



Shropshire Council  
Legal and Democratic Services  
Shirehall  
Abbey Foregate  
Shrewsbury  
SY2 6ND

Date: Monday, 27 March 2017

**Committee:**  
**South Planning Committee**

**Date:** Tuesday, 4 April 2017

**Time:** 2.00 pm

**Venue:** Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury,  
Shropshire, SY2 6ND

You are requested to attend the above meeting.  
The Agenda is attached

Claire Porter  
Head of Legal and Democratic Services (Monitoring Officer)

**Members of the Committee**

David Evans (Chairman)  
David Turner (Vice Chairman)  
Andy Boddington  
Gwilym Butler  
Nigel Hartin  
Richard Huffer  
John Hurst-Knight  
William Parr  
Madge Shingleton  
Robert Tindall  
Tina Woodward

**Substitute Members of the Committee**

Lee Chapman  
Heather Kidd  
Christian Lea  
Cecilia Motley  
Vivienne Parry  
Kevin Turley  
Leslie Winwood  
Michael Wood

Your Committee Officer is:

**Linda Jeavons**      Committee Officer  
Tel:                    01743 257716  
Email:                [linda.jeavons@shropshire.gov.uk](mailto:linda.jeavons@shropshire.gov.uk)

# AGENDA

## **1 Apologies for Absence**

To receive any apologies for absence.

## **2 Minutes (Pages 1 - 6)**

To confirm the minutes of the South Planning Committee meeting held on 7 March 2017.

Contact Linda Jeavons (01743) 252738.

## **3 Public Question Time**

To receive any questions, statements or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is 5 pm on Thursday, 30 March 2017.

## **4 Disclosable Pecuniary Interests**

Members are reminded that they must not participate in the discussion or voting on any matter in which they have a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

## **5 Hurst Barn, Clunton, Craven Arms, Shropshire, SY7 0JA (16/03334/EIA) (Pages 7 - 76)**

Erection of 2No poultry sheds, feed bins, solar voltaic panels, ancillary equipment and alterations to vehicular access.

## **6 Walkhamwood Farm Faintree Bridgnorth Shropshire WV16 6RQ (15/05330/EIA) (Pages 77 - 124)**

Erection of 4No poultry units, feed bins, biomass boiler building, new access road, landscape and associated works.

## **7 Agricultural Building NW Of Coombys Farm, Severn Side, Highley, Shropshire (16/04135/FUL) (Pages 125 - 144)**

Change of use of agricultural buildings to 2 dwellings and installation of septic tank drainage (Part Retrospective).

## **8 17 Barrow Street, Much Wenlock, TF13 6EN (16/05706/COU) (Pages 145 - 158)**

Change of use from A1 Class Use (retail) to A3 Class Use (restaurants/cafes) and use of garden for outside seating.

## **9 Schedule of Appeals and Appeal Decisions (Pages 159 - 166)**

## **10 Date of the Next Meeting**

To note that the next meeting of the South Planning Committee will be held at 2.00 pm on Tuesday, 2 May 2017, in the Shrewsbury Room, Shirehall.



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## Committee and Date

South Planning Committee

4 April 2017

## **SOUTH PLANNING COMMITTEE**

### **Minutes of the meeting held on 7 March 2017**

**2.00 - 3.38 pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND**

**Responsible Officer:** Linda Jeavons

Email: linda.jeavons@shropshire.gov.uk Tel: 01743 257716

### **Present**

Councillor David Evans (Chairman)

Councillors David Turner (Vice Chairman), Gwilym Butler, Nigel Hartin, Richard Huffer, John Hurst-Knight, William Parr, Madge Shingleton, Robert Tindall and Tina Woodward

### **82 Apologies for Absence**

An apology for absence was received from Councillor Andy Boddington.

### **83 Minutes**

#### **RESOLVED:**

That the Minutes of the meeting of the South Planning Committee held on 7 February 2017 be approved as a correct record and signed by the Chairman.

### **84 Public Question Time**

There were no public questions or petitions received.

### **85 Disclosable Pecuniary Interests**

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

With reference to planning application 16/02739/FUL, Councillor John Hurst-Knight declared that due to a perception of bias he would leave the room during consideration of this item.

With reference to planning application 16/02739/FUL, Councillor David Turner declared that the speaker for the developer was someone with whom he had had a business relationship many years ago and the developer's Transport Consultant was well known to him and for reasons that there may be a perception of bias he would leave the room during consideration of this item.

**86 Land Adjacent To Sainsbury's Supermarket, Old Smithfield, Bridgnorth (16/02739/FUL)**

By virtue of their declaration of interest at Minute No. 85, Councillors John Hurst-Knight and David Turner left the room during consideration of this item.

The Principal Planner introduced the application and with reference to the drawings displayed, she drew Members' attention to the location, proposed layout and elevations, existing layout and previous consent layout.

Members had undertaken a site visit on a previous occasion and had viewed the site and assessed the impact of the proposal on the surrounding area.

Mr M Cooksey, a local resident, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Mr S Robbins, representing Bridgnorth Chamber of Commerce, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Councillor David Cooper, representing Bridgnorth Town Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15) Councillor Christian Lea, as local Ward Councillor, made a statement, took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- The proposal was not supported by Bridgnorth residents; it would not enhance the local retail experience; there was already a wide variety of independent shops in the Town; and this proposal could have a detrimental impact on up to 20 independent retailers;
- He reiterated his concerns regarding the loss of parking spaces. It was already difficult to park and if there was less parking as a result of this proposal being granted shoppers would vote with their feet and go elsewhere. Local traders may not always be able to afford to contribute to the current park and ride scheme;
- Along with a possible increase in Business Rates and Brexit, this would exacerbate the pressures existing retailers already faced; and
- Bridgnorth had recently been successful and had won an award in the Great British High Street competition based on what was there at this point in time. Granting this proposal would do nothing to enhance the economic viability of the Town Centre.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15) Councillor William Parr, as local Ward Councillor, made a statement, took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- Residents, Bridgnorth Chamber of Commerce and Bridgnorth Town Council did not support the proposal. 6840 persons had signed a petition against this development and the loss of parking spaces;
- These units would generate the need for more parking. There would also be a further impact on parking in the Town arising from any extra house building and loss of the Westgate car park;
- Innage Lane Car Park – He questioned where HGVs would park if the HGV parking spaces were used for car parking on a Saturday. Recycling was on the increase and the loss of the waste recycling facilities would impact on those who regularly used them; and
- He urged refusal of the proposal.

With the permission of the Chairman and due to the fact that additional speakers had been allowed to speak against the proposal, the developer was permitted to speak for up to six minutes. Mr J Liggins, the developer, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

In the ensuing debate Members considered the submitted plans and noted the comments of all speakers. If granted, some Members stressed the importance of displaying appropriate signage directing cars and pedestrians to and from Smithfield, Innage Lane and the Town Centre.

In response to questions, the Solicitor provided clarification relating to the existing Car Parking Management Agreement and reiterated that as the Management Agreement was not a lease or tenancy, forfeiture would not apply. The Principal Planner drew Members' attention to the extant planning permission and what could be built, and commented that the proposal would provide more link-shopping. She drew Members' attention to the suggested conditions which would ensure appropriate landscaping/tree planting and prevent the individual units being sub-divided and reduced in size.

**RESOLVED:**

That, as per the Officer's recommendation, delegated authority be granted to the Planning Services Manager to grant planning permission subject to:

- The conditions as set out in Appendix 1 to the report; and
- A Legal Agreement to secure a financial contribution towards increasing car parking capacity at Innage Lane and providing signage at Smithfield and Innage Lane to direct cars and pedestrians.

**87 Buildings To The North Of Small Heath Farmhouse, Ashford Bank, Claverley, Wolverhampton (16/03673/COU)**

The Principal Planner introduced the application and with reference to the drawings displayed, he drew Members' attention to the location and proposed floor plan.

Members had undertaken a site visit and had viewed the site, noted the infrastructure and surrounding road network, had approached the site via Danford Lane and exited via Aston Lane and assessed the impact of the proposals on the surrounding area.

The Principal Planner drew Members' attention to the additional information and the amendment to the recommended Conditions No. 8 and 9 relating to the operation hours and delivery and despatch times and as set out in the Schedule of Additional Letters circulated prior to the meeting.

Mr R Cotham, representing Claverley Parish Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15) Councillor Tina Woodward, as local Ward Councillor, made a statement, took no part in the debate and did not vote on this item. During her statement, the following points were raised:

- As it was difficult to be precise as to what businesses would potentially be attracted to this rural location, it was difficult to predict the traffic levels which would be generated. The traffic generated by the potential businesses would funnel traffic movement through the residential area nearest to the site, with a knock-on effect on the narrow lanes, and in sections very narrow lanes, due to the nature of the sandstone cuttings in the lanes network, where there are limited passing places and no footways. The most direct routes from the B4176 and A458 into the village both had tight sandstone cuttings as one entered the village – there were other routes but they still involved the narrow lanes network. Both B1 and B8 activity on this site operating all year round would result in a cumulative effect on Claverley's rural roads network, which was coming under pressure from the increased size of cars, vans, waste collection vehicles and farm vehicles;
- Claverley had no shop and no bus service so the community was reliant on car journeys and items being delivered, including domestic heating oil and gas in many cases;
- The site occupied a relatively isolated, prominent location and as a result any industrial noise would be noticeable;
- This was not small-scale nor suitably located and so not appropriate for B1 and B8 use and would be contrary to Core Strategy Policy CS5; and
- If approved, appropriateness of the location to be given consideration -
  - highway improvements to the entrance to the site and the creation of a footway along the lane nearest to the entrance to the site would be welcomed;
  - appropriate planting scheme sympathetic to the rural landscape and to help screen the buildings;
  - car parking and a security system which had to be responded to in the event of a break-in or false alarms;
  - restrictions on the B8 use which would limit the access to items stored on site in line with paragraph 4.6 of the applicant's statement; and
  - if approved should be granted on a temporary basis.



Mrs A-M Brettell, the agent, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. In response to questions from Members, the Principal Planner and the Area Highways Development Control Officer (South) provided clarification on drainage, landscaping and traffic management.

**RESOLVED:**

That, as per the Officer's recommendation, planning permission be granted subject to:

- The conditions as set out in Appendix 1 to the report and as amended and set out in the Schedule of Additional Representations;
- A Section 106 Legal Agreement to secure an appropriate traffic management and HGV routing plan.  
Reason: To protect and safeguard residential amenities; and
- Delegated authority be granted to Planning Officers to undertake discussions with the applicant regarding any additional appropriate landscaping/planting.

**88 Schedule of Appeals and Appeal Decisions**

**RESOLVED:**

That the Schedule of Appeals and Appeal Decisions for the southern area as at 7 March 2017 be noted.

**89 Date of the Next Meeting**

**RESOLVED:**

That it be noted that the next meeting of the South Planning Committee will be held at 2.00 pm on Tuesday, 4 April 2017 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed ..... (Chairman)

Date: .....

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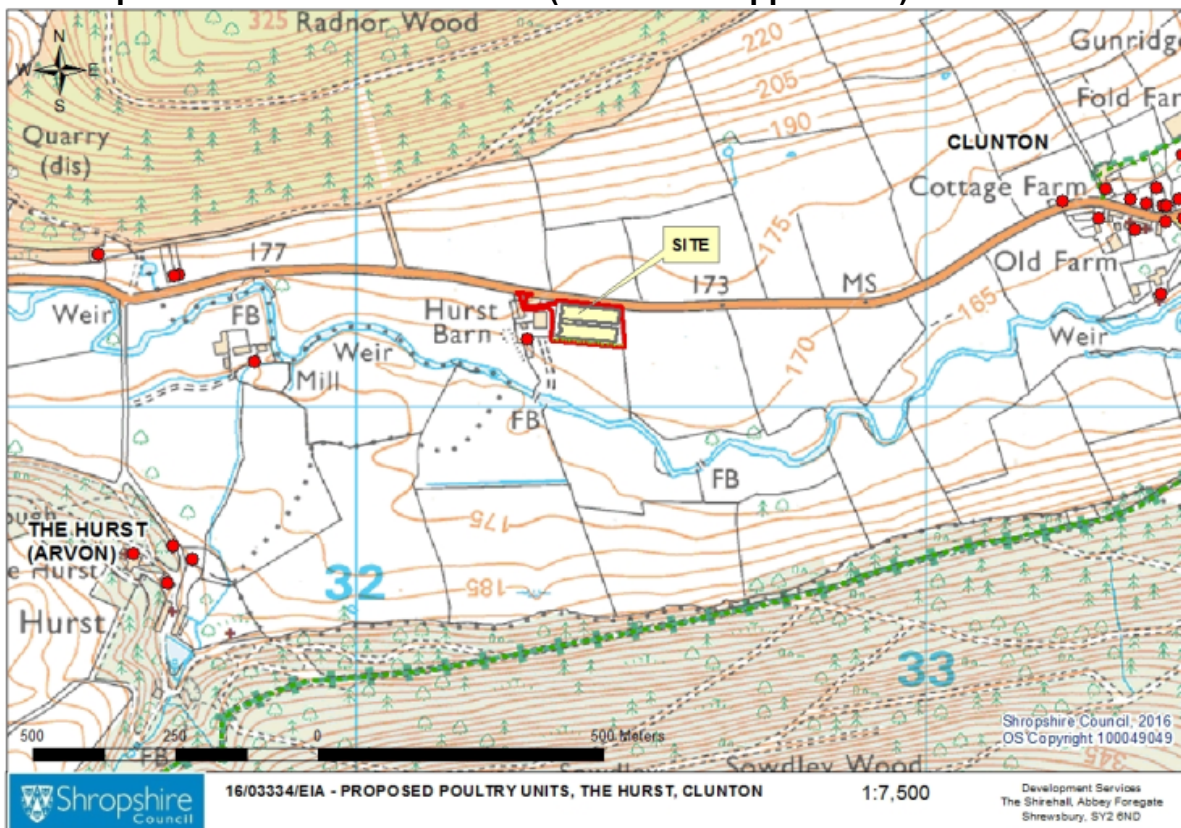
Committee and date  
 South Planning Committee  
 4 April 2017

## Development Management Report

Responsible Officer: Tim Rogers  
 email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

<b>Application Number:</b> 16/03334/EIA	<b>Parish:</b> Clunbury
<b>Proposal:</b> Erection of 2No poultry sheds, feed bins, solar voltaic panels, ancillary equipment and alterations to vehicular access	
<b>Site Address:</b> Hurst Barn, Clunton, Craven Arms, Shropshire, SY7 0JA	
<b>Applicant:</b> Mr Richard Jones	
<b>Case Officer:</b> Grahame French	<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>

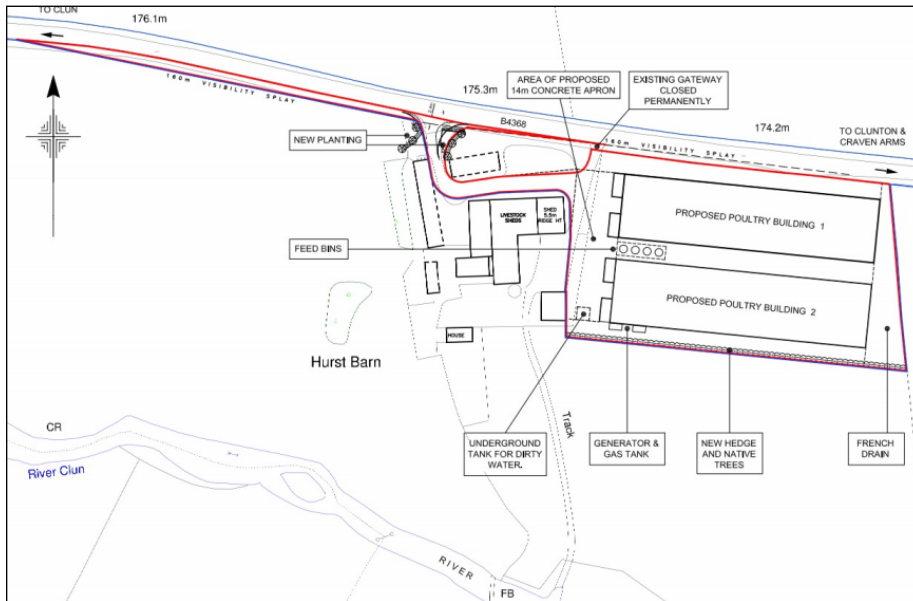
**Recommendation:-** Approve subject to the conditions set out in Appendix 1 and to a legal agreement delivering off-site ecological mitigation measures to protect the Clun Catchment Special Area of Conservation (detailed in Appendix 2).



## REPORT

### 1.0 THE PROPOSAL

- 1.1 It is proposed to erect two poultry sheds at Hurst Barn. The site would house a total of approximately 100,000 broiler birds at any one time. Feed bins would be located between the buildings. The proposed buildings would be 97.53m long x 24.4m wide with a height of 4.6m to the ridge and 2.44m to eaves level. There would be an area of concrete for feed bins at the western end between the sheds. The remaining area between the sheds would be levelled and surfaced with crushed permeable stone.



- 1.2 The buildings would be constructed of steel portal frame with steel profile coated cladding fitted to the roof and walls. The applicant proposes slate blue cladding for the roof and feed bins. External lighting would be kept to the minimum requirement. The applicant proposes to install solar photovoltaic panels on the south facing roofs. There would be a wide concrete apron immediately to the west of the buildings which would be used for accessing the sheds.
- 1.3 Large double doors would provide vehicular access. Pedestrian access is via a Personnel door into the Control Room and then into the main part of each building. There would be an area of concrete for feed bins at the western end between the sheds. The remaining area between the sheds would be levelled and surfaced with crushed permeable stone.
- 1.4 The control room would include a specialist computer system which is thermostatically controlled to maintain the desired temperature within the bird housing area, using the heating and ventilation systems. Feeding and lighting would also be controlled by the computer system.
- 1.5 The proposed unit would operate with 7 flocks per annum. Each rearing cycle takes 49 days including 42 days for broiler rearing and 7 days for cleaning out and preparation. At the end of each flock cycle the poultry manure is removed from the buildings by mechanical loader. All manure will be loaded into trailers which will be sheeted and

transported away from the site for disposal through spreading on agricultural land in accordance with the applicants manure management plan.

- 1.6 The proposals involve a landscaping scheme including strengthening existing hedgerows surrounding the site and inter-planting with trees. A new belt of tree planting is also proposed on the southern boundary of the field to the south of the site.
- 1.7 The application is supported by an Environmental Statement under Schedule 1 of the EIA Regulations.

## 2.0 SITE LOCATION / DESCRIPTION

- 2.1 The site (area 0.96ha) is located in the Shropshire Hills Area of Outstanding Natural Beauty on the Clun valley and 1km west of the village of Clunton. The B4368 Clun road passes to the immediate north.
- 2.2 The farmhouse at Hurst Barn is owned and occupied by the applicants and is the closest residential property. There are no other dwellings within a 400 metre radius of the proposed poultry site. The closest unrelated dwelling is Hurst Mill located approximately 500 metres due west from the proposed site. The area owned by the applicants at Hurst Barn extends to approximately 100 acres with a further 200 acres of adjoining rented land..
- 2.3 Consent was granted in 2012 (ref.12/01553/FUL) for a new livestock building within the application site area next to the existing farm buildings. The approved building measures 48.77m by 15.24m with an eaves height of 3.65m and a ridge level of 5.81m (i.e. a much smaller footprint than the current proposals but 1.2m higher).

## 3.0 REASON FOR DELEGATED DETERMINATION OF APPLICATION

- 3.1 The application is referred to committee under the Council's Scheme of Delegation as the proposals relate to development under Schedule 1 of the Environmental Impact Assessment Regulations 2011.

## 4.0 COMMUNITY REPRESENTATIONS

- 4.1.1i. Clunbury Parish Council (Objects). The Clunbury Parish Council meeting was held on Thursday 22nd September 2016 in the presence of the Applicant and his Agent, and a number of Clunton residents, some of whom expressed strong views, most of which you will have received as written objections. As the parish is in a uniquely sensitive area, the Council feel strongly that they have a responsibility when it comes to planning applications to give due regard to the effect on the environment, the risk to public health/safety and the protection of the AONB. Clunbury Parish Council is very sympathetic towards efforts to develop new business and employment and in this rural parish want to be helpful to farmers trying to make a living during these difficult times. However, we must also consider and balance the needs of other existing, important economic activities in the area - such as tourism.

- ii. The Parish Council wish to make the following points:

- We support the views of the AONB who consider the proposal to be unacceptable on that particular site
  - The environmental impact would be substantial, particularly with regard to odour and dust pollution, the increase in heavy vehicles and noise of traffic through a residential area, and the potential "never" event of pollution of the River Clun during the increasing freak weather conditions
  - Planning applications for much needed residential developments further from the river have apparently been refused due to the possibility of pollution of the River Clun
  - Others have had restrictions imposed on the treatment of sewage and waste, with sealed cesspit tanks having to be emptied outside the Clun catchment area
  - The Planning Application does not appear to include a Manure Management Plan that we can study
  - We understand that an Environmental Permit and Habitat Regulations Assessment have still not been granted
  - We are concerned that there is no confirmation in the application that best practice for this type of intense poultry farming is being followed. At an early Consultation Event, it was stated that the plans were to be RSPCA Freedom Food approved. However, the number and density of birds planned at Hurst Barn appears to be above the guidance levels of both RSPCA and DEFRA. See para E4.11 RSPCA Welfare Standards for chickens and DEFRA Broiler(meat) chickens - welfare recommendations
  - There are an increasing number of poultry farms in the area, and Councillors feel that this application (and any others) should be looked at for the cumulative impact on the Shropshire Hills AONB, not just as individual cases.
- iii. The Parish Council therefore voted to oppose the planning application, for the reason that it would be an inappropriate development of large intensive farming buildings in one of Shropshire's most acclaimed beautiful and historically important valley settings, with close proximity to the environmentally sensitive River Clun and the public highway, in an area that relies heavily on tourism.
- 4.1.2 Clun Town Council (Adjoining Parish): The Town Council wishes to object to this application on the following grounds:
- 1) Noise
  - 2) Visual impact
  - 3) Pollution
  - 4) Traffic (in particular traffic travelling on narrow roads and through Clun and over Clun bridge which is unsuitable for HGVs)
  - 5) Impact on the ecology of the river (through discharge of nitrates in an area where there are pearl water mussels - as part of SAMDEV, the EA raised concerns about development which may affect them until appropriate mitigation works requiring works by Severn Trent are complete).
- 4.1.3 Natural England (31/10/16): No objection subject to confirmation of the mechanism to secure the mitigation for the lifetime of the development and confirmation of any monitoring and enforcement measures and to the following comments:
- i. Internationally designated site

The application site is in close proximity to the River Clun, upstream of the River Clun Special Area of Conservation SAC, a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

- ii. **Habitats Regulations Assessment - Further information requested**  
Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an appropriate assessment of the proposal, in accordance with Regulation 61 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard for Natural England's advice. Developments of this nature have potential to cause significant damage to the water environment and we note extensive mitigation has been included within the planning application to inform your authority's Habitat Regulations Assessment and subsequent appropriate assessment. Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for any adverse effects
- iii. Natural England is largely satisfied with the conclusions of the HRA however we seek clarification on how your authority aims to secure the mitigation for the lifetime of the development and confirmation of any monitoring and enforcement measures to ensure the mitigation scheme. This mitigation could be delivered in a number of ways to achieve the stated aims. For instance a reduction in nutrients could be achieved by reducing nutrient inputs to the entirety of the three fields indicated in the manure management plan or by creating wider buffer strips all along the river within the landholding or potentially only adding nutrients when testing informs that it is necessary. Confirmation on how the manure management plan will be secured and enforced would be useful. Additionally, Natural England would recommend water quality testing in the river possibly at an upstream location within the applicants' landholding and where the river exits the landholding through a monitoring scheme to demonstrate that the proposed mitigation is having the required effect and an outline of potential remedial action which may be required /implemented should the monitoring show declining water quality during construction and operation of the development.

*Note: Natural England has been notified of the proposed measures which aim to secure the mitigation for the lifetime of the development. This would be achieved by means of a legal agreement securing significant reductions in nutrient reduction on surrounding agricultural land for the lifetime of the development coupled with planning conditions. NE has been re-consulted by the Council's Ecology section on an updated Habitat Risk Assessment which details these measures.*

- 4.1.4 **Historic England:** No objection. Historic England welcomes the addition of the Heritage Assessment (Castlering Archaeology, September 2016), which although not containing

a full setting analysis does contain a visual analysis of the development on surrounding heritage assets, the results of which we would broadly concur with. Given the potential for undesignated archaeology within the development area the advice of the local authority's archaeological adviser should be sought and implemented in full. We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

- 4.1.5 Shropshire Hills AONB Partnership: Objection on the basis that the proposals will have an adverse impact on the AONB, the extent of which has been downplayed in the application and also on the potential adverse impact on the Clun Catchment Social Area of Conservation. The detailed are reproduced as appendix 3.
- 4.1.6 Environment Agency: No objection subject to the following comments:
- i. Environmental Permitting Regulations: The proposed development will accommodate up to 100,000 birds, which is above the threshold (40,000) for regulation of poultry farming under the Environmental Permitting (England and Wales) Regulations (EPR) 2010. The EP controls day to day general management, including operations, maintenance and pollution incidents. In addition, through the determination of the EP, issues such as relevant emissions and monitoring to water, air and land, as well as fugitive emissions, including odour, noise and operation will be addressed. Based on our current position, we would not make detailed comments on these emissions as part of the current planning application process. It will be the responsibility of the applicant to undertake the relevant risk assessments and propose suitable mitigation to inform whether these emissions can be adequately managed. For example, management plans may contain details of appropriate ventilation, abatement equipment etc. Should the site operator fail to meet the conditions of a permit we will take action in-line with our published Enforcement and Sanctions guidance. As stated in the submitted Environmental Statement (ES) a Permit application is to be submitted shortly. For the avoidance of doubt we would not control any issues arising from activities outside of the permit installation boundary. Your Public Protection team may advise you further on these matters.
  - ii. Flood Risk: The site is located in Flood Zone 1 (low probability) based on our indicative Flood Zone Map. Whilst development may be appropriate in Flood Zone 1 a Flood Risk Assessment (FRA) is required for 'development proposals on sites comprising one hectare or above where there is the potential to increase flood risk elsewhere through the addition of hard surfaces and the effect of the new development on surface water run-off Under the Flood and Water Management Act (2010) the Lead Local Flood Authority (LLFA) should be consulted on the proposals and act as the lead for surface water drainage matters in this instance. Manure Management (storage/spreading): Under the EPR the applicant will be required to submit a Manure Management Plan, which consists of a risk assessment of the fields on which the manure will be stored and spread, so long as this is done so within the applicants land ownership.
  - iii. All pollution prevention guidance (PPGs) that was previously maintained by the Environment Agency has been withdrawn from use and can now be found on The National Archives (<https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>) but may still be of assistance to inform the above. Pollution prevention guidance contained a mix of regulatory requirements and good practice advice. The Environment Agency does not



provide 'good practice' guidance. Current guidance explains how to: report an environmental incident, get permission to discharge to surface or groundwater, manage business and commercial waste, store oil and any oil storage regulations, discharge sewage with no mains drainage, work on or near water and manage water on land.

