

COMMITTEE ITEM	3.2 ADDENDUM REPORT
APPLICATION NO	LA03/2018/0185/F
DEA	BALLYCLARE
COMMITTEE INTEREST	MAJOR DEVELOPMENT
RECOMMENDATION	GRANT PLANNING PERMISSION

PROPOSAL	Proposed demolition of existing pig farm (6no units housing 4,200 finishing pigs) and replacement with 3no new pig units (to house 2,755 sows, 235 replacement breeders and 5 boars) with air scrubber units, associated underground slurry and washings stores, scrubber water storage tank, 7no feed bins, welfare facilities, feed kitchen/store, concrete hardstanding and 2no turning areas, loading bay, landscaped bund, tree and shrub planting, parking and new access.
SITE/LOCATION	Lands adjacent and to the north of 10 Calhame Road, Ballyclare, BT39 9NA
APPLICANT	JMW Farms Ltd
AGENT	Clyde Shanks Ltd
LAST SITE VISIT	16th November 2018
CASE OFFICER	Johanne McKendry Tel: 028 9034 0423 Email: johanne.mckendryl@antrimandnewtownabbey.gov.uk

Full details of this application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk

BACKGROUND

Members since the preparation and publication of the case officers report there have been several letters of objection submitted to the Council including some which were only received on the day of Committee. These objections have been uploaded on the Planning Portal and were copied around Members earlier today. In addition, a copy of the letters of objection are available for Members at the Planning Committee meeting. A summary of the key points of objection and a consideration of the issues is provided below.

REPRESENTATION

A summary of the key points of the additional objection letters is provided below:

- There is no certainty that emissions will be reduced;
- "Should" is not an acceptable standard;
- Land spreading has not been properly considered;
- Approval of the scheme would be a breach of the Human Rights Act as it will affect the right to a private and family life;
- The Department of Agriculture, Environment and Rural Affairs are employing an unlawful test in their assessment of European Designated sites;
- The Nutrient Management Plan is not a legally binding document;
- The comments of the Public Health Agency have not been included in the case officers report;
- The Habitats Regulation Assessment was not properly carried out;

- The Environmental Statement has not comprehensively addressed all issues;
- The proposal will have a huge health risk;
- Ammonia levels are at a critical level in Northern Ireland;
- The rearing of pigs in huge sheds is not acceptable and completely unnatural;
- The cumulative impact of pig farms in Newtownabbey has not been considered;
- More effort needs to be put into encouraging people to consume less meat;
- Lough Neagh is close to tipping point in terms of nutrient enrichment from effluent discharges;
- This project will fail as meat consumption is on the decline;
- Pigs will outnumber residents by 2:1 in Newtownabbey;
- Air quality modelling has not been properly carried out;
- The Environmental Statement has failed to consider the impact of the 89,700 pigs produced at this farm each year.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

The issue of whether the air quality modelling and emissions has been properly considered was a recurring theme in the objection letters. Included within the Environmental Statement which accompanied the planning application were reports which dealt with noise, odour and air quality. These reports are prepared by competent experts and are subject to scrutiny by statutory and non-statutory consultees. It is an inherent part of the planning system that there will be dispute on planning related issues such as scientific methodology and predictive results, however, it is not for the Council to determine who is scientifically correct. The preparation of scientific reports by the applicant and the consultation with statutory and non-statutory consultees provides a safeguard that the appropriate methodology and standards are being applied. In the current case, as set out in the earlier case officers report, consultation has been carried out with a wide range of consultees who are satisfied that the project is an acceptable form of development.

In a similar vein the matter of the guidelines being applied by the Department of Agriculture, Environment and Rural Affairs (DAERA) was criticised as being unlawful. It is recognised that there are concerns amongst objectors with the levels of ammonia, effluent and nitrates in the waterways, air and on European Designated Sites. In relation to the particulars of this scheme DAERA act as a statutory consultee in the determination of this planning application and have been consulted on several occasions, indeed a variety of different sections within DAERA have been consulted in relation to their particular scientific expertise. It is not for the Council in the determination of this planning application to decide whether DAERA are competent to carry out their statutory duty. While there may be some dispute about the validity of the guidelines used by DAERA in carrying out their assessment of the impact on European Designated sites, the guidelines are not under legal challenge and the scientific opinions expressed by DAERA are unbiased and expressed in the public interest.

The Nutrient Management Plan is challenged as it is not a legally binding document and indeed this is correct. It is an untenable position to specifically tie the spreading of slurry to specific lands for the duration of the project. It is only necessary for the purposes of determining a planning application to assess whether the applicant/developer has at their disposal a viable outlet for the distribution/disposal

of the waste. It is not necessary for this to be specifically controlled by the planning system.

It is recognised that there can be no certainty applied to the predictive methodology undertaken in some of the reports which accompanied the planning application. It is not possible to guarantee anything which relies on prediction and therefore the use of the term "...should..." within the case officers report is an acknowledgement that any report which relies on an element of prediction cannot be guaranteed. As an additional safeguard to the potential environmental consequences of this project a further level of operational scrutiny is applied to a pig farm of this scale. Should planning permission be forthcoming a Pollution Prevention Control Permit will be required before the project can become operational and compliance with the conditions of the Pollution Prevention Control Permit is checked during its operational life.

