on the character and appearance of residential areas or the amenities of residents within them. In addition, Policy EMP17A seeks to ensure appropriate measures are incorporated to mitigate the effect of agricultural development upon the landscape and local communities.
90. In this case the closest dwellings are located in a rural area some 600-700 metres from the proposed agricultural building which is also approximately 700m from the larger conurbation of Esh Winning. The nature of the area is rural with a number of existing farms in the locale and as such local populations are likely accepting of some odour from rural land uses.
91. The use applied for is a finishing unit for pigs and as such has a number of noise and odour issues associated with it for the proposed 2000 pig unit. The Environmental Health Officer has noted that pig manure is highly odorous and is generally considered a more "unpleasant" smell to equine, bovine and ovine waste. Pigs also can make significant noise at times, especially when not sexed and separated and/or hungry. In addition pig units need constant ventilation and as such there is a requirement for external plant which can also have noise implications. To support the development the applicant has provided a noise and odour impact assessment. These assessments have not been updated to take account of the additional building that has been erected at Hill House Farm for the keeping of pigs.

## Odour

92. The Environmental Health Officer has clarified that the odour assessment is carried out to appropriate methodologies compliant with the councils TANS, namely the H4 guidance and IAQM guidance. The assessment is based against the hypothetical odour concentration arising from the use of the proposed buildings and those existing at Hill House Farm. This is then modelled, via dispersion modelling based on wind direction data, to demonstrate the likely mean odour level at sensitive receptors. The expected mean odour concentration is based on the number of animals and building specification such as extraction and flooring type. This is then compared against a threshold value, based on the nature of the odour. In this specific case the threshold value taken is 3.0 ouE /m<sup>3</sup>, which relates to "moderately offensive" odour. Intensive agricultural smells are stated as falling into this group within the above guidance and as such this is considered the relevant threshold. The guidance requires that the mean odour units will be below the aforementioned level 98 percent of the time, therefore allowing for 2% or 7 days/year at which the odour level will be exceeded.
93. The results of the above modelling demonstrate that the above odour concentration level is exceeded at residential properties on Hill House Farm. It is understood, however, that these receptors are associated with the existing pig business and therefore are not considered as a "sensitive receptor". They form part of an established agricultural unit, and occupiers will be expected to tolerate a lesser standard of residential amenity than would be the case in a residential area. The environmental health officer advises that the odour assessment encompasses the proposed pig unit and the existing pig raising unit located on Hill house Farm to produce a cumulative odour level. Considering the proximity of the residential element of Hill house farm to the existing pig unit it is not expected that the "new" unit would appreciably change the odour/noise levels on site. As such even should the "new" element be in separate ownership from Hill House, then it is not expected it will lead to an increased potential of odour/noise impact. The only likely scenario where there may be a potential conflict of uses is should the farm cease to raise pigs and diversify to a less odorous use, this may then lead to greater sensitivities to external odour/noise. However, it would be unreasonable to refuse planning permission on the basis of adverse impacts on established farm dwellings. The odour level at the nearest sensitive receptor is shown to be significantly below the level in the H4 guidance and therefore TANS threshold levels.

## Limitations

94. The Environmental Health Officer has clarified the limitations of the above results and therefore what weight to attach to them. The assessor has advised that due to the threshold being based on a mean, readers should be aware that there will be fluctuations in the odour level. As such there will be times at which odour will be higher or lower than the mean. The assessment also states that "odour emissions from pig houses depend on many factors and are highly variable" (section 3.5). This therefore further indicates the potential variable nature of the odour and why use of the mean does not fully demonstrate this fluctuation. Fluctuations in the odour is considered to be more of an impact and therefore more likely to lead to complaint than a static odour level. This is because people grow used to a low level odour and therefore it is not as noticeable.
95. The hypothetical value used is based on the average odour units emitted from standard use of the building. Therefore it does not, nor is intended to, demonstrate the "peaks" of odour associated with operations at the building. On the previous application the applicant supplied a list of what they believe the potential peak levels to be associated with. This refers to livestock deliveries, collections, cleaning out and slurry emptying and spreading.
96. It would be helpful in terms of assessing the impact of the application for the applicant to provide a quantitative measure of the above as on the previous application. The consultant has also identified that potentially the above actions could be planned to meet specific climatic conditions to avoid times at which dispersal is least likely. Considering the prevailing wind direction (W/SW) is towards the nearest sensitive receptors from both operations, it would be difficult to achieve especially considering the vagaries of running a farming operation, to ensure that this was adhered to. These methods are likely to reduce the "potential" of significant odour arising. However it should be noted that these are likely to be high odour events and as such have the potential of increases in odour levels at sensitive receptors. The impact is difficult to fully quantify as it is based on the climatic conditions on the day and the duration of actions.
97. It is inevitable that actions such as spreading are likely to have the most severe impact, however this is not directly controllable by the planning regime i.e. no permission is needed to spread muck on the surrounding land. It is also further restricted by EA legislation which limits the amount and when spreading can occur.

