

# TEWKESBURY BOROUGH COUNCIL

<b>Report to:</b>	Council
<b>Date of Meeting:</b>	17 May 2016
<b>Subject:</b>	Consideration of a Petition Requesting that Industrial-Scale Farming Development Immediately be Restricted within Rural Village Locations
<b>Report of:</b>	Julie Wood, Development Services Group Manager
<b>Corporate Lead:</b>	Rachel North, Deputy Chief Executive
<b>Lead Member:</b>	Councillor D M M Davies
<b>Number of Appendices:</b>	One

## **Executive Summary:**

An electronic petition (e-petition) was received by the Council on 4 April 2016. The e-petition requests that the Council provide a policy response to safeguard local amenities within rural villages from industrial scale farming development and to prohibit any new developments within 400m of residential properties, to protect the health, wellbeing and safety of all residents. The exact wording of the e-petition is set out in Paragraph 2.1.

The Council has an agreed process for dealing with petitions, the detail of which is set out in Paragraph 1.3 of the Petition Scheme, which is attached as Appendix 1. This report has been produced to enable Members to consider the request of the petitioners.

The Council, within its planning framework, is able to develop policies, which are then tested through public consultation and wider stakeholder engagement through public examination. This level of local policymaking would be part of the Tewkesbury Borough Plan. Any future planning application would also be considered by the Council's Planning Committee. It is also noted that the subject of this e-petition also falls within the Environmental Permitting Regulations which are dealt with by the Environment Agency.

## **Recommendation:**

**That Council requests Officers to consider the issues raised by the Petition as part of the Borough Plan process.**

## **Reasons for Recommendation:**

To determine an appropriate course of action as required by the Petition Scheme.

## **Resource Implications:**

Officer time in considering the issues raised as part of the Borough Plan process.

**Legal Implications:**

The Petition must be considered in accordance with the Council's Petition Scheme. The Scheme sets out a number of options for the Council following consideration of the Petitioner's request.

Planning applications must be determined by the Planning Committee in accordance with all the material planning considerations including the impact of a proposal on the amenities of local residents.

**Risk Management Implications:**

Any risks associated with land use designations will be recorded and recorded during the development of the Tewkesbury Borough Plan.

**Performance Management Follow-up:**

Consideration of policy options will be considered by the Council.

**Environmental Implications:**

None directly related to the report other than the planning policy issues raised.

**1.0 INTRODUCTION/BACKGROUND**

**1.1** The Council's Petition Scheme; approved on 28 September 2010 (based on the national model scheme) is designed to allow the public to have easy access to information about how to petition their local authority and to know what to expect from their local authority in response. Included within the Scheme is the requirement to have a full Council debate should a certain number of signatures be achieved. Tewkesbury borough Council has set that threshold at 100 signatures. The current e-petition qualifies for a Council debate.

**1.2** The legislation also recommends a 15 minute maximum period for the debate and recognises that the issue may be referred to another Committee where the matter is not one reserved for Council. The purpose of the requirement for Council debate therefore, is not to ensure that the final decision relating to the Petition is made at that Council meeting but to increase the transparency of the decision-making process, ensuring that debates on significant Petitions are publicised with sufficient notice to enable the Petition organiser and public to attend. It also ensures that local people know their views have been listened to and they have an opportunity to hear their local representative debate their concerns. The outcome of debates will depend on the subject of the petition.

**2.0 THE PETITION**

**2.1** The electronic petition (e-petition) was received on 4 April 2016 from Mr J Rees. It had 130 signatures, which is in excess of the 100 signatures required to trigger a Council debate. The wording of the petition is set out below:-

*'We the undersigned petition the council to provide a policy response to safeguard local amenity within rural villages from industrial-scale farming developments, and to prohibit any new developments within 400m of residential properties, to protect the health, well-being and safety of all residents.'*

**2.2** The Council is therefore required to debate the Petition in accordance with the Petitions Scheme. The process for dealing with Petitions, agreed by Tewkesbury Borough Council is attached at Appendix 1. Paragraph 5.1 of the Petitions Scheme states that the Petition organiser will be given five minutes to present the Petition at the meeting and the Petition will then be discussed by Councillors for a maximum of 15 minutes. The Council's response to a Petition will depend on what a Petition asks for and how many people have signed it, but may include one or more of the following:-

- taking the action requested in the Petition;
- considering the Petition at a Council meeting;
- holding an enquiry into the matter;
- undertaking research into the matter;
- holding a public meeting;
- holding a consultation;
- holding a meeting with petitioners;
- referring the Petition for consideration by the Council's Overview and Scrutiny Committee;
- calling a referendum; or
- writing to the Petition organiser setting out the Council's views about the request in the Petition.

### **3.0 BACKGROUND INFORMATION TO THE SUBJECT OF THE PETITION**

**3.1** The petition has been submitted as a reaction to proposals within the Borough for poultry units including a current application at Leigh Court at The Leigh and an anticipated application at Hasfield. This follows other permissions for poultry units which have been permitted at Starveall Farm, Pamington and Walton Fields Farm, Curse Lane, Elmstone Hardwicke.