- 4.1.7 SC Highways: No objection subject to condition to provide additional internal widening, appropriate set back of access gate and additional confirmation of internal circulation arrangements.
- i. The application is for two poultry rearing units housing approximately 100,000 birds. The site has two vehicular accesses to the B4368, a derestricted (60mph) section of road between Craven Arms and Clun. The vehicle movements details associated with the poultry units and set out in Appendix 4 of the Environmental Statement contain some errors in calculation of the totals under "C" and "D" but essentially appear to reflect the likely movements per crop of birds. It should, however, be noted that the average figure of 1.8 movements per day does not reflect the peak periods within each crop cycle when vehicle movements are estimated to be up to 12 per day for a short period. The application includes improvements to the western vehicular access and the permanent closure of the eastern access. The western access improvements are set out in the submitted Drawings No's 8988-04 and 8988-05 Whilst the access strategy is acceptable in principle, it is considered that some further changes and additional information are required, as set out below:
  - ii. Drawing 8988-04: The proposed access detail indicates approximately 16 metres between the B4368 carriageway edge and the existing gate within the site. In addition, the access narrows considerably towards the gate and is unlikely to be able to accommodate an HGV clear of the main road if there is a vehicle waiting to exit at the same time. There appears to be scope within the site to widen both the access and gate. The gate should be set back further than indicated to provide a standing area clear of the B4368 for the largest articulated vehicle likely to be used to service the poultry units. It is also considered that a swept-path analysis should be provided to demonstrate that articulated vehicles turning to and from the B4368 can be accommodated within the access radius improvements shown.
  - iii. Drawing 8988-05: The drawing shows a 14 metre concrete apron to the west of the proposed poultry units, however, the ability of this area to accommodate HGV's turning within the site has not been demonstrated. It is considered that the HGV access and manoeuvring should be demonstrated with a swept-path analysis and that this should also include the access road shown. The 2.4 metre x 160 metre visibility splays indicated are considered to be acceptable for the likely speed of traffic on the B4368, however, details of how the visibility splays are to be formed is not clear. At the time of the site visit, the boundary hedge appeared to be largely unmaintained and this factor will need to be considered in the formation and safeguarding of the visibility splays. Traffic speeds on the B4368 are likely to be at, or near to, the 60mph speed limit and it is essential that the proposed visibility splays are not periodically restricted by growth between hedge maintenance. Details of the formation and long term safeguarding of the visibility splays is considered to be required for approval.
  - iv. General: It should be noted that the most likely HGV route from the east (Craven Arms) has a bridge height restriction of 4.3 metres and this should be considered in terms of the routing or type of vehicles which will service the development. It is considered that

details of the means of permanent closure of the redundant eastern access should also be provided alongside a Construction Traffic Management Plan which should include a programme for the western access improvement works (preferably before any other construction activity on site) and the eastern access closure.

4.1.8 S.C.Ecology: No objection subject to conditions and informative notes. A Habitat Assessment Matrix has been provided.

- i. The applicant is applying for two poultry sheds at Hurst Barn, which will house a total of 100,000 broiler birds. The site is within the River Clun SAC Catchment. The applicant has provided sufficient detail for SC Ecology to complete a Habitat Regulations Assessment. The proposal is unlikely to have a negative effect on the integrity of the River Clun SAC providing appropriate planning conditions are on a decision notice.
- ii. Extended Phase 1 Habitat Survey Summary: The proposed broiler sheds site lies within an agricultural field which is bounded on the northern side by an intact field boundary hedgerow bordering Clun Road. The southern boundary is a timber post and wire fence and it is offset from the northern bank of the River Clun by varying distances. The eastern boundary of the proposed sheds site is demarcated by an intact mature field boundary hedgerow linking the roadside boundary hedgerow to the north bank of the River Clun. The western boundary is formed by the existing farmstead buildings and an intermittent field boundary hedgerow running southwards from the garden of the Hurst Barn farmhouse to meet the north bank of the River Clun.
- iii. Otter: There is favourable habitat for otter in the vicinity of the proposed development site, along the River Clun to the south. There is a mosaic of herbaceous vegetation along the banks, as well as a number of large mature trees, and this section of the river has no public rights of access, so it remains quiet and undisturbed. During the site walkover inspection on 18th February 2016, an adult otter was seen in broad daylight emerging from a dense stand of riparian tall herb vegetation on the southern bank of the river some, 230 metres downstream of the ford below Hurst Barn. No development will occur within 50m of the watercourse and therefore no impact on otter is anticipated. The following informative should be on the decision notice;
- iv. Himalayan Balsam: The ecological report has recorded Himalayan Balsam on the lower river banks and along the water's edge. An informative note is recommended regarding this invasive species.
- v. Streams: This site is bordered by a water course. This valuable ecological and environmental network feature must be protected in the site design and should have an appropriate buffer, at least 50m, separating the feature from the proposed development. A condition is recommended.
- vi. Bats: There are mature trees along the southern boundary of the proposed development site which have opportunities for roosting bats. These trees will not be affected by the proposed works. The wooded watercourse is suitable for foraging and commuting bats and in order to enhance the site for bats. Conditions are recommended.
- vii. Nesting Birds: The proposal will enhance the site for nesting birds post development due to additional habitat creation. An informative note is recommended.

- viii. **Habitat Enhancement:** There is to be additional native species hedgerow planting as part of this proposal. This includes, but isn't limited to, a new field boundary hedgerow with trees to be established, running from the edge of the farmyard westwards to meet the eastern boundary hedgerow (along the southern edge of the proposed broiler sheds site). This would be approximately 135 metres long. A small area of riparian woodland planting along part of the north bank of the River Clun below the proposed broiler sheds site is also included in the proposal. In order to pass the Habitat Regulations Assessment one of the mitigation proposals is to reduce fertiliser input on 9.83 hectares by 10%. The habitat creation and habitat management must be secured under appropriate planning conditions. Conditions are recommended.
- ix. **Environmental Permit:** The proposal will require an Environmental Permit regulated by the Environment Agency prior to commencement. The Environment Agency's Pre-application screening assessment has been calculated based on 180,000 birds (the current planning application is for 100,000 birds). The Environment Agency, as a more competent authority when assessing aerial emissions, has screened out the ammonia impacts from the proposed development on SAC, SPA and Ramsar sites within 10km; SSSIs within 5km; NNRs, LNRs & LWS within 2km. The Environment Agency has stated that detailed modelling is not required.
- x. **River Clun SAC & River Teme SSSI:** This application is within the river Clun SAC catchment and has the potential to impact upon the River Clun SAC and River Teme SSSI. Particular attention has been made in order to identify potential phosphate, nitrate & sediment effect pathways which could impact upon the integrity of the River Clun SAC & River Teme SSSI. Scientific justification and mitigation has been provided by the applicant and using this information SC Ecology has completed a Habitat Regulations Assessment. Shropshire Council's Habitat Regulations Assessment should be passed to Natural England for consultation (please note although not a European Site the HRA has covered impacts on the River Teme SSSI and Natural England's comments should also take into account National Designations).
- xi. **Supporting information:** The applicant has used Natural England's Discretionary Advice Service. Natural England highlights that the likely environmental effect pathways, which may arise from the proposed planning application, are related to nutrient enrichment hydrologically, and through atmospheric emissions leading to increased deposition of nutrients within the catchment which may then be mobilised by surface water run-off. There is also the potential for increased sedimentation of the River Clun during construction of the project. From the discretionary advice service the applicant has worked with Natural England to produce appropriate information for Shropshire Council to complete a Habitat Regulations Assessment. Natural England's pre-application advice dated 17th December 2016 concludes that – 'on the basis of the objective information provided and the mitigation proposed that Natural England believes that an adverse effect on the integrity of the River Clun SAC is unlikely to occur'.
- xii. **Air Quality:** Please refer to the Report on the Modelling of the Dispersion and Deposition of Ammonia from the proposed broiler rearing unit at Hurst Barn prepared by Steve Smith (September 2015). Air quality has been subject to detailed modelling which demonstrates where ammonia deposition is likely to occur as a result of the proposal, and has attempted to quantify the secondary effects of the impacts on water quality within the River Clun. It should be noted that the modelling has been completed

on a max bird count of 180,000 whereas the proposal is for 100,000. The predicted maximum annual mean ammonia concentrations at all nearby designated sites (Ancient Woodlands, Local Wildlife Sites, Sites of Special Scientific Interest, and Special Areas of Conservation) are at levels that would normally be deemed insignificant for Environment Agency permitting purposes. Predicted annual mean nitrogen deposition rates have been summed over a 3km x 3km modelling domain. The modelling predicts a total annual mean nitrogen deposition rate of 410.03kg/y over the modelled area. Deposition to land over the parts of the River Clun catchment area outside the modelling domain is likely to be insignificant. The site of the poultry unit itself would take up approximately 2.3 hectares of what is currently fertilised improved grassland. Nitrogen application rates to improved grassland are typically 100kg/ha/y. Therefore, up to 230kg/y of nitrogen, more than half of the 410.03kg/y predicted nitrogen deposition from the poultry unit, would be removed from the pool of nitrogen that could potentially reach the river system, leaving a surfeit of approximately 180kg/y of nitrogen. The supporting planning documents state that in discussion with Natural England, the planning agent has explained that the applicant can reduce the application of poultry manure by 10% on the area of land between the B4368 and the River Clun. The Applicant currently imports and spreads circa in excess of 500 tonnes of poultry manure to this holding as confirmed within the Hafren Water report dated October 2014. The Applicant is agreeable to reducing this on arable field numbers 5806, 7709 and 9110 situated between the road and the river. These have a total area of 9.83 hectares. These fields are described on Drawing Number 8998-02A Plan 2 Applicant's Land Holding. It is also understood that should the proposed development of the poultry unit proceed, it would displace the current cattle rearing operation at Hurst Farm. Natural England believes that the principle of taking land out of active production and the consequential reductions in fertiliser applied to the land is a satisfactory way of mitigating this effect on the River Clun SAC.

- xiii. **Water Quality:** From the information provided there will be overall reductions in the amount of chemical inputs into the River Clun Catchment within the applicants land holding. All wash down water from the cleaning of the new poultry units and concrete yard at the end of the flock cycle will be collected through a dedicated sealed drainage system to a sealed underground tank. The collected dirty water will be spread to land when conditions are suitable. Grey water (roof run off) will be allowed to slow release to soil using a drainage system. The drains will be located parallel to the proposed buildings. They will take water eastward to the stoned drainage field. The Hafron Water Report (2014) outlines measures which will be put in place to further prevent pollution of the watercourse from the poultry unit. SC Drainage has assessed SC Ecology that the proposed drainage information is sufficient. SC Drainage has provided conditions which must be on a decision notice;

4.1.9 **S.C.Drainage:** No objection subject to conditions requiring drainage details to be submitted.

4.1.10 **S.C. Public Protection:** No objections. Having considered the odour assessment I consider the assessment to be suitable. I have no concerns regarding odour as the assessment predicts a very low probability of infrequent odour impacts on closest receptors. The Environmental Statement considers it unnecessary for a noise assessment to be carried out given that nearest residential properties with no financial interest are over 500m away from the proposed chicken units. In this instance I agree with the applicant. As night time traffic movements will occur on public roads I have no

concerns in relation to noise generated by the movement of HGVs associated with depopulation activities at night. Due to distances involved, prevailing wind conditions and other noise sources in the area I do not consider a noise assessment is required in this instance. I therefore have no objection to this application and no conditions to recommend.

- 4.1.11 SC Archaeology: No objection. The development proposal is located within the Clun River valley in an area that contains a number of Historic Environment Records relating to prehistoric and later settlement and occupation. Of particular note is the scheduled site of Radnor Wood Camp (National Ref. 1004786) an incomplete Iron Age hillfort and the Grade II\* listed Old Farmhouse Clunton (National Ref. 257575). Additionally there are several known cropmark sites and find spots of prehistoric date in the immediate surrounding area some within 200m of the proposed development. A Heritage Impact Assessment has now been produced in support of this application (Castlering Archaeology, September 2016, Report No. 570) and has concluded that there is a low potential for archaeological remains within the proposed development site. The assessment has also concluded that there will be no or negligible impacts on the setting of nearby Designated Heritage Assets. In view of the above, and in relation to Paragraph 141 of the NPPF and Policy MD13 of the SAMDev component of the Shropshire Local Plan, it is advised that a programme of archaeological work be made a condition of any planning permission for the proposed development. This programme of archaeological work should comprise an archaeological watching brief during any ground works associated with the proposed development.
- 4.1.12i SC Conservation No objection. The proposal is within the setting of various heritage assets including the Radnor Wood Camp Scheduled Monument, Clunton Conservation Area and four grade II listed buildings consisting of The Hurst, The Stables, Stable Block and Coach House and the Dovecote as well as other non-designated heritage assets that consist of two existing historic farmsteads including Hurst Barn and Hurst Mill. The farmstead lies within the historic Hurst Estate. The proposal is also within the Shropshire Hills AONB. In considering the proposal due regard to the following local and national policies and guidance has been taken, when applicable including policies CS6 'Sustainable Design and Development Principles' and CS17 'Environmental Networks' of the Shropshire Core Strategy, policy MD13 of SAMDev as well as with national policies and guidance, National Planning Policy Framework (NPPF) published March 2012. Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990. These comments supplement those previously submitted on 31/8/16 where there was objection in terms of the proposal not being accompanied with a heritage assessment and therefore not in accordance with paragraph 128 of the NPPF and policy MD13 of SAMDev as well as the principles set out in the Historic England GPA3 guidance on setting.
- ii. The Heritage Assessment by Castlering Archaeology has now been submitted and is a comprehensive report/assessment that has been carried out to a high standard. As Historic England acknowledge in their comments, the assessment mainly covers visual analysis rather than setting analysis, though the analysis overall is comprehensive, informative and helpful. The main headlines from that assessment is that the proposal would have a negligible impact in terms of inter-visibility with filtered views to and from the site given the existing agricultural buildings (where many of them on the existing farmstead are modern) as well as from existing trees such as along Radnor Wood. This would result in views mainly consisting of the roofscape of the building when looking

down from Radnor Wood to the north and Black Hill to the south. The proposal states that a new earth bund and planting will be provided in order to mitigate impact as being located in Clun Valley, the topography is quite flat along the valley running west-east so there are quite long distance views along the principal highway. However, there is concurrence with the findings of the assessment where impact on the relevant heritage assets will be negligible and there would not be an adverse impact on the relevant settings of the assets as long as it is accompanied by the relevant mitigation measures (see recommended conditions below). The existing farmstead of Hurst Barn consists of other existing modern structures, so this needs to be taken into account as part of the overall composition of buildings, where these lie between the site and the historic remaining farmhouse that lies to the south of the site and away from the principal highway. SC Archaeology have requested a condition requiring a written scheme of investigation and that is supported. Conditions for the external finish of the buildings (to be in fern green) and for new planting and landscaping are also recommended.

4.1.13 Fire and Rescue Services: No objection. Informative notes regarding fire prevention are recommended.

4.2 Public representations:

4.2.1 The application has been advertised in accordance with relevant provisions. 40 representations have been received from 34 individuals 15 of whom have written in support (including a couple of the nearest residents), 2 are neutral and 17 are objecting. A detailed summary of these representations is included in Appendix 4. The main points raised are as follows:

4.2.3 Support comments:

- Food production benefits;
- Benefits to local economy;
- Local community benefits, supporting young local family;
- Effect of objections and implications for local farming community if scheme is refused;
- Odour and pollution would be strictly controlled;
- Amenity impacts would be less than objectors assume;
- Environmental benefits of manure spreading.

4.2.4 Objector comments:

- Impact on Arvon Centre – potential loss of business (including online petition with @500 signatures);
- 'Industrial development' in the countryside;
- Visual impact in the AONB;
- Pollution and impact on ecology including Clun Special Area of Conservation;
- Impact on local amenities from odour, traffic and visual effects;
- Animal welfare;
- Effect on local tourism;
- Lack of detail and questioning conclusions of Environmental Statement;
- Conflict with planning policy for AONBs.

5.0 THE MAIN ISSUES

- Policy context including whether the exceptional circumstances for major development within the AONB are met;
- Justification for the development and choice of site;
- Environmental effects of the development (odour, noise, traffic, drainage, pollution, visual impact, heritage and ecology);
- Other matters including implications of the Arvon Centre objection.

## 6.0 OFFICER APPRAISAL

### 6.1 Policy context:

6.1.1 Development should be in accordance with the Development Plan unless material factors indicate otherwise. The development plan for the site comprises the Shropshire Core Strategy and the SAMDev Plan as informed by the National Planning Policy Framework (NPPF).

6.1.2 National Policy: The NPPF advises that the purpose of the planning system is to contribute to achieving sustainable development (para 6) and establishes a presumption in favour of sustainable development (para 14). This means “approving development proposals that accord with the development plan without delay” and supporting sustainable economic growth (para 18). There are three dimensions to sustainable development: an economic role, a social role and an environmental role (para 7). Significant weight should be placed on the need to support economic growth through the planning system (para 19). Paragraph 28 states that “planning policies should support economic growth in rural areas in order to create jobs and prosperity...”.

6.1.3 The site is however located within the Shropshire Hills AONB. Para 115 of the NPPF advises in this respect that ‘great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty’. Paragraph 116 goes on to say that ‘planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. The paragraph advises that a planning authority should apply three tests in considering such applications:

- i. the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- ii. the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- iii. any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

6.1.4 The application is considered to be major development as it relates to a Schedule 1 EIA proposal. Some objectors contend that proposals of this nature should be automatically refused given their location within the AONB. However, the NPPF does not impose a blanket prohibition on major development within the AONB. Instead it specifies that the above tests must be met. If this occurs then proposals may consequently be compliant with the development plan as a whole. This can be the case even if the development does not comply fully with some specific development plan (or AONB Management Plan) policies, though ‘great weight’ must be given to the

protection of the AONB. If the NPPF tests cannot be met then the proposals would be unsustainable and permission should be refused.

6.1.5 Members will recall that the committee has approved a number of poultry units within the AONB in recent years where it has been determined that the relevant tests have been met. Conversely, some proposals have been refused where it has been deemed that the tests were not met. To determine whether or not the proposals would be in the public interest and whether the exceptional circumstance tests can be met appropriate account must be taken of the following matters:

- 1) The information submitted in support of the application and accompanying Environmental Statement;
- 2) The findings of the planning consultation process including comments from planning consultees and public representations for and against the proposals;
- 3) Relevant planning policies and guidance.

6.1.6 Some policies may pull in different directions on a development of this nature. Objectors may contend that greater weight should be given to policies which protect the local environment and the AONB, given in particular the NPPF requirement to give such matters 'great weight' (e.g. Core Strategy Policy CS6, CS16, CS17). Conversely, supporters will point to policies which seek to preserve rural communities, jobs, vitality and the local economy and to support agricultural diversification (Core Strategy Policy CS5). They may also refer to the significant national and local economic benefits of home produced poultry meat. In this respect Core Strategy Policy CS13 recognises the continuing importance of food production in rural areas.

6.1.7 Any planning decision must assess the relative weight to be given to such policies. Only after this can a balanced decision be taken on whether or not a development would be in the public interest overall. This assessment is made at the conclusion of this report. Succeeding sections deal with the other 3 tests set by NPPF116.

#### Development Plan Policy

6.1.8 Core Strategy: Policy CS1 of the Core Strategy sets out in general terms that Shropshire will support investment and new development and that in the rural areas outside of settlements this will primarily be for "economic diversification". Policy CS5 (Countryside and Green Belt) supports agricultural development, provided the sustainability of rural communities is improved by bringing local economic and community benefits. Proposals should however be "on appropriate sites which maintain and enhance countryside vitality and character" and have "no unacceptable adverse environmental impact". The policy recognises that "the countryside is a 'living-working' environment which requires support to maintain or enhance sustainability". Paragraph 4.74 states that: "Whilst the Core Strategy aims to provide general support for the land based sector, larger scale agricultural ...related development, including ... poultry units ... can have significant impacts and will not be appropriate in all rural locations."

6.1.9 It is considered that the proposed development would be capable of conforming in principle with CS1 and CS5 because:

- Its primary purpose is economic diversification;



- It will provide local employment and associated economic benefits for local communities;
- It assists in achieving the aim of local food production and also food traceability and security, reducing the UK's reliance on imported food sources including poultry;
- It will enhance the vitality and character of the living working countryside by sustaining the local community and bringing local economic benefits.
- The applicant advises that the environmental reports accompanying the application demonstrate that the proposals have no unacceptable impact on the environment. This is supported by the lack of objection from technical consultees and the fact that officers are not aware of any objections or issues raised with regard to the operation of the existing poultry units.

6.1.10 This is provided that the above benefits would not be outweighed by any negative effects. The environmental issues raised by the proposals are considered in succeeding sections.

6.1.11 The proposal incorporates sustainable design measures in accordance with Policy CS6 including considerations including:

- Sustainable drainage, water and energy efficiency systems;
- Sustainable construction methods (modern poultry shed design).
- The proposal does not propose significant increases in existing traffic levels. The site is accessible via the established access and the junction with the public highway has been improved.

6.1.12 Policy CS13 states that “Shropshire Council will plan positively to develop and diversify the Shropshire economy, supporting enterprise, and seeking to deliver sustainable economic growth ... In so doing, particular emphasis will be placed on ... supporting the development and growth of Shropshire’s key business sectors ... particularly food and drink production ... [and] ... in the rural areas, recognising the continued importance of farming for food production and supporting rural enterprise and diversification of the economy, in particular areas of economic activity associated with agricultural and farm diversification...., food and drink processing, and promotion of local food and supply chains”. The proposal accords with this Policy as it delivers economic growth within the rural economy and within the food and drink industry, which is one of Shropshire’s key business sectors.

AONB Special Circumstance Policy Tests

6.1.13 The First Test: the need for the development *(including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy)*

There is a strong and increasing national demand for home-produced poultry meat which is a relatively cheap source of protein at a time when other meat production is in decline. This continued demand has seen a significant number of other poultry proposals established or expanded in Shropshire over the past 5 years, including in the AONB. Many poultry business supply Cargills based at Hereford which is a major national supplier and has been undergoing recent expansions. The UK currently produces around 75% of the poultry meat it consumes. There is however significant scope to extend levels of home production and reduce imports from Europe even

further. This is also beneficial from a point of view of food traceability. It is considered that there is a very strong need case at a national level for continued growth in home grown poultry production.

- 6.1.14 At a local level the proposals would also make a positive contribution to the economy of this part of Shropshire. This is through requirements for local goods and services during the construction phase, through subsequent purchase of feedstocks and other materials and services and also through the associated direct and indirect provision of local employment. The applicant advises that the poultry enterprise is compatible with and complimentary to the existing mixed system of sheep and arable enterprises at Hurst Barn (it is understood that existing cattle farming at the farm would not be continued in the event that the current proposals are approved). The family's main farming partnership, A and S Jones also owns and manages other land near Clun. They wish for Hurst Barn to be a self-contained unit, managed by Alan Jones's son Richard.
- 6.1.15 The poultry enterprise is considered to be an appropriate and sustainable option for the future of the business. This is because existing infrastructure can be utilised, a suitable site is available at the farmstead and the proposed enterprise would not be reliant on subsidy income (an important consideration following Brexit). Broiler production is a controlled enterprise and in general is considered an appropriate and sustainable form of diversification. Spreading of Chicken manure can also have significant benefits for the conditioning of agricultural soils.
- 6.1.16 If the proposals did not proceed then the site would not be able to support the clear national need for the production of home grown poultry. The ability to manage the Hurst Barn holding as a separate self-sustaining unit providing a viable income for the applicant's son and his family as local people may also be compromised, in turn affecting the vitality of the local farming community which has supported the application. It is concluded that the need for the development can be accepted in principle, provided the other two tests set by the NPPF can also be met.
- 6.1.17 The Second Test: Alternatives (*the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way*)  
The applicant advises that there are no alternative sites within their landholding which would be capable of supporting a development of this nature. The proposed site has been carefully chosen because it is next to an existing farm buildings complex so can benefit from this existing infrastructure. There is an existing access onto the public highway which would be upgraded and good accessibility to other land in the farmholding. The site is also bounded by established roadside vegetation which would be managed and supplemented by comprehensive planting proposals. In addition, it is over 500m from the nearest privately owned property not associated with the farm and, apart from being within the AONB, it is not directly affected by any other environmental designations.
- 6.1.18 18 % of Britain is covered by an AONB designation and the area of Shropshire within the AONB is even higher at 25%. Local and national policy strongly protects these designations. However, such policy also recognises the need to ensure that all rural communities, including within AONB's, remain economically healthy and vibrant. People visit AONB's for their scenic beauty and in so doing they contribute to the

tourism economy. However, the AONB landscape is a living working environment which is critically dependent on farming activity for its maintenance and upkeep.

- 6.1.19 Farming faces well documented challenges and this is particularly so in more remote and geographically isolated areas such as the Shropshire Hills AONB area. If agricultural businesses cannot diversify within the AONB then the local landscape may suffer, as may the local community which has a significant agricultural component. Whilst the AONB Management Plan would prefer any new agricultural development to be small scale a rigorous application of this policy would prevent many forms of agricultural diversification which are relatively commonplace elsewhere in Shropshire. As noted above the NPPF does not preclude major development in the AONB where the relevant tests can be met and a number of similar schemes have been accepted in recently as previously noted.
- 6.1.20 It is not considered that the option of developing an equivalent facility outside of the AONB would be a viable or realistic for the current applicant, whose main holding and associated infrastructure falls entirely within the AONB. It is considered therefore that the second test can be met.

The Third Test – Environmental Acceptability:

- 6.1.21 The third test set by NPPF 116 is that of environmental acceptability. It is recognised that the proposals would help to deliver economic growth, rural diversification and improved food security. The operational benefits of the proposed location are also acknowledged. Objectors such as the Arvon Centre argue however that any such benefits are clearly outweighed by the potential adverse effects, including on the local environment and amenities. If it can be concluded that any such effects would be acceptable after mitigation then the third test can be met. By implication the proposals would then be sustainable and compliant with relevant environmental policies including CS7 (Transport), CS8 (local amenities), CS13 (economic development), CS17 (Environmental Networks) and CS18 (Water Resources). If however any adverse effects cannot be satisfactorily mitigated, or if significant doubt remains regarding mitigation then the third test would not be met and permission should be refused. Environmental impacts are considered in a succeeding section.
- 6.1.22 AONB Management Plan: This plan has been adopted by Shropshire Council and is a material planning consideration although it does not form part of the Development Plan. The AONB Partnership initially sent a 'standard' response but subsequently objected on the basis of 1) concerns that the applicant's landscape appraisal downplays the sensitivity of the AONB landscape and 2) that the proposals could compromise efforts to meet Water Framework Directive (WFD) targets for the River Clun. It should be noted that the applicant has provided a detailed rebuttal of the AONB objection which can be viewed on the Council's online planning register. The three most relevant policies are:
- i. Valuing the AONB in Planning and Decisions: - Protection of the AONB. In line with national and local authority planning policies, the AONB has the highest standards of protection for landscape and natural beauty and the purposes of designation should be given great weight in planning decisions, also taking into account the statutory AONB Management Plan.