## Odour management

98. The applicant has not produced an odour management plan on this specific application and one is required to help reduce the level of odour arising from the site.

## Noise

99. A further noise assessment has been provided, based on the measured background noise levels. The noise assessment is considered to be carried out to appropriate methodologies and the monitoring points in terms of the existing ambient noise level are considered appropriate. The assessment demonstrates that the noise level in the locale is as expected very low especially into the night time period. To ensure worst case scenario the applicant's consultant has used the "lower" measured background noise level of the sites selected.
100. The potential noise sources are fully scoped, being noise from transport activities, ventilation fans and the animals. The sources used to provide the "noise levels" are considered reasonable and it is common practice to utilise donor noise and/or guidance levels. Each noise source is considered separately below:

## Transport activities

101. This is stated as taking place between 07.00 and 20.00 hrs. The transport activities include vehicle movement on the lane/site and the act of unloading including forklifts etc. The assessment relates directly to the noise from site and does not consider the potential disturbance from the vehicles attending the farm from the surrounding locale. However this is unlikely to be significant assuming it is restricted to the 07.00-20.00hrs as stated. The assessment demonstrates that the noise level arising is below the existing background noise level and therefore less than that stated in the TANS.

## Ventilation fans

102. Ventilation fans are thermostatically led and therefore only run when a certain temperature is met. In addition the speed and number of fans operating seems to differ depending on the need. The consultant has therefore used the sound pressure data at 7m provided by the manufacturer, along with relevant corrections for the likely on/off periods. The assessment assumes that 50% of the fan runs during the night time period with 100% during the day. The officer is in agreement with the consultant that this is a fairly robust approach and is likely to demonstrate the "worst case" scenario. The calculations provided demonstrates that the noise level is below the threshold level stated in the TANS.

## Animal noise

103. The "typical" pig vocalisation level has been utilised from guidance provided by the EA. The council officers' experience is that levels can be higher than this at times and that a "pig squeal" can be significantly audible, especially when the noise climate in the locale is low. The assessment has identified the "tonal" nature of the noise and has appropriately added a 6dB penalty. To reduce the level of vocalisation the building will also be fitted with auto feeders, this therefore reduces the likelihood of pigs calling due to hunger or when manually feeding. The assessment demonstrates that the noise level arising from the pigs will be less than the background and therefore compliant with the levels stated in the TANS.

104. The Environmental Health Officer considers the above to be true the majority of the time and based on the LAeq level. However from his experience he would advise that during certain climactic conditions should pigs vocalise the peak noise associated with this is likely to be audible at the nearest residential properties, when considered against the very low background. This is unlikely to be loud enough to result in sleep disturbance, however may occasionally lead to the closing of windows.

## Conclusion on odour and noise issues

105. The Environmental Health Officer has concluded that the odour impact assessment is compliant with the relevant guidance – but would need to factor in the new building housing pigs at Hill House Farm. It demonstrates that the threshold level stated in the TANS will not be breached. There are limitations to this method, which has been discussed, however broadly speaking this indicates that, in addition to the potential fluctuations associated with use of the mean, that at times the odour level will be in excess of that used within the modelling. The likelihood, duration and intensity associated with these events are difficult to fully quantify, as it is based on a number of variables however he has concluded that the demonstrable level of odour would not lead to a reason for the refusal of planning permission.

106. The noise assessment is considered suitably robust to demonstrate the potential impact of the development. It contains suitable consideration of the uncertainty attached to the methodology and assumptions made. The Environmental Health Officer considers that the noise arising from the development is unlikely to significantly impact on the nearest residential properties the majority of the time, however some pig vocalisation will be audible. In addition he considers that vehicle movements during night-time hours may also lead to an increased impact in the general locale however the hours of operation could be controlled through the addition of a planning condition. From the detail provided the noise levels are compliant with the threshold levels stated in the TANS and in terms of the NPPG noise guidance relate to the lowest observed effect level or below.



