Letter re Manor Farm Barns sent by Sheriffhales Parish Council

25th November 2020

Shropshire Council

Shrehall

Abbeyforegate

Shrewsbury

Dear Mr Fortune

Thank you for your response of 28/10/2020 regarding the “ Manor Farm “ planning applications .

After carefully considering your response the Sheriffhales Parish Council ( SPC) continue to have significant concerns regarding both the applications themselves and the manner in which they are being managed through the planning process .

For the sake of clarity I can confirm SPC continue to object to each of the three applications for the detailed reasons set out in their original responses as a statutory consultee .

In addition following your latest response SPC wish to raise the following issues with you

1. The fundamental issue here , as set out in our original response , is the planning authority and subsequently SPC and our local community are being asked by the applicants to set aside existing approved national and local planning policy in order to finance the relocation of an existing profitable business because that business was failing to meet its environmental responsibilities. In our view this is not an example of very special circumstances and evidence to support the test of very special circumstances has not been provided . The business should either self finance a relocation if that is their preferred option or continue to operate from their existing site in a manner compliant with their statutory environmental obligations .
2. In our original response we challenged what appeared to be an assumption that the relocation of the pig farm was the “ only option “ . It is of great concern to SPC that some of the correspondence and exchanges on the applications continue to imply this is the case . Compliance with the environmental legal controls is an option and has been demonstrated to negate the nuisance and from the additional information now submitted by the applicants it appears the operation of the pig farm in accordance with the law , including reduced numbers of pigs , remains profitable .
3. In respect to any analysis of the financial viability assessment we would wish to challenge that this is undertaken on a like for like basis and ensure there is no “ betterment “ .
4. We can see no reason why the complete un redacted version of the financial viability assessment can not be made publicly available or at least available to the locally elected democratic body ie SPC . Without this how do you expect any consultee to be able to respond to this element of the applicants submission ? SPC may wish to consider obtaining their own independent evaluation of the applicants financial viability assessment but how can this be done if we are only provided with the redacted document ?
5. You will be aware the submission of these applications generated a very significant level of local concern and wide public response when open for consultation . You will also be aware at the time of the original consultation exercise there were a significant number of assessments and reports still required but not provided by the applicant . SPC would like you to clarify whether you believe the applications submitted met the standard minimum national validation requirements at the time ?
6. Over recent months it appears various missing information has incrementally been submitted by the applicants . Having regard to these circumstances and the significant public interest in these matters we have previously asked how and when interested parties will be reconsulted on the additional information now available and how long they will have to respond . Unfortunately you have not responded on this issue to date . Could you now clarify the position on this issue as soon as possible .
7. Further to the issues raised in points 5 and 6 can you confirm whether the applicants have yet provided a Design and Access Statement and a Heritage Impact Assesment that are fit for purpose and comply with all statutory requirements . If not how do you intend to address any shortcomings with the applicant ?
8. Can you also confirm whether there remains an outstanding objection from Historic Environment to the residential application and if so how you intend to address this ?
9. We have recently been notified of the submission of the Transport assessment by the applicants . You will be aware that after the principle concern regarding the applications assertion we should be setting aside National and local planning policy the significant detrimental impacts on public safety due to transportation issues were a very significant concern of SPC and many local residents .From a very preliminary review of the documents the proposals do not appear to mitigate the impact of the proposed development in the conservation area itself , the School and on local transport impacts over a wider area. SPC will be submitting a more detailed response on this issue in the near future .

As stated previously it is clearly apparent SPC on behalf of the local communities they represent continue to have very grave concerns regarding these applications , the way in which these applications are being managed through the planning process and continue to object based on the previously detailed submission from SPC .

As a parish council we are continuing to try and update our local residents and will publish this correspondence and any subsequent reply as part of that ongoing process.

Due to the level of concern we have also copied this correspondence to our Local MP , the

Leader of Shropshire Council, our Ward Member, the Chief Executive and Members of the South

Shropshire Planning Committee.