- ii. Encouraging a Sustainable Land Management Economy:- Supporting the role of farmers and land managers as the main stewards of natural beauty, and for their vital role in maintaining the Shropshire Hills landscape... Supporting appropriate and sustainable forms of farming and diversification enterprises where these are compatible with the AONB designation... Farm enterprises need to be in harmony with the environment and not degrade this resource, which also provides an important economic asset for the future... Design of new agricultural buildings including location, structure and materials should be of a high standard appropriate to the AONB.
  
- iii. Clun Forest and Valley: - This very rural area is more dependent on farming than any other part of the AONB. Strong networks have recently been established, and building on these will be important for managing change in farming to provide the best outcomes for both the landscape and the community. The River Clun catchment increasingly provides a focal point for conservation activity, and heritage and tranquillity are also key aspects for enjoyment.  
The commentary to this policy advises that 'changes in farming will probably have the greatest influence on this area's future. A high age profile, rising costs and the difficulty of making livestock products pay in a competitive global market are felt as keenly here as anywhere, sometimes compounded by the relative isolation of the area'. The plan advises that 'the condition of the rivers (the River Clun SAC and the River Teme SSSI) is an over-riding priority, and links with many other aspects, as it is dependent on activity throughout the catchments'. 'The future of farming brings big challenges and issues which are not easily tackled. The continuation of both livestock and appropriate cropping are both important for the landscape'.

6.1.23 The proposals would potentially comply with the first policy if the third test (environmental acceptability) set out in NPPF116 can be met, having regard to the 'great weight' which must be accorded to protection of landscape quality within the AONB. In visual terms whilst the buildings would be large they would be of low profile design and would be seen in the context of the existing farm buildings. Comprehensive landscape mitigation is proposed and the buildings would be constructed in place of a taller and hence potentially more visible livestock building which received planning approval on part of the same site in 2013. Visual issues are discussed further in a succeeding section.

6.1.24 The proposals would potentially comply with the second policy as they would 'support the role of farmers and land managers as the main stewards of natural beauty'. This is provided the development can be accepted as compatible with the AONB designation. In this respect the applicant advises that the proposals would secure the long-term sympathetic management of a key area of riverside land within the Clun Valley with a guarantee of significant reductions in nitrate application secured by a robust legal agreement and supported by the Council's ecology section.

6.1.25 The third policy recognises that there are particular problems with securing viable and sympathetic farming within the Clun Catchment. This is due to the character of the land, and a generally sparse and ageing population. If recent gains in environmental quality are to be protected it is necessary to support sustainable forms of farming which will secure the longer term sympathetic management of the land. It is considered that

the proposals would facilitate this objective for the whole of the farming unit at Hurst Barn.

6.1.26 NPPF 115 advises that the AONB has the highest status of protection in relation to landscape and scenic beauty and that the conservation of wildlife and cultural heritage are also important considerations. Whilst these are stringent criteria they have been met for similar schemes elsewhere in the AONB. If the criteria can also be met for the current site then there would be no inherent conflict with national guidance, development plan policy or the AONB management plan.

## 6.2 Environmental implications of the proposals

6.2.1 Transport: Policy CS7 requires sustainable patterns of communications and transport. The applicant advises that pre application discussions with Shropshire Council's Highways Officer concluded there was no objection to the proposal, subject to the alterations proposed to the main existing entrance. All vehicle movements apart from HGV's removing the birds would be daytime movements. This minimises the potential impact upon local residential receptors and other users of the public roads. Traffic during the six month construction period can be managed to avoid night time movements. As a result, the applicant does not anticipate any significant effects on residential receptors or users of the private road.

6.2.2 The applicant advises that the proposals would result in increase of 17.2% in the level of vehicle movements to Hurst Barn (including cars, tractors and lorries) relative to the current situation or an increase of 658 individual movements (328 return visits) per year. For lorries, tractors and trailers this equates to 1.8 individual movements per day (0.9 return visits) or 60 extra movements (30 return visits) per broiler crop cycle.

6.2.3 An objector has queried these movements on the basis that national statistics may suggest higher traffic levels for a development of this nature. The applicant's agent has confirmed however that the levels of manure and feedstocks are very accurate, being based on equivalent local poultry enterprises including for many other poultry clients and including the agent's brother's 2 shed poultry site which generates 954 tonnes of manure per year. The agent advises that some government estimates of poultry vehicle movements nationally are inaccurate and do not relate to the situation on the ground in Shropshire. The agent has offered to provide officers with documentary proof of this. All exported poultry would be transported in covered loads. During night time depopulations there would be one lorry coming and one going per hour. Depopulations at such times can have benefits for the end user and for animal welfare as birds are less active. The site has access immediately to the public highway and is not close to other residential property.

6.2.4 Highway have not objected in terms of highway capacity issues. They have however requested some further information to confirm that 2 HGV's can pass in the access into the site and have recommended that the access gates are placed further back into the site. These matters are capable of being conditioned. The applicant has recently submitted an updated access plan which confirms the ability to achieve these objectives and this has been forwarded to highway officers. It is concluded that the proposals can be accepted in highway terms subject to the recommended conditions.

- 6.2.5 Noise: Core Strategy Policy CS8 seeks to maintain and enhance existing facilities, services and amenities and to contribute to the quality of life of residents and visitors. Poultry units have the ability to create a noise impact upon local residences due to fan noise, feed deliveries, vehicle movements on site and during night time removal of birds. Where a poultry site is within 400 metres of unrelated dwellings a Noise Assessment is generally required by the local authority. The house at Hurst Barn is occupied by the Applicant. The closest unrelated dwelling is at Hurst Mill, some 500 metres to the west of the proposed site. The feed bins are at the western end of the farm buildings, further from the nearest dwellings. The agent advises that the extractor fans would not be audible at this distance and this is borne out by experience at other poultry sites.
- 6.2.6 The proposed buildings would be fully insulated to assist in control of the internal environment and to minimise noise. Public Protection have not objected. To provide further confidence however officers are recommending an amenity complaints condition. This sets out a formal procedure for handling any complaints if these are subsequently received and validated by the planning authority.
- 6.2.7 Odour: There may be smells when the manure is being removed from the building although this would be for short periods of time only. An odour assessment submitted with the application assess odour at the nearest sensitive receptor properties not associated with the farm. The Atmospheric Dispersion Modelling System used takes account of metrological data, topographic features such as the Clun Valley and surface roughness. The results of the modelling indicate that the 98<sup>th</sup> percentile hourly mean odour concentration at nearby residences would be below the Environment Agency's benchmark for moderately offensive odours (a 98<sup>th</sup> percentile hourly mean of 3.0 ouE/m<sup>3</sup> over a one year period).
- 6.2.8 Public Protection and the Environment Agency have not objected. Odour emissions within the site would be subject to detailed controls under the Environment Agency's permitting system. A 'dry' heating system using hot water pipes would be used so the internal environment would be less moist than with simple gas burners. Consequently, there is less need for ventilation so odour within the crop cycle is significantly reduced. The agent advises that this is a major beneficial change relative to 'older style' poultry units.
- 6.2.9 Objectors have expressed concern that odour during cleanouts would pose a hazard to nearby road traffic. The agent advises that there have been no odour issues with a site at Manor farm Wistanstow (13/04877/EIA) in the AONB with 10 sheds, several of which are close to the A49. The agent advises that in practise, driving along 300m at the national speed limit would take 15 seconds. There are no laybys or reasons or opportunities for drivers, cyclists etc. to stop nearby on the road and worst case odour would be very temporary, for a few hours at the end of each crop cycle. It is considered that the proposals can be accepted in principle in relation to odour issues. To provide added reassurance however a condition providing a procedure for dealing with amenity based complaints has been recommended in appendix 1 as noted above.
- 6.2.10 Dust: Internally, a dust laden atmosphere must be prevented for health reasons. The contained nature of the operation precludes the emission of significant amounts of dust particles to the atmosphere.

- 6.2.11 Public Health: The operation of the site would be subject to the rigorous controls of the Environment Agency's IPPC permitting regime. Under the Permit the site is required to operate to Best Available Techniques with conditions to ensure operations are pollution free. As such the proposals are specifically designed to minimise ammonia emissions to air and very stringent biosecurity measures also apply. The Environment Agency and Public Protection have not objected.
- 6.2.12 Drainage: Core Strategy Policy CS18 requires sustainable water management to reduce flood risk and avoid an adverse impact on water quality. A detailed Flood Risk Assessment and Surface Water Management Strategy for the proposed development has been provided. The site is within flood zone 1 and so is outside the flood plain of the River Clun. The surface water drainage scheme proposed is to a SuDS system and therefore mitigates the potential surface water runoff and downstream flood consequences. A water management plan explains how clean surface water will be separated from contaminated water which would be stored in a below-ground tank at the south-west end of the site for separate removal. The Council's Drainage section has not objected. Appropriate conditions and advisory notes are recommended in Appendix 1.
- 6.2.13 Ecology: Policy CS17 states that "development will identify, protect, enhance, expand and connect Shropshire's environmental assets, to create a multifunctional network of natural and historic resources, and should not adversely affect visual, ecological, heritage or recreational assets. The site is within the River Clun Catchment and is 12.5km upstream of the River Clun Special Area of Conservation (SAC) which is currently failing its water quality targets. In addition to this there are 3 nationally designated nature conservation sites within 10 kilometres of the site. The ecological value of the habitats within and around the application site and the applicant's land holding lies primarily in the existing linear habitats - the species rich field boundary hedgerows and the watercourse and associated habitats along the River Clun. These would be retained and enhanced. Most of the habitats within and adjacent to the site proposed for development are of no more than local importance. Overall the proposals including landscaping works are predicted to have a positive ecological effect, which is long term and significant at the local level.
- 6.2.14 The Council's ecology team has not objected and has concluded in its' Habitat Risk Assessment (HRA) that appropriate mitigation measures are available to protect the Clun Catchment. This includes recommended conditions exercising control over the area and extent of manure spreading (see Appendix 2). In its initial consultation response Natural England accepted these general conclusions, whilst requesting further confirmation of detailed delivery mechanisms for the mitigation measures. Following extensive discussions between the agent, the ecology section and this officer it has been determined that delivery of the ecological mitigation measures can be secured by means of planning conditions supported by a legal agreement to cover off-site measures. This type of mitigation delivery mechanism has been agreed recently by Natural England for other recent poultry schemes in the Clun Catchment.
- 6.2.15 The applicant obtained chargeable pre-application advice from Natural England which has informed the preparation of the current application. Natural England has since been formally consulted twice on the Council's Habitat Risk Assessment, has received a number of interim drafts for comment and has attended a number of meetings with ecology and planning officers to consider the application. A response on the current

formal HRA consultation is due by 29<sup>th</sup> March. The applicant has agreed to all the requests made by the Council's ecologist in dialogue with Natural England and has provided additional detailed clarification on technical matters. A collated and updated version of the applicant's habitat mitigation proposals has also been prepared to facilitate the latest HRA consultation with Natural England.

- 6.2.16 A key element of recent discussions has been whether or not off-site water quality monitoring is required. Natural England has indicated that this may not be required if the Council's Ecology section can provide appropriate assurances that mitigation measures would be acceptable without the need for such monitoring. However, the applicant has for some time confirmed a willingness to undertake water quality monitoring and has requested that this is specifically incorporated into the mitigation provisions to reduce the possibility of further ecological delays. In a recent discussion between the officer and a regional manager at Natural England the latter did not identify any additional issues which have not already been addressed by the mitigation scheme and the associated proposed conditions and legal agreement. Accordingly, the application has been scheduled for consideration at the April 4<sup>th</sup> planning committee. It is expected that Natural England's consultation response will be reported to the committee beforehand as part of the additional representations procedure.
- 6.2.17 The AONB Partnership criticised the conclusions of the applicant's ecological report in their objection response. The agent responded that a specialist ecological consultant has been employed who has undertaken detailed work on the Clun catchment, including management plan work for sections of the river downstream of the development. The fullest research has therefore been undertaken in the ecological assessment. The agent states that no evidence has been put forward to support the AONB Partnership statement that should the proposals go ahead they would put in jeopardy the conservation objectives set for returning the River Clun SAC to favourable condition'. Since this time there have been further refinements in the proposed mitigation measures. It can now be stated that the proposals would secure sympathetic management of the strategic riverside fields surrounding the farmstead with additional planting / buffer zones and a reduction of 500 tonnes each year in the amount of manure applied relative to the current situation.
- 6.2.18 In summary, the Council's ecologist has not objected. Comprehensive mitigation measures are being proposed following detailed discussions with Natural England and would be delivered by planning conditions supported by a legal agreement. The mitigation measures are very similar to measures which have been accepted by Natural England at other recent poultry development in the Clun catchment area. It is concluded that the proposals would not impact adversely on ecological interests provided they are subject to the recommended planning conditions and legal agreement. Moreover, it is considered that the proposals offer the potential to secure some ecological and environmental benefits relative to the current situation through the proposed landscaping measures and by securing a significant and ongoing reduction in application of manure to local fields in the Clun Valley. The proposals therefore comply with Core Strategy Policy CS17 and SAMDev Policy MD12.
- 6.2.19 Ammonia and nitrate deposition: Poultry units generate ammonia which can impact on the local environment. The site is close to a Local Wildlife Site and also to Clunton Coppice Site of Special Scientific Interest (124m to the south east). The conditions in modern units are designed to minimise such emissions and such operations would be



controlled under the Environment Agency’s permitting system. The units would conform with the code of good practice issued by DEFRA. The application includes a consultant’s assessment of predicted ammonia and nitrogen deposition levels against Environment Agency criteria. The predicted maximum annual mean ammonia and nitrogen concentrations at all the nearby wildlife sites and within the Clun Catchment are at levels that would normally be deemed insignificant for permitting purposes. The consultant advises that in comparison to normal nitrogen inputs to arable land in the area, the predicted levels are very insignificant.

6.2.20 As part of the ecological mitigation package the applicant is proposing to remove an area of currently improved grassland from an intensive fertilisation regime and to reduce fertiliser application to other land within the holding. The Environmental Statement advises that this will fully mitigate any residual increase in nitrate levels from the poultry proposals. Notwithstanding this, further mitigation measures are potentially available such as fitting of heat exchangers or odour / bio-aerosol filters if required by the Environment Agency as part of the permitting controls.



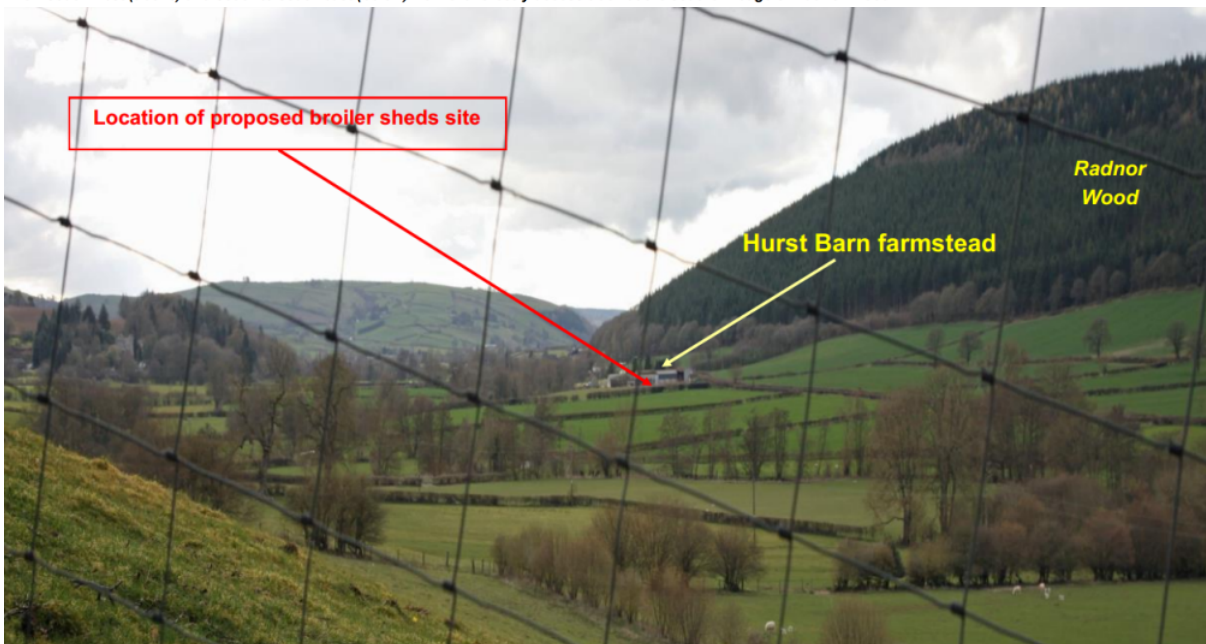
View of Hurst Barn from South, towards Radnor Wood. Site is to right of picture



View from public right of way 500m west. Existing poultry buildings are to right centre.



View south-west (above) and south to south-east (below) from the forestry access track at the southern edge of Radnor Wood



View towards site from right of way at Sowley Wood 700m south-east.

6.2.21 **Landscape and Visual impact:** The site is located in the AONB where the NPPF requires that ‘great weight’ shall be placed on protecting landscape character / quality (para 116). A landscape and visual appraisal concludes that the scale and nature of the development and its juxtaposition to other agricultural development will have little landscape character impact. Limited views are afforded towards the proposed development site and the development would be seen in the context of the existing farm buildings complex. The Hurst Barn farmstead and the proposed broiler sheds lie within a narrow linear tract of the “Estate Farmlands” Landscape Type. The “Wooded Hills and Farmlands” Landscape Type occurs to the north and south on the middle and upper slopes of the Clun valley sides. The proposed development includes new planting of native hedgerows with trees and a small section of riparian woodland, in order to properly assimilate the new broiler sheds and the modified farm access into the local landscape.

6.2.22 The visual appraisal advises that there will be a local major change as the open arable field is converted to two large sheds with a supporting infrastructure. However, significant landscape features, particularly hedgerows and trees, will be retained for the most part, with only minor losses of hedgerow at the modified farmyard

entrance. The overall agricultural land use resource is the dominant element of the local landscape and is evaluated as being of medium sensitivity. This, when combined with minor magnitude of change will not result in a significant effect. The proposed development would have very localised landscape effects and would not introduce a new type of built element into the landscape of the Clun Valley. The proposed planting of a total of around 187 linear metres of new and replacement native field boundary hedgerow with trees and the 550m<sup>2</sup> of supplementary river terrace planting, would provide minor beneficial local landscape effects. It is predicted that the residual landscape effects after 10 years would be minor beneficial but not significant. There are no views of the proposed broiler shed site from Clunton village, properties at the eastern edge of Clun or at Woodside because of intervening landform, dense woodland and a network of field boundary hedgerows with trees.

- 6.2.23 Seven residential receptors have been identified. The visual appraisal predicts that none of these receptors would experience a level of adverse visual effect and none would experience significant residual visual effects. Users of a 1.25km section of the only local public right of way in the vicinity of the site, the byway running through Sowdley Wood between Clunton and Woodside, would experience minor adverse visual effects which would not be significant. The byway is some 0.5kms distant from the proposed broiler site at its closest point. At Year 10 following the increase in height of the hedgerow and intermittent new tree planting and hedgerow planting the residual magnitude of effect would reduce to negligible adverse and therefore not significant. Users of parts of the dedicated forestry access land at Radnor Wood would experience residual visual effects reduced to minor and adverse, not significant.
- 6.2.24 There would be no effects on visitors to the Radnor Camp Hillfort or Clun Castle as there is no inter-visibility with Hurst Barn. The narrow and winding configuration of many of the public local access roads, together with the frequent occurrence of high parallel flanking field boundary hedgerows, restricts the available views along many stretches. Proposed tree planting parallel to the highway would supplement the hedge screening at a higher level. The removal of a tower storage unit at Hurst Barn, with its conspicuous white domed roof, would have a minor beneficial effect. Consequently the visual appraisal concludes that the nature of the predicted magnitude of change in the view arising from building the new sheds on completion of the construction phase would be minor adverse and so not significant. At operational year 10, following the full establishment of the supplementary tree planting and the growth of the tree canopies, the residual magnitude of effect would be negligible beneficial.
- 6.2.25 Of the identified residential receptors none is predicted to experience a visual effect greater than moderate. The site is not visible from either of the two promoted long distance footpaths; the Shropshire Way and the Jack Mytton Way. It would only be visible from parts of one local public right of way (through Sowdley Wood to the south). The minor adverse effects would reduce by mitigation measures and intervening vegetation resulting in no residual visual effects. There will no significant effects on views from the B4368.
- 6.2.26 The AONB Partnership has challenged these conclusions (see appendix 3). They assert that the magnitude of the effects and the sensitivity of the landscape is greater

than has been assumed. The applicant's visual consultant has commented on the AONB response, pointing out that 'the Hurst Barn development is not isolated and not set in open fields. It is contiguous with the existing small farmstead at Hurst Barn and is adjacent to tall mature field boundary hedgerows on two sides'. 'It does not have any detrimental effects upon the settings of Listed Buildings at The Hurst (Grade II) or any other local heritage assets'. Unlike Hurst Barn, it is stated that most similar farmsteads have been modernised to meet the need of modern farming and this has typically involved the construction of larger modern buildings. Planning consent for a large general purpose agricultural shed with a ridge height of 5.81 metres was approved in 2013 within the footprint of the current application site. This forms a visual context for the current proposals but would not be implemented if the current scheme proceeds.

- 6.2.27 The applicant's landscape consultant states that the AONB Partnership has also not acknowledged the beneficial effect of the proposed removal of the silo with its conspicuous white domed roof. The consultant does not regard the proposals as being 'industrial' as stated by the AONB. It is pointed out that sites approved recently by the Planning Authority at Guilden Down and at Shadwell Hall - within 2.5 and 6.4 kms of the site respectively are significantly larger. Regarding the assertion that visual impacts have been underestimated the consultant advises that he has 36 years of experience preparing LVIA's including within designated landscapes and has provided landscape advice to planning authorities including Shropshire Council and other Councils with respect to poultry appeals. In none of these cases have recipient officers or authorities expressed equivalent concerns. It is pointed out that large agricultural sheds have been consented elsewhere in the Clun Valley to the west of the current site. It is stated with reference to NPPF 115 that the proposed development would have no significant adverse effects on the landscape character of the AONB, nor any significant adverse visual effects on local receptors. Hence, whilst it is a schedule 1 EIA given bird numbers the consultant contends that it should not be regarded as a 'major' development in landscape and visual terms.
- 6.2.28 The AONB Partnership has responded citing amongst other matters that the findings of the LVIA remain unconvincing. The agent has responded that the AONB Partnership provides no evidence to counter its findings and that high level policies in the NPPF protecting the AONB also promote sustainable development. The LVIA concludes that the proposed Hurst Barn development is sustainable and would secure the favourable land management of a considerable area of the floor and lower slopes of this part of the Clun Valley. The documents detailing these further exchanges can be viewed on the Council's online planning register.
- 6.2.29 An objector has also asserted that visibility of the site from 'informal' forestry footpaths to the north and south and the public right of way through Sowdley Wood to the south could increase significantly when any clear felling occurs. The timing of any such felling works is not known. However, it is considered unlikely that all such screening woodland would be felled in one operation as these woodlands will generally comprise a number of separate management compartments with trees of different ages per compartment. The applicant's planting proposals would be expected to provide significant or full screening from the north and south within a 10 year period. Before this time the site would continue to represent a small part of a wider landscape from any such elevated views and would be seen in the context of the existing farm buildings and associated vegetation.

6.2.30 Whilst the poultry houses would be relatively large structures, they would be of 'low profile' design using materials which match the existing buildings on the farmstead. They would be agricultural in appearance and spatially associated with the existing farm buildings, one of which, a grain silo, would be removed. The site would be screened by existing and proposed planting. An objector has asserted that planting adjacent to the buildings may infringe avian flu safeguards by attracting wild birds. The applicant states however that this is not the case and the officer is aware of other examples where planting has been undertaken in equivalent circumstances. The applicant has agreed as part of the landscaping proposals to undertake some further planting to the south of Hurst Barn, between the site and the River Clun. This would be in an area between the site and the nearest properties, including Hurst Mill and the Arvon Centre. An appropriate landscaping condition has been included in Appendix 1.

6.2.31 Given the visual objections raised by the AONB Partnership the officer has commissioned a review of the applicant's LVIA by an independent landscape consultant. This concludes as follows:

i. *'The LVIA appears to cover the required scope. In particular it:*

- *Sets out a methodology and provides measurement criteria against which to make judgements on landscape and visual assessment;*
- *Provides a landscape and visual baseline which has regard to the landscape classifications in the Shropshire Landscape Typology*
- *Describes the proposed description and its permanent and construction phase elements;*
- *Sets out predicted landscape and visual effects;*
- *Measures the significance of those effects, and;*
- *Sets out the planning policy implications.*

*Appropriate landscape and visual receptors appear to have been identified. The judgements on sensitivity, magnitude and significance that relate to them appear to be appropriate, although there is less evidence for how they are arrived at than the established practice set out in GVLIA3. As a result, the findings of the LVIA that there are (a) no significant adverse or significant adverse residual visual effects and (b) that the overall residual effect on the local landscape is predicted as being minor and beneficial – based on the quantities of proposed new hedgerow, hedgerow tree and woodland planting – would appear to be sound'.*

ii. *Although there are shortcomings in the LVIA methodology, there would be insufficient evidence to refuse the application on this basis, given that the measure of the significance of the landscape and visual effects would appear appropriate;*

- *There is unlikely to be significant detrimental effects on the landscape or recreational opportunities of the AONB;*
- *It is understood that there may be scope to reduce height of the 4 feed bins further. This would help visually assimilate the buildings better;*
- *The landscape proposals could be improved (and the overall predicted minor and beneficial residual effect on the local landscape be made more beneficial) by the following amendments to the landscape proposals and conditioning these appropriately:*
  - o *Relocating the proposed hedge on the southern boundary of the site to the toe of the slope formed by the development platform;*

- o *Planting the 1:5 gradient side slopes to the development plateau with a fast-growing native woodland mix;*
- o *Planting a new woodland area in the internal 'dog-leg' on the west boundary of the riverside field;*
- o *Redistributing the proposed hedgerow standards to be less formal and more in keeping with the existing pattern of hedgerow trees.*

The applicant is amenable to the recommended landscape changes which can be addressed through the recommended landscaping condition.

6.2.32 In conclusion, the concerns of the AONB Partnership and other objectors are noted and it is recognised that the proposals would be visible from a number of locations in the surrounding area, including locally from the public highway and from a public right of way to the south. However, such visibility does not necessarily equate to an unacceptable impact, even within the AONB where particular safeguards apply. Available information confirms that the development would only be visible from a limited number of locations which, with the exception of the highway and right of way, would not be expected to be commonly experienced by the public. The officer would agree with the applicant's landscape consultant's conclusion that the impact of the proposals on any such views and on the wider AONB landscape would not be significant or sufficient to warrant refusal. This is provided the proposals are subject to appropriate landscaping and surface treatment conditions. The officer concludes that any residual visual effects would be limited and outweighed by the benefits of the scheme to agriculture and the local rural economy (Core Strategy Policy CS17, SAMDev Policy MD12).