107. In addition he outlines that a management plan would be required to ensure the odour and noise is minimised and if planning permission was granted this could be conditioned accordingly.

108. Noise and odour have therefore been carefully considered as part of the application process and whilst it is acknowledged that there are some implications in the locality the Environmental Health Officer has assessed that it is not at a level that would lead to a justifiable reason for refusal.

#### Impact on Highway Safety

109. Policy T1 of the Local Plan states that the Council will not grant planning permission for development that would generate traffic that would be detrimental to highway safety or have a significant effect on the amenity of occupiers of neighbouring property.

110. The County Highway Officer has carefully assessed this application and noted that there is no restriction to the size of vehicles which can currently travel along Broadgate Road (also known as Broadgate Lane); Broadgate Road being the route to the site from New Brancepeth. There are signs currently either end of Broadgate Road positioned to advise motorists of the unsuitability of some sections along Broadgate Road for use by HGVs (a sign at the New Brancepeth end, another at the B6302 crossroads end). The section of Broadgate Road from New Brancepeth up to the entrance to Biggin Farm was not the reason for the placement of these signs. They were introduced to advise drivers of large vehicles of the narrow twisty nature of Broadgate Road from Hareholme House to the B6302 crossroads (over Ford Bridge). The signs are not enforceable, they are advisory. It is therefore the case that anyone (including the applicant) can drive along the full length of Broadgate Road in any size vehicle allowable on UK roads if they so choose (and as often as they wish). Along with Broadgate Road, there is no restriction to the size or movement of vehicles which can travel along the main road linking New Brancepeth and Brandon Village. Anyone can currently drive along this road in any size vehicle allowable on UK roads (as many times as they want) without the need for permission from the Highway Authority. It also formed part of the official diversion, to be used by the largest type vehicles, as part of the temporary traffic management in place during the recent works to the nearby Deerness Bridge.

111. The Highway Authority has no control over the movement of vehicles along Broadgate Road associated with the existing pig farm operation, nor does it have any control over other vehicle movements associated with other activities on the farm. As stated above they can travel freely along it without restriction. There are many rural roads in Co Durham without a weight restriction which are similar in width to Broadgate Road. Motorists on such roads are expected to drive with due care and attention and expect to encounter other vehicles (of all sizes) and other road users (pedestrians, cyclists, horse riders). It would not be uncommon on such roads for a vehicle to stop and allow others to pass. Accident data is passed to Durham County Council from the Police for accidents resulting in personal injury. In the event of a road traffic accident resulting in personal injury, if informed, the Police are required to record it via the Stats 19 system. The only personal injury accident record passed to Durham County Council in the last 5 years for the section of Broadgate Road from New Brancepeth to the entrance to Biggin Farm happened on the 6<sup>th</sup> May, 2017 just after midnight, when a drink driver lost control of their vehicle near Woodbine Terrace and collided with a tree.

112. The highway officer notes the evidence provided in the submission by the applicant of the use of articulated vehicles from the farm, as well as other large vehicles. He also notes that Durham County Council's Access and Rights of Way Team have not raised objection to the Public Rights of Way through the farm being shared between farm vehicles and other users. In terms of the number of additional vehicle movements associated with the 2,000 pigs, he notes within the submitted transport statement it is said that during the period when they arrive they do so in 4 or 5 loads during one week every 13 weeks. The pigs are noted to leave over a 4 week period at the end of the cycle, a total of 10 loads. Deceased pigs are removed from the site as and when required. Feed will be 1 load per week throughout the batch. This level of vehicle movement is assessed by the Highway Officer to be low when considered against existing traffic flows along Broadgate Road.

He also notes that residents say HGVs currently access the site several times a day (evidence of their routine movement to and from the farm). However, to assist in the circumstances when two vehicles meet and one of them is required to stop, given the size of some of the vehicles associated with the farm, he would request that reasonable improvements to the existing network are done to assist with this (at the applicant's expense); that is to widen the existing carriageway over an appropriate short length to create one or more passing places where practicable. In addition, where there are signs of damage to the surface at the entrance to the farm, and to the verge opposite, these are made good (at the applicant's expense). He would also recommend that the applicant looks to improve the entrance to Biggin Farm in terms of visibility when egressing.

113. The highway officer has clarified that the improvements identified above are improvements that officers could negotiate to improve the existing highway. However if they were not provided it would not lead to a reason for refusal. In summary it is the view of Highways Development Management that there is insufficient grounds upon which to sustain a highway objection to the additional vehicle movements associated with the proposed 2,000 pig development and the extension to the existing building at Hill house Farm.