A further issue raised in the objection letters was a failure to address the impact of the 89,700 pigs which could be produced on the site each year. It is true to say that the Environmental Statement considers the environmental implications of the pig production on the application site and its direct impacts on the receiving environment. It is not however, the purpose of this planning application or the accompanying Environmental Statement to assess the impacts of rearing pigs at other locations. The fattening of pigs at other locations outside of the application site is a matter which should have been considered in the determination of planning applications for previously approved development or in the determination of any subsequent applications for pig rearing units at other locations.

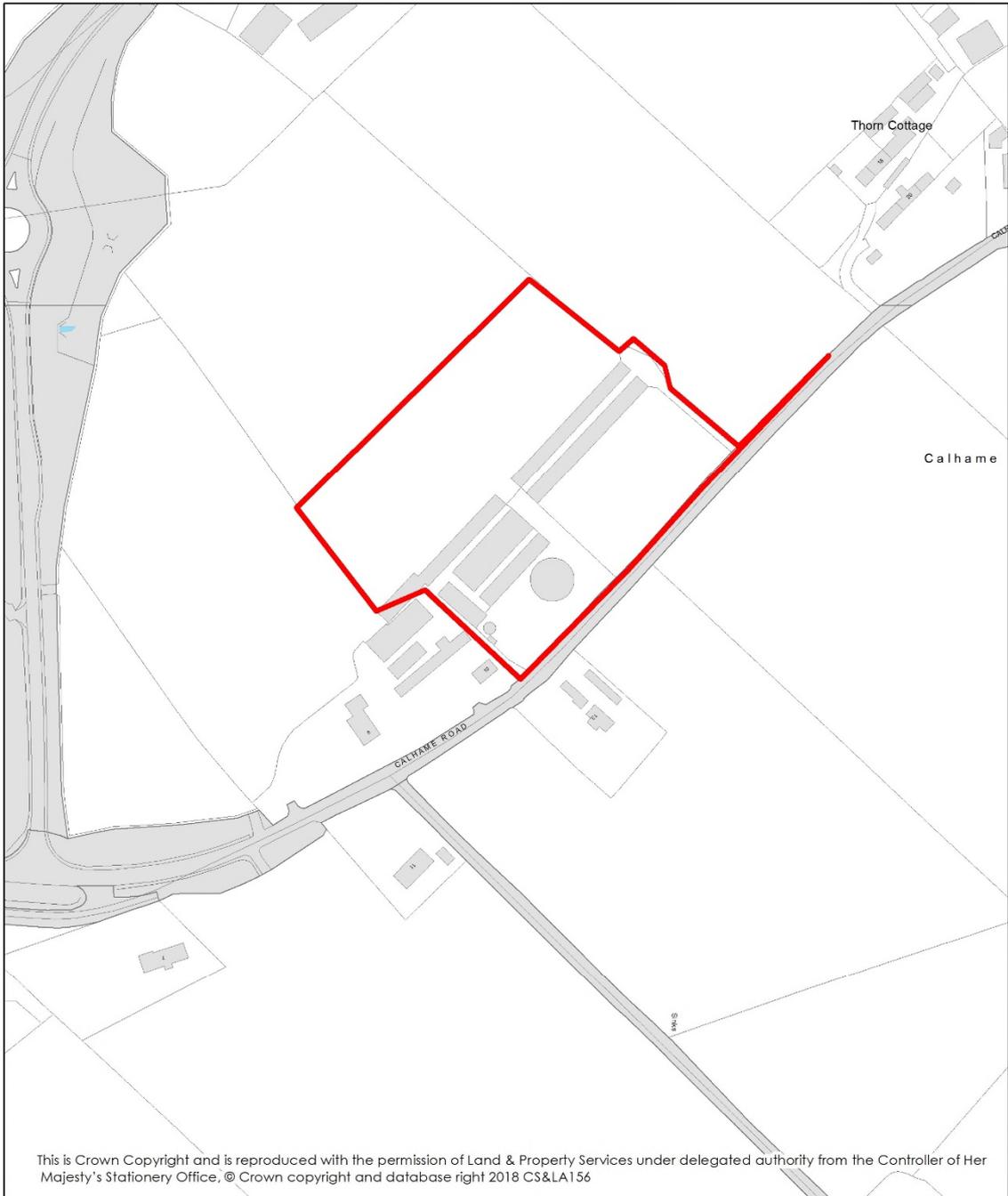
Issues around the acceptability of the consumption of meat or the decline of meat consumption is not a matter for consideration by the Council in the determination of an individual planning application. The matter of the volume of pigs outnumbering residents in the Borough may be an interesting point but it does not raise any relevant planning issues per se. The core consideration is whether the production of pigs at this site would be a sustainable development, considering the overall environmental, economic and social impacts.

The remaining issues regarding the implications for the Human Rights Act, the morality of having intensive livestock installations and the impact on human health have been dealt with already in the case officers report.

CONCLUSION

There is no change to the recommendation to grant planning permission for the proposed development and the proposed conditions remain unchanged from the publication of the case officer's report.

RECOMMENDATION :	GRANT PLANNING PERMISSION
-------------------------	----------------------------------



Location Map

Application Reference: LA03/2018/0185/F

Proposed demolition of existing pig farm
(6no units housing 4,200 finishing pigs)
and replacement with 3no new pig units

Lands adjacent and to the north of
10 Calhame Road
Ballyclare
BT39 9NA

 Site Boundary



For Information Only