6.2.33 Heritage: The proposed site is located in the Clun Valley which contains a number of Historic Environment Records. A Heritage Assessment has been undertaken. A site visit has confirmed that there will be no visual impact upon the setting of Radnor Wood Camp or the setting of the Grade II Listed buildings at The Hurst. In addition any potential filtered seasonal views of the roof sections of the proposed sheds from the upper floors of the former main residence (HER 17868) and the former two-storey Stable Block (HER 17869), particularly as tree cover diminishes in winter months, will not be significant. The proposed earth bund and planting will ameliorate this potential visual impact and it is concluded that on completion of the landscaping work, potential views would be negligible. The site visit has also confirmed that there is no direct inter-visibility between Hurst Mill Farm, a former mill site (HERs 15741 & 24466) and the application site, due to natural topography, intervening trees, mature hedgerows and the existing intervening farm buildings at Hurst Barn. The heritage assessment advises that there may be minor temporary visual impact on the built heritage in general during the construction phase of the proposed development, but there will be no permanent adverse visual impact.

6.2.34 The heritage assessment concludes that a mitigation strategy to allow for a conditioned programme of archaeological monitoring would be appropriate in accordance with NNPF to ensure no adverse impact on any potential sub-surface archaeological remains that may exist within the application site. Historic England has not objected on the basis of this information and there are no objections from the Council's Historic Environment team, subject to a recommended archaeological condition. It is considered on this basis that the proposals are compliant with Core Strategy Policy CS17 and SAMDev Policy MD13 and related national guidance.

- 6.2.35 Manure management: Hurst Barn is not located within a Nitrate Vulnerable Zone (NVZ). Poultry manure is beneficial for soil structure and reduces the need for artificial fertilisers. Currently 500 tonnes of broiler manure is imported to the holding per year equating to 15,000kg of Nitrogen. The proposals would lead to 935 tonnes of manure (28,050kg of Nitrogen in total). However, 435 tonnes would be exported off the holding and so there would be reductions overall in manure and Nitrogen per year.
- 6.2.36 The spreading of chicken manure on the farmland controlled by the applicant has been undertaken for a number of years. Following best practice methods to reduce the potential for ammonia impact on any receiving watercourse. Temporary storage sites would be compliant with the Codes of Good Agricultural Practice for the Protection of Air, Soil and Water. Odour from manure spreading can be mitigated by ploughing promptly. A manure management plan has been submitted and forms part of the applicant's environmental permit. Sufficient land is available to the applicant to spread the manure which would be generated by the poultry operation. It is considered that manure spreading operations can be controlled within acceptable limits provided the proposed management measures continue to apply.
- 6.2.37 Arvon Centre objection: A number of the objections received from the public are from or on behalf of the Arvon Centre, a charitable institution which provides residential creative writing courses and retreats for schools, groups and individuals. The group's centre at the Hurst is located on elevated land overlooking the Clun Valley with the buildings being some 7-830m to the south-west of the application site. The website advises that courses are held 'at three beautiful rural writers' houses' 'with time and space to write, free from the distractions of everyday life'. The website advises that 'recently renovated, The Hurst is a place you can write, far away from daily distractions. The house and gardens were the former home of playwright John Osborne. The grounds boast Redwoods, wild orchids, surrounded by the forest-covered Shropshire Hills, designated an Area of Outstanding Natural Beauty'. 'The 19th century building has been given a thoroughly 21st century renovation. 'The house sits within 26 acres of woodland, with a spring-fed lake and inspiring walks'.
- 6.2.38 Objectors for or on behalf of the Arvon Centre point to the concern that the proposed development would be a visual eyesore adversely affecting the high quality local landscape which was praised by John Osborne. They are also concerned that noise and odour from the proposals would present an adverse amenity impact to visitors to the Centre and that this could in turn lead to a deduction in visitor numbers. Significant grant funding has been expended recently to refurbish the centre's buildings. One objector states that more work is planned, including renovation of the historic Victorian garden with one objective being to re-open former views down the Clun Valley which would potentially encompass the Hurst barn complex. It is stated that the garden should be worthy of listing, like the grade II listed buildings at the Arvon Centre. Another objector advises that the land owned by the Centre where visitors may walk also encompasses meadowland which is closer to the application site.
- 6.2.39 The Arvon Centre is a valued facility which draws visitors to this part of Shropshire and which makes a significant contribution to the local economy and employment and to the County's cultural offer. It is recognised that the Centre markets itself specifically on the quality and tranquillity of the site and the local AONB landscape. This is seen as critical for establishing the right mental environment for literary composition, as recognised by

the playwright John Osborne. These characteristics render the Arvon Centre particularly sensitive to environmental disturbance. Hence, the objections received are not unexpected, given also in particular the significant effort clearly being expended to refurbish, promote and extend the Centre's activities.

6.2.40 Were the current proposals to have any potential for significant adverse effects on the Arvon Centre then this would clearly weigh heavily against the scheme. However, the information submitted by the applicant indicates that this would not be the case. In terms of noise the submitted information indicates that extractor fans would not be audible from the Arvon Centre and its grounds. In terms of odour, a dispersion model indicates that such levels would be within EA recommended levels at a radius of 150m from the proposed poultry units during temporary 'worst case' crop clearance activities. The Arvon Centre is located 4x this distance away. In terms of manure spreading the applicant has for some time been spreading manure on the holding fields at a rate of 500 tonnes per annum in full accordance with relevant environmental regulations. No complaints have been received. There would be no change to these levels under the current proposals. Manure would no longer need to be imported to fertilise and condition the fields. 500 tonnes would be exported to other land in covered loads. In terms of traffic, the 17% increase in vehicle movements would equate to an average of 1.8 extra individual movements by tractor and trailer or lorry. Such levels would not be expected to have any impact at the Arvon Centre.

6.2.41 In terms of visual impact the applicants visual appraisal comments as follows with respect to the Hurst: 'This property is orientated north-north-east to south-south-west, with potential views from its habitable rooms or curtilage towards the proposed Hurst Barn development site, which is some 0.74kms to the north-east. Views from the curtilage of this house to the north-east are screened by intervening groups of existing trees, riparian woodland and mature field boundaries and hedgerows and trees. The nature of the predicted magnitude of change in the view from here on completion of the construction phase would be negligible adverse but not significant. The residual magnitude of effect following the full establishment of the new site boundary hedgerow with trees on the raised ground level would be negligible adverse but not significant'. 'Also nearby to the south west is the main building at The Hurst, formerly the principal residence here. This property has potential views from some rooms on its upper floors towards the development site which is some 0.83kms to the north-east. Views to the north-east from the lower floors and the curtilage of this house are screened by intervening groups of existing trees and shrubs. Some upper parts of the roof of Shed 2 may be glimpsed through the tracery of deciduous tree branches during the winter aspect. The nature of the predicted magnitude of change in the view from here on completion of the construction phase would therefore be negligible adverse but not significant. The residual magnitude of effect, following the full establishment of the new site boundary hedgerow with trees on the raised ground level, would be negligible adverse and so not significant'.

6.2.42 Some limited views of the development may therefore be afforded from some upstairs windows within the Arvon Centre at a distance of 700-830m in winter time, filtered through the branches of deciduous trees. Such views would however be seen in the context of the existing farm buildings and would not be significant at this distance. The applicant's landscape proposals would provide significant mitigation and specifying some 3.5m standard trees in the planting mix would allow this to occur at an early



stage. The applicant has also agreed to investigate the potential to undertake some additional planting in the area to the immediate south west of the existing farm to provide further mitigation and landscape enhancement and an appropriate condition has been recommended. Overall it is concluded that any residual effects on the Arvon Centre would be restricted to minor visual effects which would not sufficient to justify a planning refusal. To provide added reassurance an amenity complaints condition has been recommended which would formalise a requirement for an immediate investigation and remedial measures in the event that any amenity complaints attributable to the development are subsequently received and validated by the Local Planning Authority.

6.2.43 Ground levels: The applicant has recently submitted an amended plan showing a minor reductions in ground levels of the poultry units. The unit nearest to the highway would now be set down by 30cm and the second unit by 60cm relative to the originally submitted levels. This would be visually beneficial and would avoid the need to provide a 1m bank at the eastern end of the southernmost poultry house which would otherwise have been required due to the slope of the land. It would also assist with achieving a balance of cut and fill materials within the site. Given the very minor nature of this change the amended levels plan can be accommodated without a requirement for formal re-consultation. The corresponding 30cm and 60cm reduction in ridge heights would also have some landscape benefits.

6.3.44 Conclusion on environmental acceptability: Available information including the advice of technical consultees indicates that the proposals would not result in any unacceptably adverse effects on the AONB environment or local amenities once available mitigation measures and the recommended conditions and legal agreement have been taken into account. The third test set by NPPF paragraph 116 can therefore be met.

#### 6.4 Other Matters:

6.4.1 The applicant has confirmed the following points in response to comments from an objector:

- That appropriate access can be achieved around the proposed buildings for fire safety purposes;
- That sufficient area is available for HGV circulation within the site, including through use of an existing hardstanding area to the immediate west of the site;
- That sufficient space exists to accommodate the proposed dirty water storage tank at the south-west corner of the site without impacting on vehicular circulation.

6.4.2 A consultant acting for an objector has suggested that updated habitat mitigation details recently provided by the applicant amount to 'new information' and accordingly should trigger a re-consultation under Regulation 23 of the EIA Regulations. The officer has advised that the information referred to is not 'new' for the purposes of Regulation 23 but instead is a collation and refinement of information which has been publicly displayed on the Council's website for a considerable time. As such, it does not meet the trigger for re-consultation under Regulation 23. Notwithstanding this, a notice has been placed as a precautionary measure in the Shropshire Star to reduce the possibility of a legal challenge on this matter. The effect of this is to prevent the issue of any planning decision until 21 days has elapsed from the date of the notice (i.e. until

15<sup>th</sup> April). If any material new issues are raised within this timescale by members of the public in response to the information in question then it would be necessary to consider reporting the application back to the committee.

## 7. CONCLUSION

- 7.1 The proposals are for schedule 1 EIA development in the Shropshire Hills AONB. As such, they must be in the public interest and must comply with the three exceptional circumstance tests for major development which are set out in paragraph 116 of the NPPF.
- 7.2 In terms of the first test (need and justification) subject to the other considerations referred to below the proposals are considered to represent an appropriate way in principle of diversifying and modernising the farm business to ensure its future profitability / robustness whilst continuing to contribute to the local economy and employment. It would also provide locally sourced food as part of a key industry in Shropshire, supplying a strong national demand for poultry products. The proposals therefore comply in this respect with Core Strategy policies CS5 (Countryside) and CS13 (economy).
- 7.3 In terms of the second test (alternatives) it is not considered that there are any viable alternatives available to the applicants in land they control. The site is spatially associated with an existing farm buildings complex which serves as an existing hub for activity within the holding. As such, it benefits from existing infrastructure and highway access. It is also remote from private residential property and, except for the AONB designation, is not affected by any other statutory designations. The suggestion that an equivalent business could be established outside of the AONB is not considered to be a valid alternative.
- 7.4 In terms of the third test (environmental acceptability), the applicant has submitted a comprehensive Environmental Statement containing detailed consultant's reports assessing individual issues raised by the proposals. None of these reports identify any significant environmental concerns once appropriate mitigation measures have been taken into account. Concerns have been raised by Clunton Parish Council, Clun Town Council, the AONB Partnership, some local residents and the Arvon Centre. These concerns are recognised and relate to valid land use considerations. At the same time, there has also been significant support for the scheme from the local community including from some of the nearest properties. There are no outstanding objections from technical planning consultees who are satisfied that there would be no adverse environmental effects once the proposed mitigation measures are in place. There would be comprehensive control of site operations under the Environmental Permitting system administered by the Environment Agency.
- 7.5 With reference to the Clun Catchment, Natural England accepted the recommendations of the Council's first Habitat Regulations Assessment subject to confirmation of delivery mechanisms. An updated HRA clarifies these mechanisms and provides additional mitigation as requested by SC Ecology in consultation with Natural England. Natural England's formal response to this re-consultation is due a week before the 4<sup>th</sup> April Committee. Based on detailed discussions between officers and Natural England and officers there is no reason to suspect any issues with the measures proposed which have the potential to deliver environmental improvements

relative to the current situation. Similar measures have been accepted by Natural England at other recent poultry sites within the Clun Catchment. In view of this it is concluded at this stage that there would be no adverse impacts on the Special Area of Conservation or on other ecological interests.

- 7.6 In terms of the AONB a visual appraisal confirms that views of the site would be limited and seen in the context of the existing farm buildings. The 'low-profile' design and surface treatments of the buildings and the proposed comprehensive landscaping measures provide additional reassurance. The concerns of the Arvon Centre are acknowledged. However, the available information indicates that any visual impacts would be minor and no other material impacts would be likely to occur relative to the existing situation. Hence planning refusal on this basis would not be justified.
- 7.7 In conclusion, the scheme would deliver significant benefits in terms of supporting rural food production - a key Shropshire industry (Core Strategy Policy CS13) and the strong national demand for home-produced poultry meat. In so doing it would also support the vitality of local agriculture and hence the rural community (Core Strategy Policy CS5). Available information indicates that the proposals would not give rise to any unacceptably adverse environmental effects once proposed mitigation and relevant planning and permitting controls are taken into account. Therefore, the officer considers that the benefits of the proposals are sufficient to demonstrably outweigh any negative effects. As such the proposals are considered to be in the public interest on balance and accordingly the tests set by NPPF paragraph 116 are considered to be met. By implication, the scheme is considered to be sustainable and compliant with the development plan overall, subject to the recommended conditions and legal agreement.

## 8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

### Risk Management

There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal - written representations, a hearing or inquiry.
- The decision is challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be a) promptly and b) in any event not later than three months after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

### Human Rights

Article 8 give the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community. First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents. This legislation has been taken into account in arriving at the above recommendation.

### Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in planning committee members' minds under section 70(2) of the Town and Country Planning Act 1970.

## 9.0 FINANCIAL IMPLICATIONS

9.1 There are likely financial implications of the decision and/or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependant on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – in so far as they are material to the application. The weight given to this issue is a matter for the decision maker.

## 10. BACKGROUND

### RELEVANT PLANNING POLICIES

Central Government Guidance:

#### 10.1 National Planning Policy Framework (NPPF) (DCLG – July 2011)

10.1.1 The National Planning Policy Framework (NPPF) came into effect in March 2012, replacing most former planning policy statements and guidance notes. The NPPF provides a more concise policy framework emphasizing sustainable development and planning for prosperity. Sustainable development 'is about positive growth – making economic, environmental and social progress for this and future generations'. 'Development that is sustainable should go ahead, without delay - a presumption in favour of sustainable development that is the basis for every plan, and every decision'. The framework sets out clearly what could make a proposed plan or development unsustainable.

10.1.2 Relevant areas covered by the NPPF are referred to in section 6 above and include:

- 1. Building a strong, competitive economy;
- 3. Supporting a prosperous rural economy;
- 4. Promoting sustainable transport;
- 7. Requiring good design;
- 8. Promoting healthy communities;
- 10. Meeting the challenge of climate change, flooding and coastal change;
- 11. Conserving and enhancing the natural environment;
- 12. Conserving and enhancing the historic environment;

10.2 Core Strategy:

10.2.1 The Shropshire Core Strategy sets out strategic objectives including amongst other matters:

- To rebalance rural communities through the delivery of local housing and employment opportunities (objective 3);
- To promote sustainable economic development and growth (objective 6);
- To support the development of sustainable tourism, rural enterprise, broadband connectivity, diversification of the rural economy, and the continued importance of farming and agriculture (objective 7);
- To support the improvement of Shropshire’s transport system (objective 8);
- To promote a low carbon Shropshire (objective 9) delivering development which mitigates, and adapts to, the effects of climate change, including flood risk, by promoting more responsible transport and travel choices, more efficient use of energy and resources, the generation of energy from renewable sources, and effective and sustainable waste management.

10.2.2 Core Strategy policies of relevance to the current proposals include:

- CS5: Countryside and Green Belt;
- CS6: Sustainable Design and Development Principles;
- CS7: Communications and Transport;
- CS8: Facilities, services and infrastructure provision
- CS13: Economic Development, Enterprise and Employment;
- CS17: Environmental Networks.

10.3.1 Site Management and Allocation of Development Document (SAMDEV)

Relevant policies include:

- MD2 – Sustainable Design;
- MD7b– General Management of Development in the Countryside;
- MD8 – Infrastructure Provision;
- MD12: The Natural Environment;
- MD13: The Historic Environment.

11. RELEVANT PLANNING HISTORY:

- PREAPP/09/00338 Free Range Poultry building PRRQD 2nd November 2010
- 09/01299/FUL Erection of free range hen laying building incorporating egg store, office, together with erection of 2 x grain silos NPW 12th October 2009
- 12/00925/AGR Erection of lambing shed WDN 14th March 2012
- 12/01553/FUL Erection of general purpose agricultural building GRANT 9th October 2012
- SS/1/99/009752/NT Erection of an agricultural building. PERCON 16th April 1999
- 14/00742/SCO Scoping Opinion - Two Poultry Buildings with feed bins and ancillary equipment. SCO 3rd February 2015

- 16/03334/EIA Erection of 2No poultry sheds, feed bins, solar voltaic panels, ancillary equipment and alterations to vehicular access PDE

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=OAZJEFTDFYP00>

List of Background Papers : Planning Application 16/03334/EIA and supporting documents and plans.

Cabinet Member (Portfolio Holder): Cllr M. Price

Local Member: Cllr Nigel Hartin

Appendices: APPENDIX 1 - Conditions

## **APPENDIX 1**

### **Conditions**

#### DEFINITION OF THE PERMISSION

- 1a. The development to which this planning permission relates shall be commenced within three years beginning with the date of this permission.
- b. Not less than 7 days advanced notice shall be given in writing to the Local Planning Authority of the intended date for the commencement of operations under the terms of this permission. Such date shall be referred to as 'the Commencement Date'.

Reason: To comply with Section 91(1) of the Town and Country Planning Act 1990.

2. The development shall be carried out strictly in accordance with the application form dated 27<sup>th</sup> July 2016 and the following approved documents and plans:

#### Approved Documents:

- Design and Access Statement by Halls;
- Environmental Statement by Halls;
- Appendix 1 – Scoping Opinion;
- Appendix 2 – Landscape and Visual Impact Assessment;
- Appendix 4 – Notes on vehicle movements;
- Appendix 5 – Ammonia report;
- Appendix 6 – Hydrological Impact Assessment;
- Appendix 7 – LVIA Non-Technical Summary;
- Appendix 9 – Phase 1 Habitat Survey;
- Appendix 10 – Further statement to Natural England;
- Manure Management Plan – Halls;

Approved Plans:

- Drawing No. 8998-02A - Landholding;
- Drawing No. 8998-04 – Access alterations;
- Drawing No. 8998-06 – Building plan and elevation;
- Drawing No. 8998-07 – Site layout;
- Drawing No. 8998-08 – Site drainage layout;
- Drawing No. 274/01 – Landscape proposals;
- Drawing No. 9759 – Manure management.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

CONDITIONS WHICH REQUIRE ACTION PRIOR TO THE COMMENCEMENT OR BRINGING INTO USE OF THE DEVELOPMENT

3. Notwithstanding the access plan submitted in support of the application a detailed plan showing the access and internal circulation routes within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement date. The submitted plan shall in particular make provision for the following matters:

- Confirmation that there is sufficient space for 2 HGVs to pass from the junction with the public highway to a location at least 15m south of the junction.
- Provision for the access gate to the site to be set back by at least 10m from the junction with the public highway;
- Provision of a swept path plan for principal circulation routes within the site which confirms the capacity of the site to safely accept HGV manoeuvring

The scheme shall be implemented in accordance with the approved details prior to the bringing into use of the site.

Reason: In the interests of highway and operational safety

4a. Prior to the commencement of the development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall amongst other matters detail the following:

- i. Management of vehicle movements;
- ii. Timing of the development;
- iii. The proposed hours of operation;
- iv. Any measures for protecting local amenities with respect to noise, dust and light pollution;
- v. The location of any temporary contractor's compound and internal parking provisions;
- vi. Measures for preventing pollution to water resources, including by silt laden surface water run-off.

b. The Construction Management Plan shall also incorporate the following measures to protect biodiversity:

- i. Risk assessment of construction activities potentially damaging to biodiversity

- ii. Identification of “biodiversity protection zone”.
  - iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
  - iv. The location and timing of sensitive works to avoid harm to biodiversity features
  - v. Responsible persons and lines of communication
  - vi. Use of protective fences, exclusion barriers and warning signs.
- c. The Construction Management Plan shall be implemented strictly in accordance with the approved details throughout the construction period.

Reason: In the interests of local amenities, pollution protection and highway safety (4a), to ensure the protection of the River Clun SAC, a European Protected Site (4b) and to secure implementation of the Construction Management Plan (4c).

5. Works shall be carried out strictly in accordance with the approved plans and as shown on indicative site plan drawing number 9759 titled Ecological Mitigation Plan dated 6th March 2017. Details of any further works shall be submitted to the Local Planning Authority and approved in writing prior to those works being carried out.

Reason: To ensure reduction of nutrient rich run-off and sediment entering the watercourse, to protect the River Clun SAC, a European protected site.

6. No development, demolition, earth moving shall take place or material or machinery brought onto the site until protective fencing and warning signs have been erected on site in accordance with the approved Construction Management Plan (Condition 4a and 4b). All protective fencing and warning signs will be maintained during the construction period in accordance with the approved details.

Reason: Since irreparable damage can be done to biodiversity features on construction sites in a very short space of time, it is often necessary to ensure that features to be retained are adequately identified and physically protected from accidental damage by development operations, e.g. by earth-moving machinery.

- 7a. No development shall take place until an ecological design strategy (EDS) detailing ecological mitigation, compensation, enhancement and restoration measures including planting proposals has been submitted to and approved in writing by the local planning authority. The EDS shall include the following measures:

- i. Purpose and conservation objectives for the proposed works;
- ii. Review of sites potential and constraints;
- iii. Detailed design(s) and/or working method(s) to achieve stated objectives;
- iv. Extended and location/area or proposed works on appropriate scales maps and plans e.g. fenced and planted buffer from top of the watercourse, planted bund to the south of the poultry units;
- v. Details of proposed planting measures including type and source of material to be used, e.g. list of native species of local provenance;
- vi. Timetable for implementation demonstration that works are aligned with proposed phase of development;
- vii. Person responsible for implementing the works;
- viii. Details of the initial aftercare and long-term maintenance;
- ix. Details for monitoring and remedial measures;



- x Details for disposal of any waste arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in the manner thereafter.

- b. All new planting shall be subject to a minimum 5 years of aftercare with replacement of any failures with species of an equivalent type within this timescale.

Reason: In the interests of biodiversity conservation.

- 8. Further to conditions 7a and 7b a landscape and management plan (LMP) shall be submitted to, and approved in writing by, the local planning authority prior to the commencement of the development. The content of the LMP shall include the following measures:

- i. Description and evaluation of features to be managed
- ii. Ecological trends and constraints on site that might influence management
- iii. Aims and objectives of management
- iv. Appropriate management options for achieving aims and objectives.
- v. Prescriptions for management actions
- vi. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five – year period)
- vii. Details of the body or organization responsible for implementation of the plan
- viii. On-going monitoring and remedial measures

The plan shall set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met, how contingencies and/or remedial action will be identified, agreed and implemented so that the development still deliver the fully functioning biodiversity objectives of the originally approved scheme. The plan shall be implemented in accordance with the approved details.

Reason: In the interests of biodiversity conservation.

- 9a. Prior to occupation of the buildings, a 'lighting design strategy shall be submitted to and approved in writing by the local planning authority. Lighting shall be designed to minimise light disturbance. The strategy shall also:

- a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason: In the interests of visual amenity and to minimise disturbance to bats, a European Protected Species.

Drainage and pollution

- 10a. Details and sizing of the proposed soakaways shall be submitted to and approved in writing by the Local Planning Authority Prior to commencement of the development. Percolation tests and the sizing of the soakaways shall be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 25% for climate change. If this is not achievable then soakaways may be designed for the 1 in 10 year storm event provided details confirming flood routing showing what would happen in an 'exceedance event' above the 1 in 10 year storm event have been submitted to and approved in writing by the Authority. Flood water shall be managed so that there are no adverse effects on any buildings or infrastructure. Full details, calculations, dimensions and location of the percolation tests and the proposed soakaways shall be submitted for approval.
- b. All surface water which is directed to soakaway shall pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up.

Reason: To ensure that soakaways, for the disposal of surface water drainage, are suitable for the development site and to ensure their design is to a robust standard to minimise the risk of surface water flooding.

11. If non permeable surfacing is used on the new access and hardstanding area or the new access slope towards the highway, the applicant shall submit for approval a surface water drainage system to intercept water prior to flowing on to the public highway.

Reason: To ensure that no surface water runoff from the new access/ driveway runs onto the highway.

12. Prior to the commencement date a scheme detailing how the contaminated water in the yard from spillages or cleaning of sheds will be managed/ isolated from the main surface water system shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.

Reason: To ensure that polluted water does not enter the water table or watercourse.

Archaeology

- 13 No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works.

Reason: The site is known to hold archaeological interest.

Appearance of buildings and structures

- 14a. No development shall commence on site in connection with the approval until details of materials including colour finishes for the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The external finish of the new buildings shall be in a Jupiter / fern green colour. The development shall be carried out in accordance with the approved details.
- b. A scheme to reduce the visibility of the feed bins through use of colour cladding and / or reduction in height of local ground levels shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development.

Reason: To protect visual amenity within the Area of Outstanding Natural Beauty.

Complaints procedure

15. Prior to the bringing into use of the development the operator shall submit for the approval of the Local Planning Authority a complaint procedures scheme for dealing with noise, odour and other amenity related matters. The submitted scheme shall set out a system of response to verifiable complaints of noise received by the Local Planning Authority. This shall include:
- i. Investigation of the complaint;
  - ii. Reporting the results of the investigation to the Local Planning Authority;
  - iii. Implementation of any remedial actions agreed with the Authority within an agreed timescale.

Reason: To put agreed procedures in place to deal with any verified amenity related complaints which are received during site operation.

CONDITIONS WHICH APPLY FOR THE LIFETIME OF THE DEVELOPMENT

16. Construction works shall not take place outside 06:30 to 19:00 hours Monday to Saturday and at no time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of the area.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order revoking and re-enacting that Order with or without modification), no development shall be carried out under Class 6 Parts A and B without the prior grant of planning permission from the Local Planning Authority.

Reason: The effect of carrying out additional development of the facility under agricultural permitted development provisions has not been assessed as part of this proposal. The Local Planning Authority needs to retain full planning control over any future development of the site in order to assess whether any potential impacts associated with further development may cause harm to interests of acknowledged importance.

18. The delivery of poultry feed to, and the removal of poultry manure from, the development shall take place only between the hours of 07:00 to 18:00 on Monday to Friday, and 08:00 to 13:00 on Saturday, and shall not take place at any time on Sunday or Bank Holidays.

Reason: To protect the amenities of the area.