#### Impact on Drainage

114. Policy U8A require development proposals to only be approved if they provide satisfactory arrangements for the disposal of foul and surface water drainage.

115. The County Drainage Officer has confirmed that from a surface water management and flood risk point of view there is insufficient information to determine if the proposed solution is acceptable. Full hydraulic calculations for the whole of the drainage system to the outfall, simulating all storm events up to and including the 360 minute 1 in 100 year plus 30% climate change event are required to be submitted.

116. As such there is insufficient information to demonstrate that there is adequate drainage for this building.

#### Public Rights of Way

117. Policy R11 seeks to protect public rights of way in the countryside. The rights of way adjacent to the site are not proposed to be altered by the proposed development and as such the proposal complies with this policy.

#### Other Matters

118. National Grid have raised concerns about the additional information being required regarding the number and size of vehicles crossing their pipeline. This information has not yet been supplied and so this objection remains outstanding. However it is noted on the withdrawn planning application that the National Grid withdrew its objection following the receipt of additional information and it is expected that this would be the case here. As such if consent was being granted this matter could be covered by planning condition.

#### Comments on the objectors comments:

119. The majority of the local residents and community bodies objections are addressed in the above report above. The additional matters raised are provided below with the residents comments grouped together when they relate to a similar theme. Officer response is provided in italics below the summary of the concerns.

120. Concern about the impact on the Deerness River from the run off from muck spreading. In addition the existing problems with muck spreading with residents saying this has happened next to existing houses covering their gardens and local walkers on the public footpath.  
*The spreading of manure can occur without requiring planning consent – and is controlled through the agreement from the Environment Agency. If planning permission was supported for the buildings then this could be subject to a management plan for the spreading of pig slurry.*

121. The existing pig farm is detrimentally affecting the historic park and garden on Eshwood Estate from ammonia which is detrimentally affecting the acid loving trees and plants with rhododendrons and azaleas already being affected and their lakes being affected by a filamentous algae from the water being rich in nitrates.

*Permitted development rights exist for the existing farms to alter their working practices and it is noted that Hill House Farm is now used for the intensive keeping of pigs within the existing agricultural permitted development rights.*

122. The ammonia released will affect asthma sufferers: The farm already has an unhygienic odour on a weekly basis: Odour in the form of ammonia, toxic bio-aerosols and antibiotic resistant organisms wrapped in a toxic stench affect the health and welfare of neighbouring households: Concerned there will be odour which will spread to the local villages on a semi-permanent basis. The Lionmouth Centre (which employs 11 people) and is a not-for-profit Community Interest Company, that provides a safe, tranquil place for local people with mild to moderate mental health, social and/or learning disabilities to take part in meaningful activities objects as they consider the odour will affect their terrace and facility: The Lionmouth Centre (which employs 11 people) and is a not-for-profit Community Interest Company, that provides a safe, tranquil place for local people with mild to moderate mental health, social and/or learning disabilities to take part in meaningful activities objects as they consider the odour will affect their terrace and facility.

*The Environmental Health Officer has considered the submitted odour reports regarding the development and their report is summarised above. The odour report and Environmental Health's assessment demonstrates that odour rates will fluctuate and will depend on wind direction with "peaks" of odour associated with operations at the building. He notes that fluctuations in the odour is considered to have more of an impact and therefore more likely to lead to complaint than a static odour level. As explained above the Environmental Health Officer acknowledges that the proposed building will have an impact but using the data available, he does not expect it to be detrimental 98% of the time – leading to a likely 7 days a year when odour levels will be exceeded. As discussed above officers are aware that a further building has been erected at Hill House Farm for the intensive rearing of pigs under permitted development rights and that the odour assessment has not considered the cumulative effect of all buildings within the farm unit which forms a reason for refusal.*

123. Local residents have been keeping odour diaries and can demonstrate odour issues with the existing farm that is detrimentally affecting their lives.