We look forward to receiving your response to the specific points raised as soon as possible

Yours sincerely

J S Neal

Mrs J Neal

Clerk to the Council

CC: Leader of Shropshire Council Andy Bodders

Head of Planning for Southern area

Chief Executive of Shropshire Council

Councillor K Turley

MP Mark Pritchard

Response received from Mr Fortune

**From:** Richard Fortune <richard.fortune@shropshire.gov.uk>
**Date:** 4 December 2020 at 10:25:36 GMT
**To:** "clerk@sheriffhalesparishcouncil.uk" <clerk@sheriffhalesparishcouncil.uk>
**Cc:** Ian Kilby <ian.kilby@shropshire.gov.uk>, Tim Rogers <tim.rogers@shropshire.gov.uk>
**Subject:** **RE: Letter re Manor Farm Barnes planning application 20/00820/FUL; 20/00821/OUT; 20/00822/FUL**

Dear Mrs Neal,

I refer to your letter of 25th November 2020 which has now been discussed with the Planning Services Manager and Area Planning Manager. The response below uses the same numbers as your letter.

1. Of the three planning applications which have been submitted, it is the proposal for residential development which is a departure from the adopted development plan. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The applicant’s case is that there would be a public benefit in re-locating the pig farm and is seeking to argue that the proposed housing would be an element in securing that relocation. It is very clear from comments received that this argument is not accepted by the majority of the local community, particularly in view of the quantity of housing proposed. Planning Officers have very strong reservations about the principle of the case being put forward concerning the ‘enabling development’ role of the housing to secure the relocation, but this needs to be examined in detail before we come to a final conclusion and recommendation.  Even if the independent review being sought of the viability case put forward concludes that this quantity of housing would be needed to fund the new pig farm, this does not mean the principle of what is proposed would then be considered acceptable by Planning Officers, or indeed the South Planning Committee. However, given that a refusal of planning permission is likely to lead to an appeal it is considered necessary to evaluate the viability case prior to the determination of the application and the drafting of potential refusal reasons, which would be the subject of an appeal, should any or all of the applications be refused.

I have not received a response yet from the agent as to what level of business activity could continue at the present site which would comply with statutory environmental obligations.

2. Your observations are noted.

3. It is agreed that the viability assessment should be on the basis of there being  no “betterment”.

4. The financial details of individuals and commercially sensitive financial information cannot be made public due to Data Protection restrictions. The Parish Council is not a statutory consultee or the local planning authority. Shropshire Council would be committing an offence in forwarding information which has been supplied in confidence and for evaluation by commissioned appropriately qualified professionals only, who will report their conclusions to the LPA.

5. The applications as originally submitted met the minimum national requirements for validation and therefore had to be registered.

6. The applicant’s agent has advised me that they are working on the matters which have been raised in my letters of 19th and 20th May. To date, the additional information supplied in connection with the pig farm application (20/00820/FUL) comprise a noise and odour assessment (18.09.2020) and further confidential viability information. The housing application 20/00821/OUT has had an ecological assessment submitted 18.09.2020 and a transport statement submitted 16.11.2020. A  Planning statement was submitted 02.07.2020 and a highways technical note was submitted 16.11.2020 in connection with the stables application 18/00822/FUL.  I will make enquiries with the agent about when a response can be expected to the other matters raised.  The intention is to carry out an amended plans/details reconsultation once a response has been received from the agent on all the information requested (Which will be the basis on which the applications will be determined), to avoid repeating this action several times.

7. As 6 above. The Council’s Conservation Team will be re-consulted on any revisions to the Heritage Impact Assessment. If it is still found to be deficient then this will be a factor in coming to  recommendations on the applications.

8. As 7 above.

9.The Transport Assessment submitted is being considered by the Council’s Highways consultants.

Regards

Richard Fortune

Principal Planner

01743 258779

planning.southern@shropshire.gov.uk

Shropshire Council