Informative Notes:

Ecology:

- i. *Otters are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended). It is a criminal offence to kill, injure, capture or disturb an otter; and to damage, destroy or obstruct access to its breeding and resting places. There is an unlimited fine and/or up to six months imprisonment for such offences. On sites close to river banks, alongside streams and around pools, otters may occasionally be encountered and contractors should be vigilant when working on site. No night-time lighting should be used in such locations and trenches and open pipework should be closed overnight. If any evidence of otters (holts, scats, footprints or direct sightings) are discovered then the development work must halt and a licensed ecologist and Natural England must be contacted (0300 060 3900) for advice. The Local Planning Authority should also be informed.*
- ii. *Himalayan Balsam is an Invasive Non-Native Species listed on Schedule 9 of the Wildlife and Countryside Act. Any soil excavated that contains parts of this plant is classed as 'controlled waste' and as such must be disposed of safely at a licensed landfill site according to the Environmental Protection Act (Duty of Care) Regulations 1991.*
- iii. *All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended). Any trees within the hedgerows may have potential for roosting bats. If these trees are to be removed then an assessment and survey for roosting bats must be undertaken by an experienced, licensed bat ecologist in line with The Bat Conservation Trusts Bat Surveys Good Practice Guidelines prior to any tree surgery work being undertaken on these trees. If a bat should be discovered on site at any point during the development then work must halt and Natural England should be contacted for advice.*
- iv. *Badger: Prior to commencement of works on site a check for badger setts within 30m of the proposed groundworks should be completed by a competent ecologist. Badgers, the setts and the access to the sett are expressly protected from killing, injury, taking, disturbance of the sett, obstruction of the sett etc by the Protection of Badgers Act 1992. An experienced ecologist should assess whether any badger setts are present in the hedgerows. If any hedgerow removals are planned within 30m of the sett then it may be necessary to apply for a Licence to interfere with a Badger Sett for the Purpose of Development from Natural England. The applicant should follow the advice of their experienced ecologist throughout the works. If the applicant does not follow the procedure advised above then they may find themselves vulnerable to prosecution for an offence under the Protection of Badgers Act 1992.*
- v. *Excavations: Where possible trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a closefitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank.*

*Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.*

- vi. *Wild birds: The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive. If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.*

*Drainage*

- vii. *Informative: As part of the SuDS, the applicant should consider employing measures such as the following:*

- *Water Butts*
- *Rainwater harvesting system*
- *Permeable surfacing on any new access and hardstanding area*
- *Attenuation*
- *Greywater recycling system*
- *Green roofs*

*Fire fighting*

- viii. *It will be necessary to provide adequate access for emergency fire vehicles. There should be sufficient access for fire service vehicles to within 45 metres of every point on the projected plan area or a percentage of the perimeter, whichever is less onerous. The percentage will be determined by the total floor area of the building. This issue will be dealt with at the Building Regulations stage of the development. However, the Fire Authority advise that early consideration is given to this matter. 'The Building Regulations, 2000 (2006 Edition) Fire Safety Approved Document B5.' provides details of typical fire service appliance specifications.*
- v. *It is important to note that the current Building Regulations require an adequate water supply for firefighting. If the building has a compartment of 280m<sup>2</sup> or more in area and there is no existing fire hydrant within 100 metres, a reasonable water supply must be available. Failure to comply with this requirement may prevent the applicant from obtaining a final certificate.*



## APPENDIX 2

### Habitat Regulation Assessment (HRA) Screening Matrix

#### Habitat Regulation Assessment (HRA) Screening Matrix

Application name and reference number: 16/03334/EIA

Hurst Barn, Clunton, Craven Arms, Shropshire, SY7 0JA

Erection of 2No poultry sheds, feed bins, solar voltaic panels, ancillary equipment and alterations to vehicular access.

Date of completion for the HRA screening matrix:

8<sup>th</sup> March 2017

HRA screening matrix completed by:

Nicola Stone  
Planning Ecologist  
01743-252556

**Table 1: Details of project or plan**

<p>Name of plan or project</p>	<p>16/03334/EIA Hurst Barn Clunton Craven Arms Shropshire SY7 0JA Erection of 2No poultry sheds, feed bins, solar voltaic panels, ancillary equipment and alterations to vehicular access.</p>
<p>Name and description of Natura 2000 site and Nationally designated site which has potential to be affected by this development.</p>	<p>River Clun SAC (14.93ha) supports a significant population of Freshwater Pearl Mussel <i>Margaritifera margaritifera</i>. The River Clun SAC is currently failing its water quality targets particularly Nitrogen, Phosphate (ortho-phosphates), and Suspended Solids. An iterative approach to restoration is being pursued, firstly aiming for the short-term target of 0.02mg/l of phosphate in the river by 2019 and then 0.01mg/l after 2019. Shropshire Council is working closely with Natural England and Environment Agency on developments within the Clun catchment. Shropshire Council formally consults Natural England on any planning application within this area.</p> <p>Annex II Species that are a primary reason for selection of site:</p> <ul style="list-style-type: none"> <li>Freshwater pearl mussel <i>Margaritifera margaritifera</i></li> </ul> <p>River Teme SSSI The River Teme (441 ha) is designated as a Site of Special Scientific Interest</p>

	<p>(SSSI) along its whole length. In addition, the SSSI includes the lower reaches of the River Clun. The features for which the SSSI is of special interest are: Type VI sandstone river with mudstones and hard limestones; Type VII river showing mesotrophic status derived from an oligotrophic catchment; Otter; Twaite Shad; White-clawed Crayfish; Freshwater Pearl Mussel; Riffle Beetle Assemblage.</p>
<p>Description of the plan or project</p>	<p>Construction of two poultry sheds, feed bins, solar voltaic panels, ancillary equipment and alterations to vehicular access.</p> <p>The proposed application will house 100,000 broilers.</p> <p>SC Ecology has identified the following potential effect pathways which have been addressed by the applicant with appropriate supporting documents:</p> <ol style="list-style-type: none"> <li>1. <i>Possible impact of ammonia emissions on the River Clun SAC.</i></li> <li>2. <i>Possible increase in sediment flow to the southern stream impacting upon the designated features of the SAC during construction.</i></li> <li>3. <i>Increase in phosphate/nitrogen from dirty water drainage treatment</i></li> </ol>
<p>Is the project or plan directly connected with or necessary to the management of the site (provide details)?</p>	<p>No</p>
<p>Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?</p>	<p>Other known plans and projects which may affect the River Clun SAC are summarised below. Please note that applications for dwellings or employment projects generating waste water are being assessed against an interim guidance note agreed with NE and EA and are therefore are not considered in combination with the current poultry proposal.</p> <ol style="list-style-type: none"> <li>1) 14/05323/FUL - Walcot Farm, Lydbury North – Granted                      Planning proposal 14/05323/FUL had demonstrated that, providing the application is granted permission, there will be a reduction in 1320kg/y of fertiliser applied to 6 hectares of the applicants land next to the proposed unit. In the modelled area (3km x 3km) this would result in a net reduction of 718.8kg/y of nitrogen being added to the modelling domain area each year. Shropshire Council’s appropriate assessment concluded that it was able to ascertain that the proposal would not result in adverse effects on the integrity the River Clun SAC. Natural England concurred with the assessment conclusions, providing that all mitigation measures were appropriately secured in any permission given.</li> <li>2) 14/03290/EIA Hoptonheath – Refused/Appeal in Progress                      Planning proposal 14/03290/EIA had demonstrated that, providing the application is granted permission, there will be a net loss in the <u>existing</u> overall ammonia deposition by -14% kg of nitrogen per year within a 3km x 3km modelled area.                      Shropshire Council’s appropriate assessment concluded that it was able to ascertain that the proposal would not result in adverse effects on the integrity of the River Clun SAC. Natural England concurred with the assessment conclusions, providing that all mitigation measures are</li> </ol>

appropriately secured and enforced in any permission given.

3) 13/04877/EIA Manor Farm, Craven Arms – Granted

Natural England commented that the proposal was unlikely to have a significant effect on any European site (including the River Clun SAC), and can therefore be screened out from any requirement for further assessment.

4) 13/00519/FUL Newcastle Court, Newcastle – Pending Consideration.

This proposal is retrospective and has been in use as a pheasant rearing unit since 2012. Therefore it can be considered that impact from Newcastle Court on the River Clun SAC is already included within the 'Background' levels. Currently the proposal has failed its Habitat Regulations Assessment and water monitoring detail has been requested by Natural England prior to a planning decision being made. When this proposal is considered under the HRA process it will be considered in combination with other applications in the River Clun Catchment.

5) 12/03853/FUL Meadowend Farm, Bishops Castle – Granted.

Natural England commented that subject to the proposals being carried out in strict accordance with the details submitted, (including any conditions or legal agreements), that it could be ascertained that the application would not adversely affect the integrity of the River Clun SAC.

5) 12/04651/EIA Guilden Down, Clun

Natural England had no objection to planning application 12/04651/EIA – this proposal was prior to the River Clun Nutrient Management Plan.

The applicant for planning proposal 16/03334/EIA is proposing to reduce nitrogen application by 410kg/y on 3 fields at Hurst Barn to mitigate for the aerial emissions produced from the poultry unit. Therefore there should be no net increase in ammonia in the Clun catchment from this proposal. The applicant has proposed significant improvements to the land use bordering the river Clun including – increased fenced and planted buffer zones to the watercourse, no spreading of fertiliser in 30m of the watercourse, additional sediment control features during and post development.

The proposed mitigation has been development on computer modelling for 180,000 birds, 80,000 more bird places than what the planning proposal allows. In order to monitor the proposed mitigation there will also be water sampling which, if there is shown to be an increase in orthophosphates, nitrate, suspended solids, then remedial measures will be taken.

Please see conclusion on cumulative impacts below.

**Statement**

Natural England has formally responded to Shropshire Council regarding this application in a memo dated 31<sup>st</sup> August 2016.

The memo has summarised the discretionary advice service that has been given to the applicant on the; 14<sup>th</sup> July 2014, 23<sup>rd</sup> January 2015, and 17<sup>th</sup> December 2015.

Natural England must be formally re-consulted on Shropshire Council's current HRA (dated 6<sup>th</sup> March 2017) and comments must be received prior to a planning decision being made.



**Additional Information used to support this HRA:**

- Ecological Mitigation Plan produced by Halls received via email from Shaun Jones dated 6<sup>th</sup> March 2017.
- Proposed Ecological Mitigation Plan produced by Halls received via email from Shaun Jones dated 6<sup>th</sup> March 2017
- A Report on the Modelling of the Dispersion and Deposition of Ammonia from the proposed broiler rearing unit at Hurst Barn prepared by Steve Smith (September 2015)
- Nitrogen Audit for Hurst Barn Landholding 2014, 2015, 2016 sent via email from Shaun Jones dated 02.12.2016

**Justification;**

The information provided by the applicant is summarised below and listed under the appropriate potential effect pathway;

**1. Possible impact of ammonia emissions on the River Clun SAC**

Supporting Evidence from the Environment Agency:

Pre-application report from the Environment Agency 28<sup>th</sup> February 2014

- o The screening assessment has been conducted based in 180,000 birds (the current planning application is for 100,000 birds).

The EA, as a more competent authority when assessing aerial emissions, has screened out the ammonia impacts from the proposed development on SAC, SPA and Ramsar sites within 10km; SSSIs within 5km; NNRs, LNRs & LWS within 2km. The EA have stated that detailed modelling is not required.

The Habitats Regulations enables Shropshire Council, under Regulation 61, to rely on the 'evidence and reasoning' of another competent authorities when completing their assessment. Shropshire Council can therefore assume that the Environment Agency has taken into account the River Clun SAC and any in-combination affects when assessing ammonia emissions and the potential impact on designated sites.

Supporting Evidence from the applicant:

Steve Smith, Ammonia Modelling Report (4<sup>th</sup> September 2016) has concluded that the predicted maximum annual mean ammonia concentrations at all the nearby wildlife sites (AWs, LWSs, SSSIs and SACs) from ammonia deposition are at levels that would normally be deemed insignificant for EA permitting purposes.

The Ammonia Modelling Report states the predicted level of ammonia deposition over the 3kmx 3km (900ha) modelling domain is 410kg per year. In order to mitigate for this additional ammonia in the River Clun Catchment from this planning proposal the following removal of nitrogen from the current land practise has been proposed;

Field number 3909 (2.3ha), 4789 (2.83 ha), and 1914 (2.70 ha) as shown on the proposed mitigation site plan shall have **no fertilizer applied for the lifetime of the development** in order to achieve a reduction of 410 kg of Nitrogen per year.

(Please refer to Nitrogen Audit 2016 which shows application of; Through River Field Number 4789, 2.83 hectares 141 kg/ha, Top Pasture Field Number 1914, 2.70 hectares 134 kg/ha, and Barn Field Clunton Field Number 3909, 2.72 hectares 135kg/ha).

Records of historic and ongoing applications of manure to prove compliance with the reduction of fertiliser will be kept and made available to the Council upon request. There will be no more than 500 tonnes of poultry manure applied to the Hurst Barn land holding in any one calendar year. This is the same quantity of poultry manure which has previously been imported to Hurst Barn. All surplus manure will be exported from the holding and out of the Clun catchment. No manure is to be spread within 30m of any watercourse within the landholding.

In order to aid the absorption of nitrogen there will be additional planting of broad-leaved trees at Hurst Barn;

- 24m of new hedgerow by the farm entrance
- 135m of new hedgerow on the bund which is to be created to the southern boundary of the poultry unit
- New trees within existing hedgerow boundaries
- 40m of new hedgerow south of the farmhouse
- Supplementary planting on the terrace by the river in field 3909 (155m x 10m width)
- New fenced buffer strip and planting in field 1914 (100m x 10m width plus 170m of 5m wide)

**2. Possible increase in sediment flow to the southern stream impacting upon the designated features of the SAC during construction.**

The main existing relevant buffer strips to the water course are;

a) Fenced off grass strip at southern end of field 3909 - approx. 5-10m in width. This strip is both east and west of the crossing point of the river. The crossing point needs to be left in place for essential activity; taking sheep across it 5 times per year and taking the combine across twice per year. There is no other vehicular access which can serve this purpose.

b) Field 7895 0.54ha/ (still subject to sheep grazing)

These are within the holding's ELS scheme with reduced fertiliser application rates.

Proposed additional buffer strips as part of this application which will reduce sediment load to the River Clun:

Field 3909 southern boundary by the river; the strip will be planted with mixed native broad-leaved tree species. The total length will be planted (allowing for the river crossing and a gateway) giving approximately 155m tree screen at 10m width from the top of the river bank. The understory of the trees will be allowed to develop once the trees have established and there will be no grazing underneath.

Field 1914 – southern boundary by the river. A new strip is proposed for a length of 100m with width of 10m measured from the top of the bank fenced off and planted with broad-leaved species. A further strip to west of 5m width continuing for 170m will be fenced off and planted. The understory of the trees will be allowed to develop once the trees have established and there will be no grazing underneath.

The Hafren Water report states that during construction, site run-off will be carefully managed to ensure pathways for sediment loss from the construction site to the River Clun are mitigated. This will be achieved through considerate storage of topsoil and use of silt fences, if and where required. The residual impact is assessed as 'low'.

The applicant has confirmed that;

As the construction site is relatively level the volume of soil to be excavated and moved is relatively small. There is no need for deep excavation. The surplus spoil will be used to form a gentle profile bund at the southern end of the site. No spoil will be taken off site. Due to the relatively small volumes and the free draining nature of the soil potential for runoff of sediment from the site during construction is limited. Despite this the mitigation includes a silt fence being circa 130m in length along the contour of the field. This would be erected at the southern end of the temporary construction area. The proposed supplier is Hy-tex with a Terrastop premium Silt fence. It would be erected at least 60m from the river.

The Applicant has agreed to install a stoned surface on each side of the river next to the crossing point on the southern boundary of field 3909 to further reduce sediment levels in the water.

**3. Increase in phosphate/nitrogen from dirty water drainage treatment**

**a. Grey water treatment**

Clean roof water runoff will be collected via the drains along the length of the sheds. The drains will be connected to a French drain system so that the water can percolate into the soil. Percolation test results have been submitted in support of this proposal dated 13<sup>th</sup>, 15<sup>th</sup> and 16<sup>th</sup> September 2016. Percolation value was 22.75 seconds and deemed acceptable for a drainage field.

**b. Dirty water treatment**

Dirty water is only created at the site when the sheds are washed out at the end of each cycle which is about every 7 weeks. Manure is removed and the sheds are washed over a maximum of 3 days. For the remainder of the crop cycle the concrete service apron is kept immaculately clean. At the end of the washing out, the yard is washed off. The water from washing out the shed and the yard will be collected via the sealed concrete yard and steered into the grid leading via an underground pipe to a sealed underground storage tank of circa 30,000 litres capacity. The tank will be made of fibre glass and placed under an area where there will be no vehicle movements on top.

The tank will automatically be emptied at the end of each production cycle so that it is empty prior to the end of the next cycle. The applicant will use a vacuum tanker to remove the dirty water and spread it on suitable land. A 30,000 litre tank will be more than sufficient for washing two sheds which allows the dirty water to be spread when ground conditions allow. The dirty water has very dilute manure content so it is a very low risk material compared to farm slurry or yard manure. It is a significantly lower risk than manure/liquids which are currently in the yard at Hurst barn.

The dirty water would not be spread on fields south of the road. It would be spread in accordance with the proposed manure Management Plan which addresses gradient and suitability of each field. There would be no spreading within 30m of a watercourse or 50m of a well if ground conditions are unsuitable for spreading at the holding, the applicant will take it to land outside of the Clun catchment.

A sensor will be fitted in the tank so that when the tank is 80% full a light in the control room of shed 2 illuminates. This will allow enough time to ensure the applicant empties the tank so that it can never get full. The concrete yard to the west of the buildings will be designed and built to contain water. Water from washing the sheds will be collected in a grid at the front of the sheds. An underground drain of sufficient diameter will connect directly into the dirty water tank with a valve so that it can only flow to the tank. The yard will have a gentle slope inwards from all four directions. This will ensure the water flows to the centre and can't spill over the edge of the concrete. Under the centre of the yard will be another drain (with chambers above from the yard) so that dirty water will flow into the tank via a one way valve.

As an extra precaution the southern end of the concrete yard will be finished with a lip being 100mm in height above the edge of the concrete to prevent any spillage.

**Proposed Water Monitoring Regime**

Natural England has requested a proposed water monitoring regime to ensure that the Steve Smith Ammonia modelling, which has been used to design the mitigation to support this proposal, is accurate in reality.

The applicant has put forward the following example water monitoring regime;

- a) This will be implemented to provide data to assess any potential impact upon water quality.
- b) Hafren Water will be asked to review and comment upon the data and whether there is any impact upon the River Clun. It will consider relevant data from the Environment Agency
- c) The regime will be carrying out monthly water monitoring at two points in the river, A and B on the attached plan, testing for orthophosphate, Total oxidised nitrogen and suspended solids (or alternatives to be agreed in advance). Point A is selected because it is the most westerly point where both sides of the river are owned by the Applicants' family. Point B is chosen because both sides of the river are in the applicants' family's control. A and

B are therefore the best points to focus on potential contributions from the poultry enterprise upon water quality

d) It will start before shed construction starts and will continue for an initial period of four years after first occupation of the sheds. There will be circa 6-8 months of test results available before the sheds are in use. This will allow the trigger level to be set.

e) The favourable condition levels for FWP Mussels are;

Orthophosphate (Interim target of 0.02mg/l up until 2019, and 0.01mg/l thereafter)

Nitrate 1.5mg/l

Suspended solids 10mg/l

f) Between points A and B there are no tributaries in to the River Clun.

g) Weather conditions will be recorded at the time of samples being taken. Samples will be taken immediately to the laboratory in Craven Arms.

h) Sampling and analytical methods used must be the same as those used by the EA.

i) Sample swill is taken on the first Monday of each month.

j) EA data will be obtained for their nearest sampling points for comparison purposes.

k) Accurate Manure, crop and fertiliser application details of all fields at the holding will be kept as stated in the UU.

l) Records of any spillages or system failures at the poultry site will be kept.

m) Visual inspection of runoff routes following heavy rainfall will be carried out and records kept in relation to fields 1914, 3909, 2395, 4789, 5806, 7895, 7090 and 1703.

n) Any major bank erosion between the sampling points will be recorded.

o) The Applicant will provide an annual written statement, prepared by a suitable experienced person, to the Council at the end of each calendar year showing the results and their analysis.

This shall be shared with NE and the EA.

p) A Trigger point/threshold will be set based upon results prior to use of the poultry sheds and comparison between points A and B. The trigger would be activated if there is a consistent increase in TON/suspended solids between sample points within a year without clear explanation from the records.

As an example the trigger would require;

- Immediate mitigation measures from any identified source of contamination
- Increased/targeted monitoring to identify the source of contamination
- If TON/suspended solids increase for 2 consecutive years without a source being identified an escalated level of precautionary measures would be devised and implemented until levels at point B are equivalent to A or less.

Remedial measures could include;

- Increasing width of buffer strips
- Planting taller vegetation on buffer strips
- Catch pits, swales, reed beds to catch sediment before it washes off fields
- Reduce fertiliser applications on the closest fields

q) The Applicant will fully comply with Planning conditions and the Environmental permit

r) After the initial four years (after first use of the poultry sheds) a review will take place so that the testing can be less frequent if testing results do not show the poultry sheds are leading to increased levels of orthophosphate, nitrogen and suspended solids getting into the river.

s) A new gateway will be installed within field 7895 as shown on the plan so stop sheep from congregating on a narrow strip which leads to poaching. This will reduce potential for sediment flow into the river.

t) In addition to s) above the Applicant agrees to not carry out lambing in the buildings at Hurst Barn or feed sheep outside in the farmyard. As a result sheep activity at the farmstead will be considerably reduced. The advantage is that there will be no mud at the farmyard and no poaching from sheep moving to and from the feeding area.

A planning condition has been included in the UU which will secure water sampling and suitable remedial measures.

### Conclusion

The mitigation measures included within the proposal has led SC Ecology to conclude that the proposal will not adversely affect the integrity of the interest features for which the River Clun SAC is designated. Based on the above detail SC Ecology considers that the proposal will have no likely significant effect alone or in-combination on the River Clun SAC.

Providing the following conditions (1-6) are secured by a Unilateral Undertaking and are on the decision notice which can be appropriately enforced, Shropshire Council has concluded that the proposed development will not impact on the integrity of the River Clun SAC or River Teme SSSI.

### **The following conditions (1-6) will ensure the above mitigation is secured in a Unilateral Undertaking;**

1. Fields numbered 1914 (2.7 ha), 3909 (2.72 ha), 4789 (2.83 ha) shall have no organic or artificial fertiliser applied for the lifetime of the development under the terms of this agreement to achieve a reduction of 410kg of Nitrogen per year.
2. No more than 500 tonnes of organic (poultry manure) fertiliser, in any one calendar year, will be applied to the whole holding at Hurst Barn. All surplus manure will be exported out of the River Clun Catchment.
3. No fertiliser (organic and inorganic) will be applied within 30m of any watercourse in the Hurst Barn landholding.
4. The applicant will keep records of historic and ongoing applications of organic and artificial fertiliser on all fields at Hurst Barn to prove compliance with conditions 1, 2, 3 above and will make these details available to the council upon request.
5. Additional fencing and tree planting will be carried out in buffer strips from the tops of the river banks of field 3909 (155m length x 10m width) and field 1914 (100m x 10m width and 170m of 5m wide) as shown on the indicative site plan drawing number 9759 titled Ecological Mitigation Plan dated 6<sup>th</sup> March 2017.
6. **Water Quality Monitoring Strategy (and remedial measures) BS 42020:2013 Condition.**  
No development shall take place, including demolition, ground works and vegetation clearance, until a biodiversity monitoring strategy has been submitted to and approved in writing by, the local planning authority. The purpose of the strategy shall be to monitor Soluble Reactive Phosphorus, Total Nitrogen and Suspended Solids at specified monitoring points in the River Clun. The content of the Strategy shall include the following.
  - a) Aims and objectives of monitoring to match the stated purpose.
  - b) Identification of adequate baseline conditions prior to the start of development.
  - c) Appropriate success criteria, thresholds, trigger and targets against which the effectiveness of the various conservation measures being monitored can be judged.
  - d) Methods for data gathering and analysis.
  - e) Location of monitoring.
  - f) Timing and duration of monitoring
  - g) Responsible persons and lines of communication.
  - h) Review, and where appropriate, publication of results and outcomes.

A report describing the results of monitoring shall be submitted to the local planning authority at intervals identified in the strategy. The report shall also set out (where the results from the monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development will still deliver the fully functioning biodiversity objectives of the originally approved scheme. The monitoring strategy will be implemented in accordance with the approved details.

**Reason: Monitoring is required to ensure that the proposed development delivers the fully functioning biodiversity outcomes set out, firstly in the planning application and then approved in the planning**

**consent. Monitoring required to: a) determine whether any conservation actions have been ineffective, leading to failure (in full or part) to achieve stated conservation objectives, and b) identify contingencies and/or remedial measures required to ensure that biodiversity outcomes comply with the original approved scheme. Monitoring is required to ensure the protection of the River Clun SAC, a European Protected Site.**

**Planning Conditions (1-5) to be added to the decision notice if permission is granted:**

1. No works shall be carried out other than in accordance with the approved plans and as shown on indicative site plan drawing number 9759 titled Ecological Mitigation Plan dated 6<sup>th</sup> March 2017. Details of any further works shall be submitted to the Local Planning Authority and approved in writing prior to those works being carried out.

**Reason: To ensure reduction of nutrient rich run-off and sediment entering the watercourse, to protect the River Clun SAC, a European protected site.**

**2. Construction environmental management plans (Biodiversity) – BS 42020:2013 Condition**

No development shall take place (including ground works and vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities
- b) Identification of “biodiversity protection zone”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
- d) The location and timing of sensitive works to avoid harm to biodiversity features
- e) Responsible persons and lines of communication
- f) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

**Reason: To ensure the protection of the River Clun SAC, a European Protected Site.**

**3. BS 42020:2013 Condition**

No development, demolition, earth moving shall take place or material or machinery brought onto the site until protective fencing and warning signs have been erected on site in accordance with the approved construction method statement (CEMP). All protective fencing and warning signs will be maintained during the construction period in accordance with the approved details.

**Reason: Since irreparable damage can be done to biodiversity features on construction sites in a very short space of time, it is often necessary to ensure that features to be retained are adequately identified and physically protected from accidental damage by development operations, e.g. by earth-moving machinery.**

**4. Ecological design strategy (ecological creation scheme) BS42020:2013 Condition:**

No development shall take place until an ecological design strategy (EDS) addressing mitigation, compensation, enhancement and restoration has been submitted to and approved in writing to the local planning authority. The EDS shall be including the following.

- a) Purpose and conservation objectives for the proposed works
- b) Review of sites potential and constraints
- c) Detailed design(s) and/or working method(s) to achieve stated objectives
- d) Extended and location/area or proposed works on appropriate scales maps and plans e.g. fenced and planted buffer from top of the watercourse, planted bund to the south of the poultry units
- e) Type and source of material to be used, e.g. list of native species of local provenance

- f) Timetable for implementation demonstration that works are aligned with proposed phase of development
- g) Person responsible for implementing the works.
- h) Details of the initial aftercare and long-term maintenance
- i) Details for monitoring and remedial measures
- j) Details for disposal of any waste arising from works

The EDS will be implemented in accordance with the approved details and all features shall be retained in the manner thereafter.