*Officers are aware that local residents have been in touch with Environmental Health Officers about odour from the existing farm and whether that causes a statutory nuisance. The odour assessment by the Environmental Health Officer is comprehensive with regard to impact on local residents and is discussed above.*

124. There are existing concerns about animal welfare: The proposal for intensive pig rearing is more like an industrial process than a farm: Meat production affects global warming and is not wanted: Intensive farming has often been cited as a breeding ground for disease, for example the relatively recent 'swine flu' pandemic that originated in an intensive pig farm: The keeping of pigs in an intensive way with a slotted floor and no stimulation is not fit for the local environment or in keeping with the County Councils sustainable community strategy. This type of installation is the opposite of a low carbon economy and contrary to sustainability and climate change commitments: The keeping of pigs in an intensive way with a slotted floor and no stimulation is not fit for the local environment or in keeping with the County Councils sustainable community strategy. This type of installation is the opposite of a low carbon economy and contrary to sustainability and climate change commitments: Compassion in farming raise concerns that the proposal involves running a farm using a fully slatted system for the floor of the pig building, or a slurry piping system that cannot deal with required manipulable material required to stimulate pigs. They consider this may well be in multiple breach of EU regulations which are also part of UK law. In addition it would not lead to the pigs receiving any stimulation.

*This application is limited to being considered against planning legislation which places the use within the building within an agricultural use class. The concerns expressed about the animal welfare and animal husbandry of the animals covers concerns beyond the land use planning controls. In addition other legislation is in place with regard to animal welfare.*

125. Concerned that walkers and ramblers that use the footpath will be affected by the odour and the development will detract from the tranquil ambience of the countryside.

*The footpath is located adjacent to the proposed pig farm buildings and the odour assessment demonstrates that there will be concentrations of odour at intermittent times detectable on the footpath. However the use of a footpath is such that people will only spend a limited amount of time passing the proposed site and this would not be considered as such an issue that would lead to a reason for refusal on planning grounds. It is also noted that Hill House farm and Biggin Farm are in private ownership and have an established use as a farm. Many farming activities introduce odour, like muck spreading and noise from machinery and vehicles that form part of the established use of the farming activity.*

126. Concern that drainage from the site could lead to additional slurry from the building entering the river.

*The County Drainage Officer also agrees that insufficient information has been submitted regarding the drainage of the site and this forms a reason for refusal.*

127. All the negatives of this development provide one job only in the local community so there is no local benefit.

*It is noted that the proposed building involves little additional local employment.*

128. The development is not sustainable and leads to high emissions from the proposed building particularly from CO<sub>2</sub> when the Council has made a commitment to reduce climate change emissions.

*The keeping of animal's forms part of the definition of agriculture and is a use appropriate for the countryside. Whilst it is acknowledged that the building will lead to a high level of emissions given the appropriate nature of the business officers do not consider this would form a reason for refusal.*

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## **CONCLUSION**

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129. This application has been fully assessed and considered in relation to the relevant policies including E7, E10, E14, E15, E16, E18, E26, T1, T10, R11, U8A, and H13 of the City of Durham Local Plan and criteria detailed in the NPPF. In reaching a recommendation on this application, supporting information submitted with the application has been fully considered along with comments received from consultees and local residents.

130. The application is submitted for an agricultural building for an intensive agricultural use on an isolated site away from the existing farm buildings at Hill House Farm or Biggin Farm. Officers conclude that there is no adequate justification for the siting of the building and that due to its scale it will detract from the close-range views from a public footpath adjacent to the application site contrary to Policy EMP17A, E7 and E10 of the City of Durham Local Plan and Part 12 of the NPPF.

131. In addition, the applicant has not provided adequate information that is up to date to demonstrate that the local nature reserve will not be detrimentally affected, and no adequate drainage details have been submitted. For these reasons officers consider that inadequate information has been provided on critical issues, and the proposal is therefore contrary to Policies E16, EMP17A, and U8A of the City of Durham Local Plan 2004 and Part 15 of the NPPF.

132.The application is therefore recommended for refusal.

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## **RECOMMENDATION**

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That the application be refused for the following reason:

1. The proposed building by reason of its scale, design and location on an isolated site away from the existing farm buildings at Hill House Farm and Biggin Farm would result in an unacceptable encroachment into the countryside, detracting in particular from the close-range views from public rights of way adjacent to the application site contrary to Policy EMP17A, E7 and E10 of the City of Durham Local Plan and Part 12 and Part 15 of the NPPF
2. Insufficient information has been submitted to demonstrate that there would not be adverse impacts on local nature interests as the submitted assessments have not taken into consideration the cumulative impact of all buildings housing pigs at Hill House Farm or adequately addressed the impact of muck spreading. This is contrary to Policy E16 of the City of Durham Local Plan, and Part 15 of the NPPF.
3. Insufficient information has been submitted to demonstrate that the building will provide adequate surface water drainage contrary to Policy U8A of the City of Durham Local Plan 2004 and Part 15 of the NPPF.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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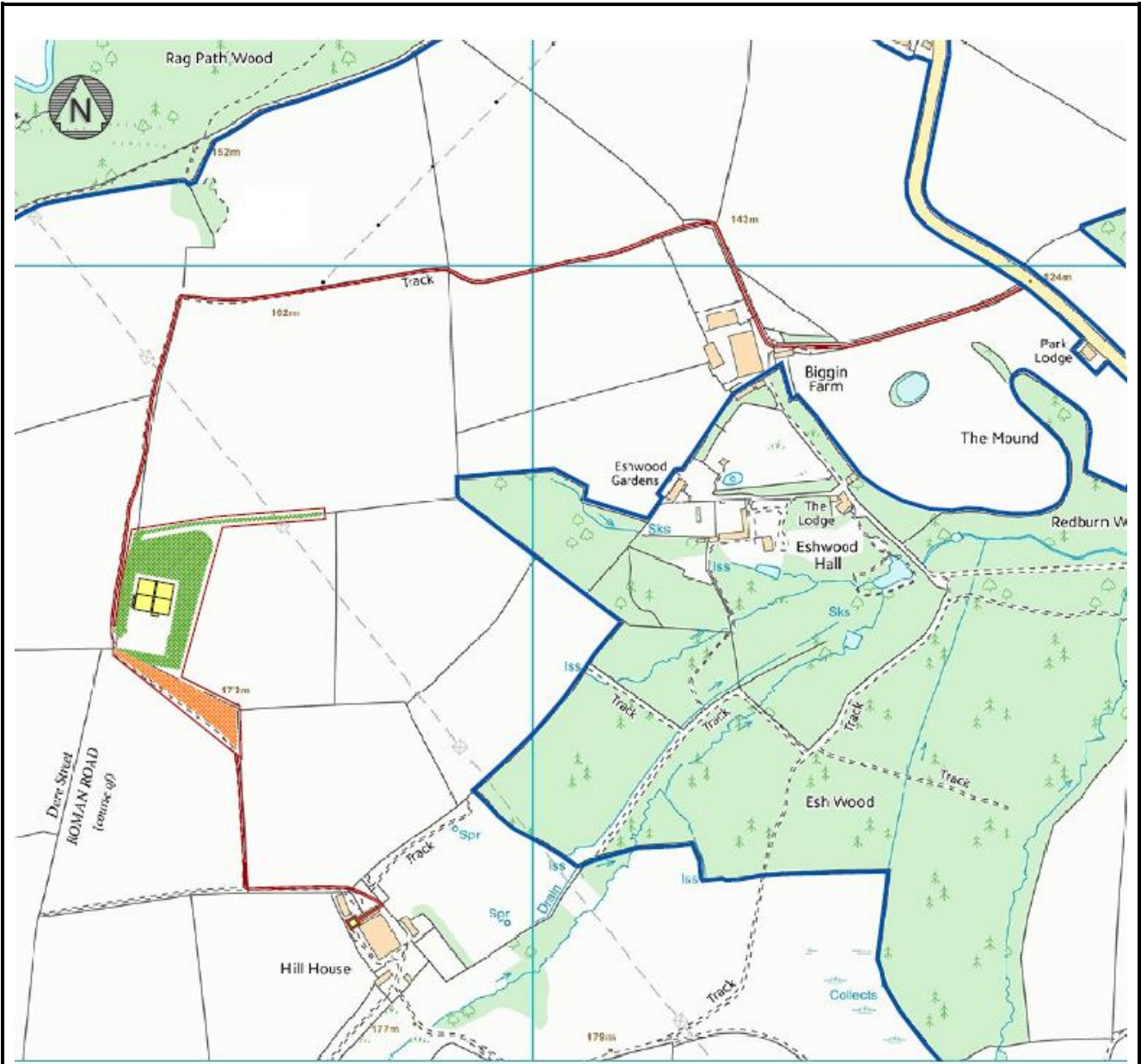
133.The Local Planning Authority in arriving at its decision to refuse the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. Unfortunately, a positive outcome was not achieved on this application. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documentation  
District of Easington Local Plan 2001  
National Planning Policy Framework  
Internal consultee responses  
Public responses  
Responses from statutory and other consultees  
National Planning Policy Guidance




**Durham**  
 County Council



**Planning Services**

**Biggin Farm,  
New Brancepeth,  
Durham. DH7 7HQ**

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