**3.2** The planning framework for the Borough does currently provide policies which cover some of the issues raised in this Petition.

**3.3** The adopted Tewkesbury Borough Local Plan to 2011, through saved policy AGR5, provides guidance on employment sites in rural areas. Policy AGR5 of the Tewkesbury Borough Local Plan to 2011 - March 2006 sets out that proposals for the erection of agricultural buildings will be permitted provided that the proposed development is well sited in relation to existing buildings, ancillary structures and works and landscape features in order to minimise adverse impact on the visual amenity of the locality. Proposed development must also be sympathetically designed in terms of height, mass materials, colour and landscaping where appropriate. Adequate operational access should also be made available.

**3.4** Policy AGR4 of the Local Plan deals with agricultural diversification which may also be relevant to proposals related to the Petition. Policy AGR4 sets out that diversification will be supported where the scale and use are appropriate to a rural environment, are in keeping with and/or enhance the character of the surroundings, and maximise the use of existing buildings and structures. Where new buildings/structures are proposed these should be well related to existing structures and essential to the new use.

**3.4** The emerging Joint Core Strategy (Submission version November 2014), through Policy SD15, provides guidance on health and environmental quality. The policy states that development should not create or exacerbate conditions that could impact on human health or cause health inequality. As part of this the policy also sets out that new development must cause no unacceptable harm to local amenity including the amenity of neighbouring occupants.

**3.5** The justification for the Petition sets out that:

*'As both the political and economic situation within rural Gloucestershire continues to transition, there is an evidenced increase in planning applications for industrial-scale farming developments infringing on local villages within the borough e.g. such as those currently proposed in The Leigh and Hasfield.*

*We believe that to ensure the adequate protection of the rural environment and equality for all parties living within it, further policy needs to be developed at a local level to clearly define and enforce appropriate boundaries between industrial farming and village life, forming a baseline for this type of development.'*

#### **4.0 CONSIDERATION OF THE PETITION IN THE CONTEXT OF THE LOCAL PLAN/LDF AND OTHER REGULATIONS**

**4.1** Local planning policies and the strategy for development in the Borough will be established through the emerging Tewkesbury Borough Plan. Any future policies on issues such as farming development would need to be considered and established through the plan-making process.

**4.2** As part of the local plan for the area, the Borough Plan is subject to the Town and Country Planning (Local Planning) (England) Regulations 2012. These Regulations set out the process that the Borough Council must follow in creating local plans. They require local authorities to go through several stages of development and formal consultation and ultimately submit the Plan to the Secretary of State for independent examination. These Regulations must be followed in order for the Borough Council to adopt a legally compliant and sound local plan and policies. Planning policies cannot be brought into effect without following this due process.

**4.3** Local plans must also be in conformity with National Planning Policy Framework which sets out that for a plan to be sound it must be positively prepared, justified, effective and consistent with national policy. As part of this, plans should be based on a proportionate evidence base which needs to support and underpin plan policies, providing the justification as to why they are sound. In developing policies on farming development, the Borough Council would need to be able to justify the approach it is taking and provide evidence to support it.

**4.4** The emerging Borough Plan is at an early stage of its development with an initial draft plan consulted on in February and March 2015. Therefore, there remains scope to develop the strategy and policies around new development further. This will enable the local community to put their views forward on the approach to be taken in the plan, including issues raised in this Petition.

**4.5** It should also be noted that certain large scale agricultural developments will be covered by the Environmental Permitting Regulations. These Regulations are managed by the Environment Agency and it is often the case that developers will secure an Environmental Permit for a site in advance of applying for planning permission. This was the case with the above-mentioned sites at Pamington (which now has planning permission and is operational) and The Leigh (for which a current planning application is pending).

**4.6** Government policy is very clear that Local Planning Authorities should not duplicate controls managed under separate regimes. The National Planning Policy Framework (paragraph 122) states:

*“...local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively.”*

**5.0 OTHER OPTIONS CONSIDERED**

**5.1** None.

**6.0 CONSULTATION**

**6.1** None.

**7.0 RELEVANT COUNCIL POLICIES/STRATEGIES**

**7.1** As set out in section 4 above.

**8.0 RELEVANT GOVERNMENT POLICIES**

**8.1** As set out in section 4 above.

**9.0 RESOURCE IMPLICATIONS (Human/Property)**

**9.1** Officer time in considering the issues raised as part of the Borough Plan process.

**10.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)**

**10.1** Any proposal for a policy as suggested in the petition will need to be considered in light of the NPPF and other relevant policies/guidance/legislation through the Borough Plan process.

**11.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)**

**11.1** None at this stage. The Borough Plan will include an Equality Impact Assessment and will be required to have full regard to the Human Rights Act 2000.

**12.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS**

**12.1** As set out in section 4 above.

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**Background Papers:** None.

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**Appendices:** One – Petitions Scheme.