**5. Landscape and ecological management plan BS 42020:2013 Condition**

A landscape and management plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed
- b) Ecological trends and constraints on site that might influence management
- c) Aims and objectives of management
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five – year period)
- g) Details of the body or organization responsible for implementation of the plan
- h) On-going monitoring and remedial measures

The plan shall set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still deliver the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

**The Significance test**

SC Ecology has identified that the proposed works in application No. 16/03334/EIA for the Proposal of Erection of 2No poultry sheds, feed bins, solar voltaic panels, ancillary equipment and alterations to vehicular access at Hurst Barn, Clunton, Craven Arms, Shropshire SY7 0JA has potential effect pathways that could have a likely significant effect on the River Clun SAC (as detailed above). The Habitat Regulation Assessment process cannot be satisfied and an Appropriate Assessment is required.

**The Integrity test**

An Appropriate Assessment has been undertaken and mitigation has been proposed and secured through the planning process which will mean that the proposal will not have an adverse effect on the integrity of the River Clun SAC.

**Conclusion;**

SC Ecology has concluded that the proposed works under planning application No 16/03334/EIA for the Proposal of Erection of 2No poultry sheds, feed bins, solar voltaic panels, ancillary equipment and alterations to vehicular access at Hurst Barn, Clunton, Craven Arms, Shropshire SY7 0JA, will have no likely significant effect on the River Clun SAC wither alone or in-combination. Therefore there will not be an adverse effect on the integrity of the European Designated Site at the River Clun SAC or the River Teme SSSI providing the development is implemented in accordance with the above conditions and submitted documents.

**Conclusions**

Natural England should be provided with SC Ecologist HRA. Comments should be received prior to a

planning decision being made.

**Summary of HRA conclusions**

EU Site	Effect pathway	HRA conclusion	Natural England agree: Y/N
River Clun	<i>Impact of ammonia emissions on the River Clun SAC.</i>	No significant effect	
River Clun	<i>Increase in sediment flow to the southern stream impacting upon the designated features of the SAC during construction.</i>	No significant effect	
River Clun	<i>Increase in phosphate/nitrogen from dirty water drainage treatment</i>	No significant effect	

**Guidance on completing the HRA Screening Matrix**

**The Habitat Regulation Assessment process**

Essentially, there are two ‘tests’ incorporated into the procedures of Regulation 61 of the Habitats Regulations, one known as the ‘significance test’ and the other known as the ‘integrity test’. If, taking into account scientific data, we conclude there will be no likely significant effect on the European Site from the development, the ‘integrity test’ need not be considered. However, if significant effects cannot be counted out, then the Integrity Test must be researched. A competent authority (such as a Local Planning Authority) may legally grant a permission only if both tests can be passed.

The first test (the significance test) is addressed by Regulation 61, part 1:

61. (1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for a plan or project which –  
 (a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and  
 (b) is not directly connected with or necessary to the management of that site,  
 must make an appropriate assessment of the implications for that site in view of that site’s conservation objectives.

The second test (the integrity test) is addressed by Regulation 61, part 5:

61. (5) In light of the conclusions of the assessment, and subject to regulation 62 (consideration of overriding public interest), the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).

In this context ‘likely’ means “probably”, or “it well might happen”, not merely that it is a fanciful possibility. ‘Significant’ means not trivial or inconsequential but an effect that is noteworthy – Natural England guidance on The Habitat Regulation Assessment of Local Development Documents (Revised Draft 2009).

**Habitat Regulation Assessment Outcomes**



**A Local Planning Authority can only legally grant planning permission if it is established that the proposed plan or project will not adversely affect the integrity of the European Site.**

**If it is not possible to establish this beyond reasonable scientific doubt then planning permission cannot legally be granted unless it is satisfied that, there being no alternative solutions, the project must be carried out for imperative reasons of over-riding public interest, and the Secretary of State has been notified in accordance with section 62 of the Conservation of Habitats and Species Regulations 2010. The latter measure is only to be used in extreme cases and with full justification and compensation measures, which must be reported to the European Commission.**

#### **Duty of the Local Planning Authority**

It is the duty of the planning case officer, the committee considering the application and the Local Planning Authority is a whole to fully engage with the Habitats Regulation Assessment process, to have regard to the response of Natural England and to determine, beyond reasonable scientific doubt, the outcome of the 'significance' test and the 'integrity' test before making a planning decision.

## **APPENDIX 3**

### **FULL OBJECTION COMMENTS OF SHROPSHIRE AONB PARTNERSHIP**

- i. Landscape: The Landscape and Visual Impact Assessment (LVIA) Non-technical summary p2, states; "The overall residual effect on the local landscape is therefore predicted as being minor and beneficial". We do not believe that the impact of any large industrial development in the heart of the Shropshire Hills AONB can be considered either minor or beneficial. We believe the LVIA seeks to downplay the importance and sensitivity of the AONB and the impact of the proposed development. The LVIA p20, states "Following the implementation and establishment of the planting works at Operational Year 10, the magnitude of change would remain as minor adverse and there will be no significant effect on this medium sensitivity landscape resource". The LVIA goes on to state: "The combination of a minor magnitude of change on a medium sensitivity resource will result in no significant effect". The LVIA should classify the Landscape Value as 'high' on account of the AONB designation, and the greater than doubling of the built footprint of this farm can only be described as a 'substantial' magnitude of change. The impact overall is therefore without doubt 'significant', and the mitigation measures proposed, while lessening the impact, do not make it acceptable.
- ii. The LVIA p21, seeks to justify the development, stating "There are some notably large clusters of modern agricultural sheds close by within the Clun valley"....."The proposed broiler sheds would result in no cumulative landscape effects with any of these existing farmsteads or poultry sheds". We disagree with this statement. Such an argument would allow progressive destruction of the AONB landscape where one poor development justifies the next, and this bears no relation to national and local policy on AONBs. The reality is in fact quite the contrary, recent constructions of a number of large agricultural buildings contribute to a creeping industrialisation of the Clun Valley, which in fact makes this part of the AONB highly sensitive to change resulting from further large buildings. The National Planning Policy Framework is quite clear that general policies within the Framework supporting particular types of development activity do not over-ride the location specific policies protecting AONBs. Indeed the

very first policy paragraph within NPPF, Para 14 on the ‘golden thread’ of sustainable development, highlights through footnote 9 AONBs as an exception to a presumption in favour of development, as one of a few types of special area where “specific policies in this Framework indicate development should be restricted.” The specific policy in Para 115 of the Framework states:

115. Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.

The buildings in this application represent a significant expansion of the curtilage of the built footprint of the farm. We would argue that this constitutes ‘major development’ and so para 116 of NPPF also applies:

116. Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated

If the development is not judged major, we contend that it should still be refused against other relevant policies.

- iii. Shropshire Council Core Strategy and SAMDev policies also indicate the great weight which should be applied to the AONB designation and indicate that this application should be refused:

Explanation to Policy CS5 Countryside and Green Belt, para 4.72 (extract) “whilst this policy seeks to facilitate a wide range of beneficial rural development, the operation of this policy, in conjunction with Policy CS6 and more detailed policies in the SAMDev DPD, recognises the need to consider the scale and design of proposals, where development is most appropriately sited, environmental and other impacts. There will be a significant emphasis on achieving quality and sustainability of design, particularly locally appropriate design and use of materials. Thus, proposals which would result in isolated, sporadic, out of scale, badly designed or otherwise unacceptable development, or which may either individually or cumulatively erode the character of the countryside, will not be acceptable. Whilst these considerations will apply generally, there will be areas where development will need to pay particular regard to landscape character, biodiversity or other environmental considerations including in the Shropshire Hills Area of Outstanding Natural Beauty.”

Policy MD2 Sustainable Design, Explanation (extract): For development affecting the Shropshire Hills AONB, particular regard should be paid to the Shropshire Hills AONB Management Plan and supplementary guidance.

Policy MD7 – General Management of Development in the Countryside: (explanation, para 4.66) The changing needs and effects of agricultural and other related enterprises in the countryside are a particular local issue, in particular the impacts of large scale agricultural buildings. General sustainable design criteria and development management considerations are as relevant to this type of development as other proposals in the countryside and the Plan seeks to balance the needs of the

countryside as a working environment with its role as a place to live and enjoy. The policy defines the primary considerations that will be taken into account in considering agricultural development proposals which require planning consent. Additional criteria set out in other relevant policy such as MD2 Sustainable Design and MD12 Natural Environment which, for example, highlights special requirements in the Shropshire Hills AONB, which would also need to be taken into account in considering applications. It should be noted that where appropriate, planning conditions will be attached to a permission to control the quality of the development and to ensure the scheme incorporates appropriate agreed mitigation measures such as coloured external cladding, landscaping and waste management;

- iv. Biodiversity: The proposed development is upstream from the River Clun Special Area of Conservation [(SAC) Natura 2000] and the River Teme Site of Special Scientific Interest (SSSI). The River Clun is designated as a SAC for its freshwater pearl mussel interest; it is of international significance and is one of only three rivers in England so designated. The International Union for Conservation of Nature (IUCN) identifies the freshwater pearl mussel as a 'Critically Endangered' 'Red List' species. In this context, the River Clun pearl mussel population represents a unique genetic resource requiring special measures to ensure its future survival. Over recent years the River Clun has been subject to extensive studies and an understanding of the situation relating to pearl mussels and the processes contributing their decline (and that of the River Clun SAC) has improved greatly in recent years. These studies have established that the mussels are in critical decline and unlikely to survive unless the pressures contributing to the deterioration of the SAC are reversed. Any proposed development in the River Clun Catchment should take into account the requirements as set out in the River Clun SAC Nutrient Management Plan see:

<https://www.gov.uk/government/publications/nutrient-management-plan-river-clun>.

The Conservation Objectives set by Natural England for the River Clun SAC include Favourable Condition Targets (FCTs) for in-river phosphorus (P), nitrogen (N) and sediment (suspended solids) concentrations. The targets have been set to protect freshwater pearl mussel from the adverse effects of nutrient enrichment and siltation. Due to cumulative and ongoing deposition of atmospheric ammonia and the spreading of poultry waste to land, this development if allowed, has potential to compromise the measures necessary to achieve the Favourable Condition Targets. The Hydrological Impact Assessment indicates that poultry manure is currently imported (c500 t/yr) and applied to the applicant's landholdings, and suggests the proposed poultry unit will not increase the overall nutrient application to land within the catchment. We are concerned that increasing numbers poultry units in the catchment are generating amounts of Nitrogen-rich poultry waste with little evidence to indicate that such waste is being exported from the Clun Catchment. If development is allowed it will also compromise efforts to meet Water Framework Directive (WFD) targets for the River Clun. Here, we take issue with the Hydrological Impact Assessment report which claims that the River Clun meets "Good Status" under WFD. In fact it is currently failing to achieve this statutory target and is currently classified as "Moderate". The conclusions of the Ammonia Report appear to be based on assumptions, and underplay the impact of deposition. We are concerned that this development will add to the cumulative impact of deposited atmospheric ammonia in the catchment and in particular how it impacts on the River Clun SAC and Clunton Coppice SSSI. Studies by Centre for Ecology and Hydrology (CEH) have shown that ammonia deposition derived from poultry units of this size is damaging to ecosystems adapted for low levels of nitrogen and that critical exceedance loads are observed 2.8km upwind. The River

Clun SAC and Clunton Coppice SSSI are protected because of their exceptional ecology. Maintaining extremely low nutrients levels is fundamental to ensuring their wellbeing. In recent years significant financial resources have been directed at the River Clun to help meet statutory targets. Despite these efforts the Clun continues to fail to meet these targets. The River Clun is one of a number of UK freshwater sites under the European Natura 2000 network. In November 2015 these UK freshwater sites were subject to a Judicial Review which found that the UK Government is failing to adequately protect these sites. Subsequently, the High Court issued legally binding Consent Order which requires Environment Agency to review measures and mechanisms for each water-dependant Natura 2000 site - the River Clun is a pilot for the Consent Order.

- v. This development is of concern and should it go ahead it would put in jeopardy the conservation objectives set for returning the River Clun SAC to favourable condition. The following Natural Environment policies apply:  
Policy MD12 Natural Environment (Explanation)  
4.113 Policy MD12 sets out in detail the level of protection offered to Shropshire's natural assets. Natural assets include: biodiversity and geological features; trees, woodlands and hedges in both rural and urban settings; the ways in which the above combine and connect to create locally distinctive and valued landscapes, including the Shropshire Hills Area of Outstanding Natural Beauty and the contribution all of the above make to visual amenity;  
4.114 Such assets provide ecosystem services including; flood relief; soil retention; climate change mitigation and adaptation; carbon sequestration; interception of airborne pollutants; water filtration; amenity value; health and well-being benefits and opportunities for tourism and recreational activities. These services are essential to a thriving economy;  
4.115 Internationally and nationally important sites of wildlife conservation and geological interest as well as legally protected habitats and species will be afforded the highest level of protection in line with the relevant legislation and policy. Great weight will also be given to conserving and enhancing the natural beauty of the Shropshire Hills AONB, having regard to the AONB Management Plan. Development proposals affecting or involving the following will be assessed in accordance with the relevant legislation and national policy; European and nationally designated wildlife sites (Special Protection Areas (SPA), Special Areas of Conservation (SAC), Ramsar and Sites of Special Scientific Interest (SSSIs) and all candidate designations; Major developments in Areas of Outstanding Natural Beauty; Ancient woodland, other irreplaceable habitats and aged or veteran trees; Pollution – including noise, water, air and light pollution Further details are given in the Natural Environment SPD;
- vi. The following policies of the Shropshire Hills AONB Management Plan 2014-19 also indicate that this application be refused:  
Valuing the AONB in Planning and Decisions - Protection of the AONB. In line with national and local authority planning policies, the AONB has the highest standards of protection for landscape and natural beauty and the purposes of designation should be given great weight in planning decisions, also taking into account the statutory AONB Management Plan.  
Encouraging a Sustainable Land Management Economy - Agricultural development. Farm enterprises need to be in harmony with the environment and not degrade this resource, which also provides an important economic asset for the future.

Design of new agricultural buildings including location, structure and materials should be of a high standard appropriate to the AONB, taking account of the published AONB agricultural buildings design guidance.

[http://www.shropshirehillsaonb.co.uk/wpcontent/uploads/2010/10/Agricultural\\_Buildings\\_Design\\_Guide3.pdf](http://www.shropshirehillsaonb.co.uk/wpcontent/uploads/2010/10/Agricultural_Buildings_Design_Guide3.pdf)

## **APPENDIX 4**

### **DETAILED SUMMARY OF PUBLIC REPRESENTATIONS**

1. Support comments:

- 1.1 Amenity impacts: We had initial concerns about the development but having visited other similar sites these were allayed and since the development has been constructed and operational we have not experienced any unpleasant smells, noise or disturbance from additional traffic. The building has been shielded by a bund and is not intrusive on the landscape. We see no reason why this would be any different at Clunton. There have been concerns raised about increased traffic and odour from these units. Having lived but 3 fields away from an existing broiler unit for a number of years I can say rarely do you have any smell of chicken manure. There was a slight increase in traffic whilst the unit was being built, but the work was carried out in normal working hours and was hardly noticeable. We have been friends with the applicant and his family for over thirty years and are able to attest to their excellent reputation and high farming standards. Regards to comments on pollution, I suggest a visit to a working broiler unit, they are more hygienic than most hospitals. Clun Valley has already got a number of poultry businesses operating within the parishes. As yet, I am to hear any words of complaint about any of them. The issues brought up by the objections to this application are, in my opinion, somewhat misconstrued. 1) The concerns of noise from the proposed development at Hurst Barn, according to the Environmental Statement, is highly limited. The main property in which it affects is the home of <the applicant>. 2) The odour seems to be a subject which again has been commented on with no real evidence as to the effects. Currently a number of loads of chicken manure is stored on land adjacent to Clunton village and has been for a number of years. This has attracted no complaint from local residents to date, and therefore the issue of odour holds no real grounds. The ES does state that deliveries and collections to and from the completed development would be done in a method that is respectful of neighbouring residences. Therefore, showing the applicants willingness to keep disruption to a bare minimum. The well thought out landscaping plan should mean that the site is not visible from the road where the vast majority of people would see the development, so I don't believe that it would impact the economy negatively. As we are Richard and Katie's closest neighbours living on the side of the B4368, we see no problem with the proposed planning for the two chicken sheds. I think it is nice to see a young farming couple wanting to develop and commit to such a project to secure the future of the farm. After seeing all the surveys that have been carried out, we can see the project has been thoroughly thought through. I worked in Chicken houses in my teens and there was no danger of pollution or disruption to locals. There are all sorts of farm smells in the countryside, any smell that may come from the sheds will be no worse. Living in the countryside is not about green fields and trees it about the animals, hay making, food production and keeping and supporting our local farmers. As the new buildings will be below the height of the present buildings and a planted bund will be built round the sheds they should be relatively hidden.
- 1.2 Reassurance regarding manure spreading: Most of the nutrients in chicken manure are immediately available as a nutrient source to the planted crop and allow a significant reduction in the need to feed energy intensive artificial fertiliser. To ensure the maximum efficiency the manure must be ploughed in very soon after application which

also reduces the risk of unpleasant smells. Manure also encourages soil bugs and a healthy earthworm population, improving soil structure, permeability, reducing run-off and erosion. The farm has been nutrient mapped so excess applications can be avoided. Spreaders use GPS and buffers are applied to watercourses. Manure heaps are sighted carefully away from private dwellings and water courses and are never in the same place for the next two years. Mr Jones has been importing, storing and applying chicken manure on this farm for the last sixteen years and has never once had a complaint over the smell.

- 1.3 Benefits to local economy: We support local agricultural development as we live within a rural agricultural area where the farming economy is important for local jobs both on site and in related agricultural businesses. I am an employer of several personnel within the agricultural industry and my business depends fully on families like the Jones's to continue farming. Traditional farming enterprises are not as viable as they once were, so farmers need to find other more reliable income sources. A broiler unit is not only a viable enterprise but a suitable one as the demand for chicken has never been higher as it is the preferred meat for modern families as it's affordable. Poultry is a way of diversifying their business and also fulfilling the growing national demand for FOOD, this then leads to future sustained employment within the countryside. Most village businesses rely heavily on the farming community. At the moment most of my work is seasonal throughout the summer and autumn. My hours drop considerably through the winter months. With the erection of 2 chicken sheds, it will mean I have extra work to help sustain my hours and income. My partner works in one of the local rural nurseries and not only relies on the local children attending to support the running of the nursery, which Richards daughter attends, she also relies on the extra income of the part time work the chicken sheds brings when the chicks are put in every cycle. I am aware of the concerns that some residents have highlighted, but I do not believe they are looking at the bigger picture and the importance of rural businesses expanding and diversifying to make themselves sustainable. The farming industry within the Clun Valley remains vital. Not only for the sustainability of the area, but also for the environment. Without both of these, there would be no tourism. Without a sustainable farming industry, we lose the people who look after the natural environment. If we don't have these people who manage the land and farm to a good environmental standard, the environment suffers. This has a massive implication on the tourism offering within the valley. This project would have a multitude of economic benefits to the area during construction and operation. In an area with a small and aging population, every opportunity needs to be put into place to support these other businesses. Again, no farming sector in the valley, these other businesses will suffer creating a real economic downturn.
- 1.4 Local community benefits: We fully support the Jones family with this application, they are genuine locals trying to make a living. This family have been living in the Clun area for years and will remain so. The council should be providing more support to locals that are prepared to invest in the area. The countryside needs to encourage and keep the younger generation and help families like Richard & Kate to settle in the community. How do we expect villages to survive without the young families who wish to farm and live locally? Having been a member of the Clun valley YFC for nearly 10 years and from personal experience I have seen how difficult it is for young farmers to start out farming! The family have two sons so they are seeking permission to establish two poultry units at Hurst Barn in order that in time each son may have a viable business to run. We should like to emphasise the importance of maintaining a vibrant

and active community within the Clun Valley, which to our mind can only be met by encouraging our young people to remain in the area; to live, work and bring up their families supported by the generations of farming knowledge and love of the land behind them. The plans brought forward to develop a broiler chicken business not only sustains a farming business, but perhaps more importantly, sustains and encourages a young farming family to maintain their routes within an area in which they grew up and want to stay. It is encouraging to read from neighbouring properties that they support this application. These are the people who are likely to have the biggest issue with such a development. Instead of opposing this plan, they are embracing it. A community that has grown up with agriculture and a community that will die without it. Without the next generation being able to work here and develop their own ideas then we will no longer have a community.

- 1.5 Impacts on farming community: By opposing this application objectors send quite a strong message to other young farmers born and bred in the area. Clun Valley and wider South Shropshire wishes to become an area not for the young, who want to look for innovative ways to sustain a career, but for those who have made their living and now want to retire to an area for a quiet life, without any consideration for the fact that Clun and wider valley is and always has been a working area. Again, by not supporting a farming industry in an area which has been associated with agriculture for generations we lose the fabric of the community. By opposing one application will prevent others from trying.
- 1.6 Food production benefits: We support food production within the UK rather than imported goods. With the current economic uncertainty the UK needs to become more self sufficient in food production. This development gives farming a sustainable future.
2. Objector comments:
  - 2.1 Arvon Centre: Arvon is a national charity running residential creative writing courses for schools, partnerships and the paying public from our three country houses, one of which is located 2 fields away from the proposed Broiler Sheds. We have been running courses from The Hurst for 13 years, bringing new visitors, inward investment and positive reputation to South Shropshire. We run courses for 45 weeks a year with approximately employing over 90 tutors and guest writers. We have also launched a writing retreat at the Clockhouse this year who wish to focus on their work and who find peace in the tranquillity and beauty of South Shropshire. The Clockhouse will open for 10 months in 2017 making our operation a total of 85 weeks across our estate. The Clockhouse will bring in a further 130 people and also a .5 permanent staff position. I am extremely concerned that all of this will be in severe jeopardy should the plan for the two Broiler Sheds go ahead. Currently one of our strongest selling points is the fact that we can provide a unique environment that is in an area of great scenic beauty uninterrupted by increased traffic, noxious smells and any disturbance. All of this will be severely compromised should the Broiler Sheds go ahead. There is no doubt that our residents' sleep will be interrupted by the sound of the lorries in the night transporting the chickens to slaughter. Their writing and thought processes will be interrupted during the day with the noise of feed lorries and tractors. We have researched likely noise from the Broiler Sheds and we understand that there will be a low and continuous "humming" noise. This is the kind of thing likely to put off our paying customers along with potential light pollution, which although low level, significantly changes the dark skies. Our beautiful views will be destroyed by the erection of these sheds. The unique



landscape which is such an outstanding feature in this area offers Arvon a clear and distinctive asset. This is part of the package that attracts people from all over the world including Australia, America and South America. Many of these people return to visit with their families and friends spending money in the rest of Shropshire. It is questionable as to whether these people would pay to come on our courses if the landscape has been blighted by this development. We have young people and children with asthma, disabilities, allergies to dust and other allergies who come to experience creative writing on our courses. If the Broiler Sheds were to go ahead these people would not be able to come and therefore we would be excluding potential customers for Arvon and visitors to Shropshire. We also have serious concerns regarding the noxious smells that this will bring and the impact on our business. The economic impact for The Hurst, for our suppliers and ultimately for Arvon, as a whole, has potential to be catastrophic. We believe sales at The Hurst and retreat weeks at the Clockhouse will begin to decrease significantly as people choose not to come because their choice of the perfect writing environment has been so severely compromised. This will impact on our local suppliers, of which there are a number including our bank of local cover staff all of whom would face job threats were the numbers of customers to decrease. Arvon is an Arts Council of England National Portfolio Organisation, with an excellent reputation built over nearly 50 years, but like all arts charities every pound received is accounted for and we cannot afford to lose any business. Any loss of business here in Shropshire will also inevitably have an impact on the rest of Arvon in Devon, Yorkshire and London. Finally I should say that In 2013 we renovated the mansion with support from ACE and donations from individuals and trusts. One of our most distinguished tutors has called the renewed Hurst 'the most sophisticated writing centre in Europe.' Each year over 650 people come to learn the craft of writing at The Hurst, a third of them are children and disadvantaged adults. We employ a team of 12 locally-based people to run the centre all year round; we use shops and suppliers nearby to buy our food, locally grown wherever possible; we use local tradespeople to maintain our property and we employ local taxi firms every week. Altogether The Hurst's activities bring over £170,000 into the local economy each year. We know that many of our writers develop a bond to the landscape and return to enjoy the region as holiday-makers. The Hurst helps make the Clun valley a place where people want to live and work. Arts and culture make a real difference in south Shropshire and the Clun valley. They also make a powerful contribution to the nation as a whole, adding £7.7 billion to the UK economy for less than 0.1% of Government funding in England. They incubate talent that drives the commercial creative industries, one of the fastest growing parts of the UK economy. I would like to bring to your attention that the renovations recently completed by the Arvon Foundation there were in large part provided by public funds. Are the council suggesting that the better part of 2 million pounds of public money, funded by Arts Council England, in support of historic renovations and cultural and economic growth in the county is all for nought? Having spent an inspiring week at the Arvon centre at The Hurst I was saddened to see this planning application and hope it is turned down. This is a rare place for writers - many of whom travel from cities and towns across the U.K in search of somewhere with such genuine peace and quiet. Some like me have to wait years before they can afford to come. We leave energised and renewed, and profoundly grateful. This industrial unit will threaten the long standing reputation of this region as a haven for the arts and the national creative economy, compromising its future. The views of the site from the land owned by the Arvon Foundation at The Hurst are virtually dismissed. The site will be easily viewed by the hundreds of people who use this Centre each year. The local economic impacts of an extra chicken farm pale into insignificance in comparison to the wide ranging direct

and indirect economic benefits that The Hurst brings to the area, as well as the additional cultural benefits that accrue from the site and its activities. The historic gardens are under restoration, and as a picturesque designed landscape will be more liked to the surrounding valley. I have visited The Hurst on many occasions to take people on visits to its gardens and trees. I am, therefore, very aware of the impact that such farm buildings would have on the landscape, one which John Osborne said was truly the most beautiful in England, and on the residents who come to The Hurst for peace and quiet in which to write. To have extraneous noises and smells from this additional farm activity would not be acceptable nor conducive to the peaceful requirements of writing. To sit and write in the open air with the constant noise of extra traffic and intensive and offensive agricultural smells would just not be acceptable to residents and I could foresee numbers wishing to stay at The Hurst declining. One of the reasons for The Arvon Foundation choosing to make The Hurst one of its retreats was its very situation of peace and quiet with excellent views. This is why the Centre found it acceptable to spend so much extra funding on additional accommodation, the restoration of the Dovecote and other facilities. The funds were spent in the knowledge that the local situation would not change and the benefits of the spending would be enjoyed for many years ahead. As the Centre is also in the Shropshire AONB, one can readily understand why The Arvon Foundation felt that it would be safe to spend this funding. Considerable investment has been made in conserving and enhancing the buildings and landscape at the Hurst over recent years with the principal aim of providing a sustainable future for the Hurst. Arvon is striving to achieve this through providing a unique sense of place, a soothing and stimulating environment that encourages a wide audience of all abilities to develop its creative writing skills. The Heritage Assessment within the EIA fails to address the heritage significance of the The Hurst and the Visual Impact Assessment Illustrations (EIA Appendix 2) and Visual Impact Assessment Non-Technical Summary (EIA Appendix 7), lack sufficient information to enable an informed decision to be taken on the degree of visual impact. The Hurst, a typical early nineteenth century villa (listed grade II), its three associated grade II listed buildings Stable Block, Stable Block & Coach House and Dovecote) together with its historic designed landscape represent a significant historic and cultural asset. The Heritage Assessment fails to attach sufficient value to this entity and thus the potential negative impacts of the proposed development on these assets have not been fully evaluated. The historic designed landscape comprises a number of features which characterize a typical nineteenth century villa landscape, including woodland, some 2.5 hectares (approx. 6 acres) of gardens containing areas of lawn, some fine trees, extensive shrubberies, terracing and winding paths and drives, mill pond, walled kitchen garden and orchard. This historic designed landscape while, although not of sufficient significance for national designation, should be considered for addition to the list of local heritage assets and the County Historic Environment Record updated accordingly. The list descriptions for the four grade II buildings at the Hurst were produced in 1985, one year before the arrival of John Osborne and therefore lack any mention of this renowned author. John Osborne chose the Hurst for his retreat chosen for its tranquil location and "the best view in England".

- 2.2 Industrial development: We already have too many of these types of industrial farming projects in the county and in nearby counties. This is an industrial development, not a farming enterprise. It will mean trucks of effluent/excrement passing through a tiny town with narrow roads that are already struggling to cope with the size/frequency of vehicles that use them, causing damage to bridge and buildings and which are vulnerable to spillage. I understand the need for sustainable ways to support

agricultural livelihoods and the local economy, but I believe that this sort of development in this sensitive landscape and context is neither appropriate or desirable. We want to see the next generation of farmers succeed in making a living from the land, but I believe that the community, local landscape and environment should not have to justify such developments based on arguments about agricultural economics and viability of individual holdings.

- 2.3 Visual impact / AONB: The siting of the unit is very close to the River Clun in an area of Outstanding Natural Beauty. I believe that the size of the proposed development will have a significant negative visual impact from the surrounding hills. The natural environment in the area is beautiful, tranquil and relatively unpolluted and this development stands against all those appealing features which bring tourists (particularly walkers and cyclists) here and paying clients to the Arvon Centre at The Hurst. AONB's have in planning terms the same landscape status as National Parks, and these types of developments will create irreversible detrimental negative change within it. In national policy terms the LVIA has not taken proper account of the NPPF policy relating to AONBs. No assessment of the impact of the development on the special qualities of the AONB is included in the LVIA. The irreversible loss of grassland (and soils) to hard standing and sheds is a material change to the fabric of the landscape that in no way is mitigated by planting trees on other grassland. The site development boundaries have been drawn tightly to the proposed buildings. Proposed screening is so close to the building that it cannot effectively do what it is supposed to, even huge bunds with planting will not conceal the buildings from the surrounding valley and hillsides, especially with reflective PV's covering the roof space. Over the following years parts of the woodland will be partially or fully cropped, cleared and restocked. Thus the views over the development site will change and evolve, not stay static. As management takes place the site will be clearly viewed from the plantations. From the supplied information, it is almost impossible to understand the full visual impacts of the development, there are not photomontages or mock ups of how the buildings will really sit within this landscape. The site layout plans do not show the actual in situ profile of the new buildings from near or far. Integration of these types of sheds into rural landscapes can be successful, but it is quite clear that buildings of this size and scale (nearly 500 m<sup>2</sup>) will have real problems simply blending into the Clun Valley. The proposed development will be very prominent in an "area of outstanding natural beauty", situated on the valley floor it will be a visible eyesore from all directions, surely vastly affecting the principles of ANOB,s. Should this be successful will it lead to further development in the area? The Landscape Proposals drawing (Drg. No.274-01) shows that the new platform on which the sheds would be sited to be some 2.00 metres above existing ground levels at the south-east corner where the banking will be relatively steep. The addition of the berm along the southern edge of the platform will add a further 1.00 metre at this point, so nowhere near as subtle as the consultant claims. There are no photomontages included in the visual appraisal only photo panoramas, which show the proposed development site highlighted in red dotted outline, thus giving no indication of scale, height or form of the proposed buildings in context. The only section shown through the buildings (Section A on plan) runs north south and illustrates a more gentle intervention in the landscape whereas a section taken longitudinally would show a much cruder intervention in the landscape with "fill" running out into the existing hedge bottom. The sheds would consequently be very prominent on this "escarpment" when viewed from the east and south-east. The character of the unbroken linear form of the proposed tree planting surmounting the berm is uncharacteristic of the hedgerows in this part of the valley where trees tend to

be more sparsely and irregularly spaced. Such a feature is more likely to draw the eye rather than deflect it. Arvon through sensitive management is in the process of recovering this designed landscape and reopening strategic views including those looking east along the Clun Valley. The proposed broiler shed development will significantly compromise these views and thus undermine a key characteristic of the place that inspired John Osborne to choose this location for retirement.

- 2.4 Pollution / Ecology: The likelihood of the leakage of effluent from this development is high and this could cause untold damage to the river and other rivers downstream. I understand that the whole catchment is subject to a judicial review under EU planning laws for not complying with an environmental directive. Until this is resolved and complied with, I do not think this decision can proceed. I believe that there is a risk of a significant negative impact upon the designation of the nearby internationally important Clun Valley SAC through pollution of the watercourse. Although this site is currently located approximately 12 km downstream from the development, I believe that a proposed location for the release of freshwater pearl mussels is within 2 km downstream of the development, in the village of Clunton. The HRA relies on the Hydrological Report that is predicated on the poultry manure from the development being removed at shed clearing from Hurst Barn to hard standing at Acton but Halls have confirmed that this will not be the case and that the manure will be stored at Hurst Barn. The Hydrological Report Section 6.2 states that toxic contamination of the River Clun could occur from run-off water from dirty washings or manure storage heaps. Halls have also restated that the dirty washings, containing biocidal agents and human excrement, will be spread on land at Hurst Barn. Need to properly assess potential cumulative effect with other nearby poultry units at Clun, Guilden Down and Walcot Farm. The river Clun is particularly vulnerable, being close by. It is one of the last refuges of freshwater pearl mussels and also has dippers, kingfishers, otters and more. Once polluted it will lose this special, fragile fauna which does not have the luxury of relocating. We have a population of great crested newts within a pond in Clunton, I would like to enquire as to whether suitable surveys have been carried out to confirm the presence or absence of this protected species within the vicinity of the development? There is a chance that part of this extraordinary ecological diversity will be lost due to the effects of the proposed development. Schedule 1 applications need to provide data based on the "whole" development intention. Information has been identified referring to 4 sheds and 185,000 birds and therefore the HRA must take this expansion into account. Bats, a European Protected Species, are mentioned on page 2 of the HRA. However no information is provided as to the effect on bats of the continuous "tonal hum" from the ventilation fans. The relief of the Clun valley is conducive to flooding hence manure can be washed off fields. Much of the Clun Valley is AONB and several of the rivers are designated SSSI's.
- 2.5 Amenity impact: The disturbance to the neighbouring rural population, through noise and smell, is likely to be high. As we are located in a valley, the prevailing west wind will cause strong unpleasant odours within the village of Clunton. I am aware that the prevailing wind is from the west and Clunton is to the east of this site and therefore in line for the dust and ammonia resulting from such a development and any potential health risks. I am particularly worried about the times when the valley can sit under a cloud for several days at a time, how will the ammonia disperse at these times? My home fronts onto the B4368 and I am worried about the increase in traffic the development would create especially at night when I am aware that lorry drivers are less likely to observe the speed limit. I live in a grade II\* listed property just to the east

of the site in question. I know therefore that the prevailing wind comes the west, and often carries with it strong odours from fertilising operations, from much further west than the proposed chicken sheds. Living in a heavily listed property I do not have the opportunity to protect myself and family, or indeed future generations from the smell this development will inevitably produce. The above point is also relevant to noise (I cannot, and would not install double glazing), this will be greatly increased, particularly at night by heavy lorries to and from the site. The road is unsuitable for use by the sites related traffic. The Highways Agency having already for some years considered it necessary to divert such traffic a mile or so before the village anyway! Clunton already suffers from the storage of the Acton manure and the impact of its spreading close to Clunton. Clunton is at significant risk of high odour impact for at least 170 days (46%) of the year. Most of this spreading will occur in spring and late summer thus impacting community enjoyment of outdoor space.

- 2.6 Animal welfare: This way of managing birds for production is highly offensive from an animal welfare perspective and is not sustainable
- 2.7 Tourism: The site is directly adjacent to a tourist route in an A.O.N.B where tourism is a large contributor to the local economy. The area attracts a lot of tourism, valuable I'm sure to many local businesses, it is also extremely popular with walkers. Developments of this nature will do nothing to encourage visitors to the area. Clunton is both a working village and a tourist village. The Crown Inn has been awarded second best place in the best rural pub awards. B&B's at Bush Farm and The Lodges would be hit if tourist interest declined. Tourists, locals and walkers like to pass through this landscape without having to navigate clouds of ammonia.
- 2.8 Traffic: The road through Clunton is already extremely busy and traffic travels too fast.
- 2.9 Other: No detail on alternatives. Limited architectural and engineering detail. Failure to conform with industry best practice. Movement of biohazardous waste over significant distance – open trailer manure transport – no waste carrier details provided. Contradiction over whether or not waste materials will be stored on site. Challenge to calculations on manure production (applicant estimate of 1000tpa conflicts with independent assessment of up to 5100tpa), feed requirements and vehicle movements (objector estimates 4-5000tpa and 2-250 visits per year). Given this challenge to the applicant's estimates potentially thousands of tonnes of manure could need to be stored on site, potentially nearer to sensitive receptors. Failure to take account of importance of tourism to the local economy. Too close to public highway. Human excrement and chemical residues being spread to land. Inaccurate information – documents at consultation event stated 4 sheds. Effect of replacing permeable field with impermeable surfaces. Hazardous ammonia levels on public highway could impact on road safety. Manure storage at the site is already unpleasant for road users. Dead birds will add to odour impact. Responsibility in the event of a safety or environmental incident. No detail on wheel wash and disinfection facilities. No manure management plan has been submitted although Natural England has been led to believe by the applicant that there will be a reduction in fertiliser application. The proposal to screen the buildings is contrary to the requirements for protection from avian flu where no such screening is allowed as it will attract birds and consequent health risk. Does not maintain and enhance countryside vitality or improve sustainability of rural communities. Does result in unacceptable adverse environmental impacts. No formal public meeting where questions could be asked. We are one of the closest properties

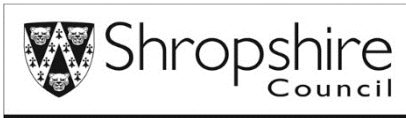
and should have been notified. I have a chronic chest complaint and chicken manure will not help my condition. Although the profit to the owner is calculated at £0.62 per bird (gross or net not stated but equates to c. £425,000 per annum for 2 sheds and £822,000 per annum for 4 sheds at Hurst Barn) the average salary per full-time employee in rearing is less than £20,000 per annum. Although demand for poultry is increasing the UK increased production from 760 million birds in 2000 to over 900 million in 2014 i.e. faster than the increase in domestic demand. Given the continuing rapid expansion of poultry units and the proliferation of applications in South Shropshire is the damage to the Clun Valley worth it for a planning gain of c. £20,000 per annum in the Hurst Barn application? SC has the legal responsibilities to safeguard public health and public safety of residents and visitors. The purpose of the planning system is to regulate the development and use of land in the public and national interest. Policy requires the maintenance of the quality of life for residents and visitors (quiet enjoyment). Quiet Enjoyment is a fundamental right enshrined in Common Law. It is a right to the undisturbed use and enjoyment of real property by a tenant or landowner. Policy requires that one form of business must not be to the detriment of another e.g. impact on local tourism and conference establishments etc. It is noted that in a previous consent for a poultry farm (12/02438/EIA) a planning condition was recommended for no HGV movements at night i.e. no depopulation of the sheds at night as well as restrictions on feed deliveries and manure transport. Why is SC not consistent in mitigating this impact across the many subsequent approvals? The Environment Agency requires that a poultry farm should be sited more than 400 metres from a road where feed is transported to other farms. This together with the absence of a number recognised bio-security measures at Hurst Barn plus the transport of manure on to other farms presents a very significant biosecurity risk to other local farms, including poultry farms. The Manure Management Plan for now states that the excess manure from Hurst Barn is to be sold to another local farmer for spreading. Expert opinion is required to determine the legality and licencing of such multi-farm transport and spreading of poultry manure. The Agent has stated to the Parish Council that Hurst Barn farm is not viable as it does not have long term security over the leased land. Equally this means that they don't have security over the bulk of the land that the manure is to be spread.

- 2.10 Petition: An online petition set up by an objector on 22nd November calling for the Government to intervene to prevent the development has currently attracted 476 signatures. The petition website advises that 'A E Housman's much-loved Shropshire landscape is now under threat from the proposed development of an industrial-scale chicken broiler plant. This Area of Outstanding Natural Beauty has been called the 'best view in England' by playwright John Osborne, but as highlighted on [www.shropshirelive.com](http://www.shropshirelive.com) the countryside will be permanently blighted by this development: a visual eyesore of industrial units, the constant smell of ammonia, toxic dust and nightly noise from 44-tonne slurry lorries'.
- 2.11 Consultant's letter: A letter has been received from a planning consultant acting for an objector. The main point raised is the national policy presumption against major development within the AONB. The proposal is major as it is Schedule 1 EIA development. It is argued that the exceptional circumstance test for major development in the AONB is not met because the development would not be in the public interest. Therefore the applicant's claim not to have an alternative site available (the second test) is irrelevant. The consultant cites the decisions of the planning authority (and by implication the decisions of the South Planning Committee) to permit poultry

developments in the AONB) as a 'clear failure by the Authority to understand or address the NPPF policies restricting development within the AONB. The Authority is criticised for carrying out a 'balancing exercise' on one such application rather than establishing first that the development was exceptional and in the public interest. The amenity impacts listed by the consultant include a claimed underestimate of traffic levels and loss 1ha of best and most versatile agricultural land.

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Committee and date

South Planning Committee

4 April 2017

## Development Management Report

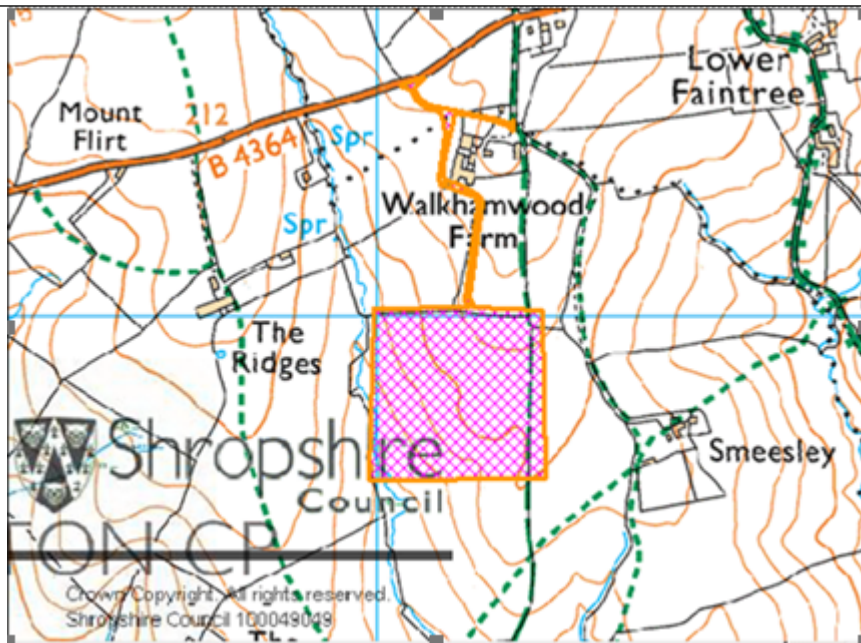
Responsible Officer: Tim Rogers

email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b>Application Number:</b> 15/05330/EIA	<b>Parish:</b>	Neenton
<b>Proposal:</b> Erection of 4No poultry units, feed bins, biomass boiler building, new access road, landscape and associated works		
<b>Site Address:</b> Walkhamwood Farm Faintree Bridgnorth Shropshire WV16 6RQ		
<b>Applicant:</b> Mr S Mottershead		
<b>Case Officer:</b> Kelvin Hall		<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>

**Grid Ref:** 365186 - 288266



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**Recommendation:** That Members delegate authority to the Planning Manager to grant planning permission for the proposed development subject to the conditions as set out in Appendix 1.

## REPORT

### **A BACKGROUND**

- (i) This planning application was on the agenda for the South Planning Committee at its meeting on 10<sup>th</sup> January 2017, with an Officer recommendation that planning permission is granted subject to conditions. Members undertook a site visit on the morning of the Committee meeting. At the meeting Officers drew Members' attention to further representations that had been received. These included a 34 page Review of Landscape and Visual Issues report prepared by a landscape architect on behalf of a local action group as an objection to the proposal.
- (ii) The Council's landscape consultant undertook a brief assessment of this report. Members were advised that he considered that many of the objections were not reasonable, some of the matters raised warranted further consideration. In response to advice from Officers, Members resolved to defer consideration of the application to give further time for these matters to be addressed.
- (iii) Since that time the applicant has considered the further matters raised and has submitted a revised Landscape and Visual Impact Assessment and updated the Environmental Statement. Re-consultation has taken place on these. The report below includes details of further representations received, and an updated officer appraisal of the application.

### **1.0 THE PROPOSAL**

- 1.1 The planning application seeks permission for the erection of 4no. poultry units, feed bins, a biomass boiler building, a new access road, landscaping and associated works. The poultry sheds and biomass boiler building would be oriented in a north-south direction. Each poultry shed would measure approximately 108.2 metres x 26.6 metres x 2.7 metres to eaves and 6.1 metres to ridge. They would be of steel-framed construction with profiled sheet cladding.
- 1.2 The biomass boiler building would measure approximately 60 metres x 14 metres x 7.5 metres to eaves and 9.1 metres to ridge. The biomass boiler would burn the chicken litter produced at the site, to provide heat for the sheds. There would be a service building, measuring 6 metres x 6 metres x 3.4 metres to ridge. In addition there would be 8 feed bins. These would be located in pairs at the northern gable end of each poultry shed, and would be 8.6 metres high. The application proposes that the buildings and bins would be of a colour to be agreed with the local planning authority. To the north of the buildings would be a concrete yard to allow access to the buildings and vehicle manoeuvring.
- 1.3 The site is sloping and levels range from 185-208 metres AOD. The proposed development would be constructed on a level platform at a finished floor level of 197 metres AOD. This will mean that the buildings would be dug into the ground up to 10 metres. An earth berm would be constructed around the buildings at a height of 203 metres AOD, i.e. 6 metres above the finished floor level. Tree and hedgerow planting would be undertaken around the perimeter of the site. This would include woodland planting on the outer sides of the southern and western sides of the berm. A surface water attenuation ditch would be constructed at the southwestern side of the site.

- 1.4 Existing vehicle access to the farm is gained from the B4364 to the north, via a stoned access track approximately 160 metres in length. The planning application proposes that access to the poultry development and existing farm buildings would be gained via a new access track. This would link to the B4364 at a point approximately 200 metres west of the existing access track.
- 1.5 Each shed would have a low-wattage, low intensity light above the openings to allow safe working during normal working hours during the winter. Additional lighting may be required during the removal of birds but this will be carried out in low light levels to avoid causing unnecessary stress to the birds. High intensity lighting would not be used.
- 1.6 Summary of production cycle: The four sheds would house a maximum of 225,000 broiler birds. The application summarise the production cycle as follows.

The cycle of standard broilers begins with the preparation of the buildings for chick placement including covering the floor with shavings, heating the sheds to the correct temperature and providing sufficient feed. Once the chicks are placed feed input increases over the crop cycle and heat requirements decreases. It is expected at this stage that the sheds will be operated on a thinned at 34 days and final clearance at 38 days. Once all birds have been collected the manure is removed and the buildings are washed down ready for the next cycle leading to 7.5 crops per year.

- 1.7 As detailed in section 6.1.1 below, the planning application is accompanied by an Environmental Impact Assessment (EIA), and this includes a detailed set of reports assessing the potential impacts of the development. These include: an Odour Impact Assessment; Flood Risk Assessment; Landscape and Visual Impact Assessment; Transport Statement; Noise Impact Assessment; Heritage Impact Assessment; Ecological Assessment.

## **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 Walkhamwood Farm is located approximately 7km to the south-east of Bridgnorth and approximately 1km to the north-east of the village of Neenton. The farm extends to approximately 105 hectares (260 acres). The main farming enterprise at the farm is arable cropping with some permanent pasture for 70 breeding ewes. The application site is situated approximately 210 metres to the south of the farm buildings. The main development site covers an area of approximately 4 hectares, forming part of an arable field. The field has a convex profile and falls to the south and west to a stream in a valley bottom, flanked by trees.
- 2.2 The nearest residential property to the main development site is Ridges Farm, approximately 205 metres to the north-west. Other residential properties in the area include: Smeasley Farm, approximately 245 metres to the east; Walkhamwood Farmhouse (applicant's residence), approximately 260 metres to the north; and Ridges Cottage, approximately 280 metres to the north west.
- 2.3 A public bridleway runs in a north-south orientation across the eastern side of the application site. Other public rights of way in the area include footpaths approximately 90 metres to the east; approximately 150 metres to the south; and approximately 225 metres to the west of the proposed development. The boundary of the Shropshire Hills Area of Outstanding Natural Beauty (AONB) is approximately 3km to the west.

### **3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 The proposals comprise Schedule 1 EIA development so a committee decision is mandatory under the Council's Scheme of Delegation.

### **4.0 COMMUNITY REPRESENTATIONS**

#### **4.1 Consultee Comments**

4.1.1 The proposed poultry units and part of the proposed access road are located within Neenton parish. The northern part of the proposed access road is located within Chetton parish.

#### **4.1.2 Neenton Parish Council Objects.**

Comments 6/10/16 following submission of amended plans [full objection can be viewed on the [online planning register](#)]:

- Burning of litter will reduce the potential odour nuisance and other impacts of spreading manure, including some reduction in vehicle movements
- The revised siting and landscaping may be welcome to the nearest residents but landscape impact was not one of the primary concerns for people in the parish
- Primary concerns are odour and traffic impacts, followed by noise and landscape impacts
- Amendments do not address odour nuisance from operations in the sheds; re-calculated Odour Assessment shows some minor improvements for some properties it shows corresponding worsening for others;
- noise from the shed operations are also not reduced
- particular concern that the note in the original submission that fan noise would need to be reduced by 5dB by providing better fans seems to have been forgotten; revised proposal now seems to consider that the original unacceptable noise levels should now be seen as acceptable
- inherent unsuitability of the B4364 for even current levels of HGV traffic, and particularly of large articulated vehicles such as would be involved with the proposed operations
- implication in the Transport Statement that the B4364 is OK for HGV traffic because it has a white line down the middle;
- however ignores the fact that in several places between Faintree and Bridgnorth the road is not wide enough to allow even cars and large HGVs to pass without slowing to a crawl
- frequent occurrence that when two larger vehicles meet traffic has to stop and reverse;
- numerous 'near misses' as well as accidents as result of these pinch points
- risk of damage to vehicles let alone injury simply cannot be dismissed
- in summary, despite some adjustments which would reduce some individual impacts, the primary concerns of Neenton Parish residents have in the main not been addressed
- a minor increase in cycles per year has been incorporated into the latest projections but remain concerned that current industry trends could increase the number of cycles per year by up to 50% with a corresponding substantial increase in impacts of traffic, noise and odour

- disappointed that steps seem to have been taken to require the applicant to improve subsidiary concerns such as landscape without addressing the primary concerns we have raised
- In our February letter, we went to some pains to raise a series of questions which need to be considered and/or better explained, and where better assurance of the acceptability of impacts would need to be provided; requested Shropshire Council, in its further consideration of the proposal, to ensure these points were thoroughly and diligently assessed, using appropriate and objective expertise, but we have seen no sign of this happening
- such a large and potentially damaging project could not reasonably be approved on this site without such a thoroughgoing validation addressing each of these points
- if permission granted, essential that a clear system of agreed safeguards is put in place to ensure that the operations are consistently conducted in a way that ensured there were in practice no unacceptable impacts; some of this might be achieved through the IPPC process whereby sanctions can be applied for non-compliance, the resources for policing and enforcement if required would have to be in place
- routing of traffic towards Bridgnorth should be made a planning condition of any such project that might be approved.

Original comments (Feb 2016):

- submitted reports make reassuring statements
- major shortcomings about validity
- proposal is an industrial rather than an agricultural activity, fundamentally incompatible in several respects with the rural, ancient countryside, close to an AONB
- not clear whether litter would be burned or spread on farmholding; documents suggest both
- not clear how long the bird depopulation activity takes place for
- critically important that the timescales on which the odour and noise impacts are based are firmly validated and projected for a worst-case scenario
- concern that change to practice may lead to shorter crop cycles – for example a change every 5 weeks rather than every 7, increasing frequency of depopulation events and associated peak impacts
- Odour and other airborne emissions:
- Noted that the farming press, carry frequent articles on managing odours from intensive poultry units and the complaints that can arise
- no assessment of odour which may arise from manure spread on site, or stored outdoors on site (which could be for up to 12 months) prior to spreading or transport for spreading elsewhere. Unless it is a condition that all litter/manure must be burned on site these assessments must be made
- query over what is the correct measurement for ‘no odour’ in the dispersion modelling study
- mean values of fluctuating odour levels may obscure short term concentrations well above the benchmark level
- implicit that 2% of the time odour levels are likely to exceed the benchmark of acceptability; 99.5 and 99.8%iles predict levels far above this; at times will be a significant offensive smell on neighbouring properties simply from the sheds themselves

- Shropshire Council should fully validate the odour model
- Query whether manure is to be burned or spread, in relation to odour level
- Likely to lead to more frequent manure spreading and storage on site, if litter not burned; disposal would involve more than 6 times the land area of the applicant's farm according to the figures in the Manure Management Plan
- Control of dusts, particulates, airborne microbes etc. emitted from the fans and emitted from the biomass boiler, particularly if litter/manure is to be burned rather than transported away
- Traffic
- Assumption in the traffic report that the B4364 and the current traffic load on it are acceptable is not correct; numerous representations have been made over the years by Neenton Parish Meeting and neighbouring councils as well as by residents – see below
- poor state of maintenance of the road; potholes are constantly allowed to develop to a dangerous state; repairs are often simply patching which reappear within a short time
- numerous pinch-points along the road where it is difficult for large vehicles to pass; in several places there is no centre line because of the inadequate width, even in some places for ordinary vehicles; traffic hazards; concern over pedestrian safety
- verge erosion and traffic hazards due to inadequate highway width
- following previous complaints, a sign is in place near the Bridgnorth end directing HGVs travelling through to Ludlow to use an alternative route
- marked increase in HGVs in recent years; more, and more effective signage is needed
- need to reduce traffic on the B4364, particularly the largest HGVs which are unsustainable; burden of HGVs especially large ones, unnecessarily using the road for through journeys needs to be eliminated as far as possible
- further assessment needed to distinguish between different sizes of HGVs
- B4364 has a 60mph limit, not 50mph as stated in the Transport Statement
- Noise
- Need to validate noise assessment; timescales for depopulating need validating and projecting for a worst-case scenario
- Assumption in the noise impact assessment that fan noise will be reduced by 5dB is not explained
- Other routine operations which can give rise to significant and sustained noise impacts do not appear to have been assessed – for example blow-unloading of feed from lorries into the feed silos, and extended use of high-pressure washers during clearing out
- Landscape
- Impact on landscape character: location of site in an elevated position in some of the very best south Shropshire countryside, less than 3 miles from the NE edge of the Shropshire Hills AONB and visible from Brown Clee Hill, the highest point in Shropshire, just 4 miles away; very large area and set of structures (6 acres, which would accommodate a large football stadium)
- Materials of construction, especially of the roof, would thus be critical
- Clearly visible in the forward view from the south from selected points on Wrickton Lane
- will be wholly or partly visible to several nearby residents and adversely affect their surroundings, especially in the short term until the proposed tree-planting

- screen to the SW has fully matured
- timescales and extents of cover claimed for this in the Landscape Assessment (p13) seem very optimistic
- proposed tree planting on slopes falling away from site would be well below the ground level of the sheds; would suggest an embankment to the south and west, which would immediately screen the building to an extent, and require trees to grow less before the screen was complete

As part of its objection the Parish Council has submitted an appendix which sets out concerns that were raised at a parish meeting in July 2015 regarding traffic in the area. These concerns are summarised below and can be viewed in full on the online planning register:

- Community Led Concerns July 2015:
- HGV traffic through Neenton is becoming a major issue due to the width and alignment of the public highway; almost impossible for two large vehicles to pass each other; results in: degradation and damage to sides of the road, property and tree branches; a recent incident could have had serious consequences when a lorry broke a branch away; mirror along road no longer satisfactory; traffic speeds in spite of 30mph signs; potholes causing hazards; drainage problems causing pooling of water in the village; road pitting; position of the 30mph speed notice at the Ludlow end of the village has caused a problem

4.1.3 **Chetton Parish Council (parish boundary includes part of the site access road and land to the north-east)** No objections.

4.1.4 **Environment Agency** No objections.

Environmental Permitting Regulations: The proposed development will house a maximum of 225,000 birds, which is above the threshold (40,000) for regulation of poultry farming under the Environmental Permitting (England and Wales) Regulations (EPR) 2010. The EP controls day to day general management, including operations, maintenance and pollution incidents. In addition, through the determination of the EP, issues such as relevant emissions and monitoring to water, air and land, as well as fugitive emissions, including odour, noise and operation will be addressed.

An application for a Permit has been received by the Environment Agency and is currently being reviewed. An ammonia screening was carried out by the Environment Agency on the 25 November 2015. The result was that the proposal screened out from requiring ammonia modelling. Based on our current position, we would not make detailed comments on these emissions as part of the current planning application process. It will be the responsibility of the applicant to undertake the relevant risk assessments and propose suitable mitigation to inform whether these emissions can be adequately managed. For example, management plans may contain details of appropriate ventilation, abatement equipment etc. Should the site operator fail to meet the conditions of a permit we will take action in-line with our published Enforcement and Sanctions guidance. The applicant is advised to contact our Permitting Team (01743 283517) to discuss progressing the EP and the requirements with regards to noise, odour and operation.

For the avoidance of doubt we would not control any issues arising from activities

outside of the permit installation boundary. Your Public Protection team may advise you further on these matters.

Flood Risk: The site is located in Flood Zone 1 (low probability) based on our indicative Flood Zone Map. Whilst development may be appropriate in Flood Zone 1 a Flood Risk Assessment (FRA) is required for 'development proposals on sites comprising one hectare or above where there is the potential to increase flood risk elsewhere through the addition of hard surfaces and the effect of the new development on surface water run-off

Under the Flood and Water Management Act (2010) the Lead Local Flood Authority (LLFA) should be consulted on the proposals and act as the lead for surface water drainage matters in this instance. We would also refer you to our West Area Flood Risk Standing Advice – 'FRA Guidance Note 1: development greater than 1ha in Flood Zone 1' for further information.

Manure Management (storage/spreading): Under the EPR the applicant will be required to submit a Manure Management Plan, which consists of a risk assessment of the fields on which the manure will be stored and spread, so long as this is done so within the applicants land ownership. Information submitted within the Design, Access & Planning Statement proposes that poultry manure will be removed from the buildings, loaded directly into sheeted trailers and transported off site. The manure/litter is classed as a by-product of the poultry farm and is a valuable crop fertiliser on arable fields.

Pollution Prevention: Developers should incorporate pollution prevention measures to protect ground and surface water. We have produced a range of guidance notes giving advice on statutory responsibilities and good environmental practice which include Pollution Prevention Guidance Notes (PPG's) targeted at specific activities. Pollution prevention guidance can be viewed at:

<https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

#### 4.1.5 **Natural England** No objections.

Statutory nature conservation sites: – no objection. Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites.

Protected species: We have not assessed this application and associated documents for impacts on protected species. Natural England's Standing Advice should be applied to this application as it is a material consideration in the determination of applications in the same way as any individual response. The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

Local sites: If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the



application.

Sites of Special Scientific Interest Impact Risk Zones: The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on “Development in or likely to affect a Site of Special Scientific Interest” (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI.

No further comments following amendments.

#### 4.1.6 **SC Ecologist** Recommends conditions and informatives.

The proposed four poultry units will house a maximum of 225,000 broiler birds in total, split between four sheds. The ecological report concludes that:

- The Site and its boundaries may be used by bats for foraging purposes. There are two trees with bat roost potential but these are to be retained during and post development.
- Badgers may, occasionally, traverse and/or forage on The Site but there was no evidence of badger setts within 50m of the proposed development.
- The Site may be traversed by Hedgehog and/or used by Hedgehog for foraging purposes.
- Otter may, occasionally, be present on The Site.
- Vegetation on, bounding and within the immediate vicinity of The Site may be used by Small Breeding Birds for nesting purposes.
- The potential for the proposal to impact of great crested newts is low.

Reasonable avoidance method statement and mitigation has been provided by the ecological consultant:

- The ecological value of The Site post-development will be enhanced by the planting of hedges, the planting of trees and the installation of an attenuation pond.
- Lighting will be designed in accordance with bat conservation guidelines
- Vegetation will be cleared outside of nesting bird season (or if not possible following a check from an ecologist)
- Trenches will be filled in on the same day or precautions will be taken to ensure terrestrial mammals will not become trapped/injured (hedgehogs, badgers, otters)
- Great crested newt method statement will be followed

Conditions should be added to the decision notice to require that work is carried out strictly in accordance with the Ecological Assessment; to require the submission of a landscaping scheme and habitat management plan; to require a pre-development badger check; and to require the provision of bird and bat boxes (see Appendix 1):

Designated Sites: The proposed application is for 225,000 bird places. SC Ecology has requested the ammonia screening assessment output from the Environment Agency. The Habitats Regulations enables Shropshire Council, under Regulation 61, to rely on the ‘evidence and reasoning’ of another competent authority when completing

their assessment (providing they agree with them). Shropshire Council can therefore use the modelling that the EA has provided to complete their HRA.

There are no European sites in 10km or SSSI's within 5km. Local Sites within 2km have screened out below the critical load thresholds. The EA have concluded that detailed modelling is not required to support this application. SC Ecology is satisfied that the proposed application is unlikely to have a significant effect on locally designated sites.

#### 4.1.7 **SC Trees** Recommends conditions.

##### Comments 28/11/16

I have reviewed the further details provided as to the proposed site access (Badingham, 0435 – 001 Rev C) and note that the position of the mature oak tree to the south-west of the access point has been marked on the plan. Scaling from the plan, I consider that construction of the new access road should not result in any significant damage to the oak tree, provided suitable precautions are taken to protect the tree and its root protection area (RPA – as defined in British Standard 5837: 2012 – Trees in Relation to Design, Demolition and Construction) during any approved development. To this end a Tree Protection Plan should be provided to specify and show the physical measures to be taken to temporarily protect the tree in advance of and during any approved construction. In this case I consider that the Tree Protection Plan could be provided as a condition to any permission granted.

I would therefore recommend attaching a tree protection and landscape condition to any approval (see Appendix 1).

##### Comments 8/3/17

I have reviewed the amended plans and documents submitted in association with this application (Environmental Statement V3 Feb 2017, Landscape Visual Impact Assessment Rev B Jan 2017 and Landscape Strategy Proposals Plan LA3412/4 Rev B) and I wish to comment as follows with regards to arboricultural issues.

I consider that the amended tree and hedge planting and maintenance proposals contained within these documents provide additional arboricultural, ecological and landscape benefits over the original proposals. I therefore have no objection to the proposed amendments.

However, one point of detail that I would raise relates to the proposed creation of an avenue of white poplar trees as a screen along the field boundary with The Dairy Farm (annotated P5 on the Landscape Strategy Proposals Plan Rev B). This species, whilst it may have the visual qualities desired by the applicant, is non-native and I would ask whether an alternative, native species might be preferable from an ecological point of view. Possible options for native species might be aspen (similar in size and appearance to white poplar and it also suckers from the base and roots like white poplar), or white willow (fast growing and also with a silvery-white colour to the underside of the leaves). However, I put this suggestion forward merely for consideration and would not object if the applicant wishes to plant white poplar.

Other than these comments, I would refer to previous consultation responses and would recommend attaching tree protection and planting conditions to any permission granted

for this application (see Appendix 1).

4.1.8 **Historic England** No specific comments, in relation to the original application or the revised design. The application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.

4.1.9 **SC Conservation** No objections.

In considering the proposal due regard to the following local and national policies, guidance and legislation has been taken; CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, policy MD13 of the Site Allocations and Management of Development (SAMDev), the National Planning Policy Framework (NPPF) published March 2012, Planning Practice Guidance and Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

The application proposes the erection of 4 poultry units measuring 113m x 26m with a ridge height of 6m, 8 feed bins at 8.6m in height, a biomass boiler building measuring 60m x 18m with a ridge height of 9.1m and other associated works. The poultry units will be of steel frame construction and will be clad with profiled sheeting to be coloured juniper green.

The site lies to the south of Walkhamwood Farm and to the east of Neenton conservation area. Due to the topography of the land the site is not visible from Neenton conservation area or its listed buildings therefore the development would not impact upon their settings. The site lies to the south west of Faintree Hall and Faintree Hall Farm, there is limited visibility between these assets and the proposed site which slopes away to the south and west. It is not considered that the development will have a detrimental impact upon the setting of these assets. The site may be visible from parts of Burwarton Hall Park, however the park has strong tree cover and the distances between the site and the park are such that any impact upon the view would be glimpsed and only a small part of the overall view. It is considered that the development will have a minimal impact upon the setting of heritage assets in Burwarton which will be mitigated to some extent by the proposed planting.

It is considered that the proposed development will generally preserve the character and setting of nearby heritage assets in line with policies, guidance and legislation as outlined above.

No further comments in relation to the amended plans.

4.1.10 **SC Archaeology** Recommends a condition.

Following receipt of the Planning Authority's Scoping Opinion and advice from Historic England (ref. 15/02108/SCO), the applicant has submitted a Heritage Assessment in the form of a Desk Based Assessment and Heritage Impact Statement (DW Archaeology, 2015, Rep. DWA15/7 & DWA15/6). A Landscape Visual Impact Assessment (John Challoner Associates, 2015) has also been submitted with the application.

The Desk Based Assessment demonstrates that, whilst there are no known heritage

assets on the proposed development site itself, a total of thirty three non-designated heritage assets are present within 2km radius study area around the site, predominately of post medieval date. Map regression analysis also shows that the area appears to be the result of activity relating to enclosure of this period. On this basis the assessment concludes that given the limited archaeological resource evident in the area, an archaeological watching brief during the ground works phase of the development would provide an adequate level of mitigation.

The Heritage Impact Statement considers the impact of the proposed development on the setting of the designated and non-designated heritage assets. This indicates that no designated (listed buildings, conservation areas, and registered parks and gardens) or non-designated assets would be affected by the development. In the Landscape and Visual Impact Assessment, it is however noted that the “Zone of Theoretical Visibility” indicates that the Burwarton Registered Park and Garden, referred to as the Burwarton Estate lies within the visible area, and whilst views to the development site are considered restricted and limited, the overall impact is considered minor with mitigation proposals.

In view of the above, and in relation to Paragraph 141 of the NPPF, it is recommended that a programme of archaeological work, to comprise a watching brief during the ground works phase of the development, be made a condition of any planning permission for the proposed development (see Appendix 1).

No additional comments to make following modifications to proposed development.

#### 4.1.11 **SC Highways** [updated comments following modifications to the planning application]

No objections, subject to the development being carried out in accordance with the approved details and the highway conditions/informatives recommended with the previous highway Advice Note 04/11/16.

It is considered that the recently submitted amended details, showing the improvements to the access onto the B4364 (drawing no. Proposed Access 001/C) appears to satisfy the previously recommended pre-commencement highway condition No. 1. All other conditions and informatives are considered to still be required to ensure the development is carried out to the approved details.

##### Previous comments:

The proposed development seeks to construct four poultry sheds and a new vehicular access directly to the B4364 in place of the use of the existing farm access to the east which is too narrow to accommodate two-way HGV movements and affords restricted visibility for emerging vehicles. The existing farm access also carries a public right of way (bridleway).

This B4364 is considered to be of good quality and of sufficient width and construction to serve a greater volume of traffic than it currently does and it is considered that the additional traffic generated by the proposed development can be adequately accommodated on the adjacent highway.

The layout of the proposed new access to the B4364 is shown in principle on Drawing

No. 001 rev A and is acceptable providing that the access width and junction radii can be demonstrated to allow simultaneous entry/exit of articulated HGV's. It is considered that the full width of the access should be surfaced for the first 20 metres so as not to deposit any mud or loose material on the highway. Any gates should also be located a minimum of 20 metres from the B4364 carriageway edge and fixed to open away from the highway to ensure that an articulated HGV can stand clear of the B4364 if the gates are closed.

There is no suggestion that the existing farm access is to be closed as it carries a public right of way (bridleway) however, it is assumed from the submitted correspondence that internal site arrangements will be put in place to restrict the farm and poultry unit traffic to the new access only.

The speed of passing traffic on the B4364 has been surveyed and indicates that 85<sup>th</sup> percentile speeds are between 47.9 and 49.5 mph. It is expected that the localised straight alignment of the B4364 to the southwest of the proposed access may afford good forward visibility and overtaking opportunities where vehicle speeds might be higher than those surveyed. It is considered important that the visibility splay for the new access is sufficient for the likely speed of traffic approaching the site, to ensure highway safety.

Conditions are recommended to require the following (see Appendix 1 for full wording):

- [Highways Officer has now confirmed that this condition is no longer required]. Submission of revised access details for approval, to show: width and junction radii to accommodate two articulated HGV's passing; maximum (dimensioned) visibility splays which can be achieved in both directions;
- Substantial completion of vehicular access works prior to commencement of other site operations;
- Construction of the first 20 metres of the vehicular access in a bound material;
- Gradient of access from the public highway not to exceed 1 in 24 for a distance of 15 metres, and thereafter not to exceed 1 in 10;
- Gates to be set back a minimum distance of 20 metres from the public highway, and to open away from the highway.

No additional comments following amendments.

4.1.12 **SC Rights of Way** Public Bridleway 2, Neenton, runs within the eastern boundary of the site. It will not be directly affected by the proposals. However, please ensure that the applicant adheres to the criteria stated below:

- The right of way must remain open and available at all times and the public must be allowed to use the way without hindrance both during development and afterwards.
- Vehicular movements (i.e. works vehicles and private vehicles) must be arranged to ensure the safety of the public on the right of way at all times.
- Building materials, debris, etc must not be stored or deposited on the right of way.
- There must be no reduction of the width of the right of way.
- The alignment of the right of way must not be altered.
- The surface of the right of way must not be altered without prior consultation with this office; nor must it be damaged.

- No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation

No additional comments following modifications to the proposal.

4.1.13 **SC Drainage** The surface water proposals as detailed in the amended Flood Risk Assessment is acceptable. If planning permission will to be granted, a drainage condition should be attached to ensure that the approved drainage schemes are implemented before the buildings are used.

4.1.14 **SC Public Protection** No objections.

Comments 28/2/17

I can confirm that the odour and noise assessment are considered suitable. Significant tree planting to certain sides of the poultry installation will aid in reducing odour and noise.

It is noted that uncertainty has been mentioned by various parties regarding assessments of noise and odour. Having considered uncertainty it is my opinion that the likely impact from odour and noise will not have a significant impact on the surrounding area. From time to time depending on weather conditions and the time in the rearing cycle odour and noise may be perceived more than at other times however on balance I do not consider the impact will be significant.

Comments 22/11/16

Having considered the comments in the document titled "AS Modelling & Data Ltd. reply to "Comments regarding Dispersion Modelling Study of Proposed Poultry Houses at Walkhamwood Farm, Nr Faintree, Shropshire by AS Modelling & Data Ltd of 18th July 2016." (anon)." prepared by Steve Smith I can conclude that I am in agreement with the statement provided. My conclusion of the potential odour impact remains that I am of the opinion that there will be no significant detrimental impact from the proposed development and I therefore have no objection to this application in respect to odour and do not consider it necessary to place any conditions.

Comments 16/11/16

A document has been submitted which critiques the odour assessment submitted with this application. Having reviewed the odour assessment in light of these comments I am of the opinion that the proposed installation is suitable in respect of odour emissions predicted. I agree with comments stating that uncertainty should be considered. However, as my last comments stated I am satisfied with the approach taken by the odour assessor. There may be some uncertainties however properties are found to be a suitable distance away from the proposed installation to make odour sources likely to impact in a significantly detrimental way.

In respect of noise I have no further comments.

Having considered the odour assessment submitted with this application I consider it to be robust and agree with its conclusions that no significant detrimental impact will occur at nearest residential dwellings.

In relation to the noise assessment submitted I consider this to be robust and consider absolute worst case noise events. I do not consider that the proposed development will have a significant observed adverse effect on nearby residents. It is noted that rating levels are on occasion modelled to be 10 - 15 dB above the background L90 results however this results in maximum noise rating levels of around 35dB at nearest receptors which is not a level that would be considered to have an adverse impact. BS4142, the guidance followed to undertake this assessment, stipulates that where very low background levels exist the methodology of 10dB above background being significant is not likely to be the case.

As a result I have no comments or conditions to make on this application in respect of the noise and odour.

After a thorough assessment of the proposed activities I have no other concerns with this site and therefore have no further comments to make

Previous comments:

A noise report reference SHF.512.001.NO.R001 has been submitted as part of this application. The report covers several different aspects of the proposed operations at the poultry rearing installation applied for. I conclude that the assessment is robust and suitable for use and further comment.

Having reviewed the noise assessment it is stated that a 5dB reduction in noise levels of all fans is required to bring noise levels down to those predicted in the report. This essentially means that fans must be reduced to 76dB rather than the 81dB quoted. The applicant should specify how this will be achieved. Once information is received please reconsult me for further comment.

The noise assessment also states that it is based on the assumption that all openings including doors and windows will have the same noise reducing properties as the main fabric of the building. As a result all doors, windows and other openings in the walls of the proposed buildings must achieve 32dB noise reductions.

In relation to night time movements it is noted that night time movements will increase noise at neighbouring receptors. However, at no point is it likely that noise levels produced along any private road will cause noise levels above 45dB at the façade of non-financially linked properties. As a result World Health Organisation guidelines on noise are not likely to be breached for night time external noise levels. As a result it is not considered likely that there will be any impact from the proposed night time HGV movements due to the distances between the movements and residential properties and the fact that where residential properties are close to the public road they will experience vehicle movements anyway and the additional movements are not likely to impact upon these properties.

In conclusion I have no objection to this application. It will require an environmental permit which will control on site noise and odour however further details relating to fan noise is required in order to establish that there will not be a significant detrimental impact on the amenity of the area. Once details of fan noise and noise mitigation is submitted please consult me for further comment. Likely options include utilising quieter fans or silencers on the fans proposed in this report

**4.1.15 Shropshire Council's landscape consultant – ESP Ltd.**

ESP Ltd. were requested to undertake an independent Quality Assessment Review of the submitted Landscape and Visual Impact Assessment (LVIA). The review was undertaken by chartered landscape architects. They have provided advice on the LVIA as originally submitted; on the revised LVIA's; and on landscape objections that have been made on behalf of a local action group.

Comments on revised LVIA

The Brief to ESP Ltd. had two components:

- Review of the revised LVIA and supporting documents - including the amended Landscape Strategy for the revised layout - in order to ascertain whether the assessor's methodology is in accordance with current best practice and that the ensuing assessment of effects is reasonable;
- Provide advice as to whether the updated LVIA is sufficient to be able to properly inform SC as to the predicted landscape and visual effects of the revised layout of the proposed poultry and biomass development and its access road, or whether any further LVIA work is required.

ESP Ltds. Review of the revised LVIA concludes as follows:

Whilst the LVIA has been amended, some issues remain. Although there are still issues with inconsistencies and the detailed application of the methodology in parts of the assessment, it is our opinion that the LVIA has reasonably identified the likely significant landscape and visual effects, and has played a role as a 'design tool' to inform the mitigation measures that include site design, layout and planting strategy. In this respect it has adequately satisfied the requirements of the LVIA role in EIA. Generally, the landscape proposals respond appropriately to the identified adverse landscape and visual effects.

The site is not within the AONB and is sufficiently distant from it to prevent significant adverse effects on the landscape or visual effects on visitors and residents. Generally the landscape setting does not display sufficient non-designated value or susceptibility to this scale of development to be classified as 'high' in sensitivity. The very local adverse landscape effects of the proposed earthworks are described in the summary table as 'significant', although the proposed mitigation measures and residual effects are not included in the table. This is unfortunate.

There are too few visual receptors and they are too local for the proposed development to generate long-term, significant adverse visual effects that are widely objectionable. The mitigation measures are acknowledged and residual significance listed in the summary table, but not detailed. Again, this is unfortunate.

The assessment of cumulative effects has been reasonably considered.

Comments on Second Review of Landscape and Visual Issues prepared by a landscape architect on behalf of N,F&C Action Group:

A number of the comments made need to be considered further by the applicant.

**4.1.16 Shropshire Hills AONB Partnership** The application may affect the nationally designated area and, as such, the Planning Authority has a statutory duty to take the



AONB designation into account in determining it.

Particularly important in this respect are national policies which give the highest levels of protection to AONBs, including NPPF para 14 footnote 9; para 115; and, in the case of major development, para 116. In addition to other local planning considerations, the application clearly also needs to conform with Shropshire Council Core Strategy policies CS 5, 6, 16 and 17 and SAMDev policies MD 2, 7, 8, 11, 12 and 13 that make specific reference to the Shropshire Hills AONB.

The statutory Shropshire Hills AONB Management Plan 2014-2019 (<http://www.shropshirehillsaonb.co.uk/a-special-place/management-plan/>) formally approved and adopted by Shropshire Council contains further Council policies that are material planning considerations which the Core Strategy requires should be given due weight.

As a non-statutory consultee, the Partnership is not resourced to respond to all planning applications affecting the Shropshire Hills AONB, and has not in making this response studied the detail of this application. The AONB Partnership may choose to make further comments on this application, but if not, the absence of detailed consideration and comments by the Partnership should NOT be interpreted as suggesting that this application raises no issues regarding the AONB designation. This remains a matter for the Council to take fully into consideration, fulfilling its statutory duty in respect of the AONB, in reaching a decision on the application.

Revised proposals: No additional comments.

4.1.17 **Shropshire Wildlife Trust** While the development is of a significant scale it would appear that the ecological impacts are limited. Shropshire Wildlife Trust would however like to highlight and support the comments of the Shropshire Council Planning Ecologist.

We would also recommend that Shropshire Council is satisfied that there will be no significant adverse ecological impacts resulting from emissions to either air or water. This is especially relevant given the adjacent water course and Local Wildlife Sites/Ancient Woodland less than 2km away downwind.

4.1.18 **Shropshire Fire Service** Advice provided – see informatives.

4.1.19 **Ramblers** There is a Right-of-Way adjacent to the development site, Neenton Bridleway 2. The application makes specific mention of strengthening and raising the height of the hedge that forms the boundary of the site.

4.1.20 **British Horse Society** No objections. As a bridleway access officer for the British Horse Society, I received concerns regarding the bridleway running alongside the farm. I have received confirmation that this bridleway will NOT be altered or affected in any way. On this basis, the British Horse Society have no objection to the proposed plans.

4.1.21 **CPRE (Bridgnorth)** We fully support the Parish Council and residents in objecting to this factory style industrial sized farming application. The land is Grade 2 and should be protected. The site slopes down towards a stream, further down to a pool which feeds

the Rea Brook. Effluent seepage from the waste will cause pollution. From the Brown Clee AONB the site is clearly visible and will detrimentally affect much needed tourism for the economy as tourists will not wish to view an eyesore.

Our main concern is that the operation may be expanded. The road is inadequate to take the large lorries needed for the proposal. We agree with the many points already made by other objectors.

4.1.22 **Department for Communities and Local Government** No comments to make on the Environmental Statement.

## 4.2 Public comments

4.2.1 The application has been advertised by site notice and in the local press. In relation to the application as submitted, 20 properties in the area were individually notified. 100 objections have been received, and there have been 39 letters of support. The objection reasons are summarised below.

### 4.2.2 Traffic and access

- Unsuitability of B4364 to take additional traffic
- Generally poor visibility and inadequate width of public highway
- Traffic direction signs seek to inhibit use by non-essential through traffic
- Highway is signposted as 'light traffic only'
- Site is remote from any principal roads of an adequate standard
- Impact on other road users including cyclists, horse riders and walkers
- Submitted accident record does not reflect true situation; many accidents go unreported; has been fifteen accidents in fourteen months on B4364; three crashes within a week in February, one due to HGV unable to negotiate the bend
- Increased risk of accidents on highway; numerous accidents already
- Access unsafe
- Adverse impact on amenity of small settlements and dwellings in close proximity
- Traditional farm traffic is seasonal; proposed traffic would be regular and repetitive
- Timing of deliveries will be dictated by supplier
- 12m junction radii is inadequate
- Uncertainty over timing and frequency of HGVs;
- Traffic estimates not realistic
- Highway impact from construction traffic
- Query where the risk assessment is
- Query whether highways authority have monitored approach to Harpswood Bridge and the bridge, or the Lower Faintree bend
- Faintree bend has had traffic lights policing traffic for the last three weeks following an accident which demolished the crash barrier on the bend
- Verges at pinch points have been eroded causing traffic to take evasive action which creates dangers

### Visual and siting

- Adverse impact on landscape
- Visual impact from properties and public rights of way
- Screening would take years to establish
- Impact upon listed building
- Photographs in the application are taken from the wrong perspective and are

- misleading
- Contrary to policy CS5 and NPPF
- Impact on AONB
- No mitigation measures to ameliorate the visual harm
- Massive scale would be harmful to the landscape character; cannot be integrated or concealed in the landscape
- Roofs would reflect sunlight
- Landscaping proposals set the development apart from its surroundings
- Site could be accommodated on an industrial estate; does not need a countryside location
- Should be more than 1km from residential properties to function satisfactorily

#### Pollution and amenity

- Adverse odour from poultry sheds
- Adverse odour from manure spreading
- Disturbance from heavy traffic, including night-time traffic
- Impact on public rights of way
- Risk of vermin and flies
- Light pollution
- Noise from traffic
- Environment Agency guidance makes reference to a 400m separation distance; three properties are all considerably closer than the recommended minimum distance
- Noise from fans
- Impact on public health
- Impact on water resources
- Pollution from manure spreading, including nitrogen and phosphorous, organic matter, pathogens and antibiotics
- Increased air pollution
- Prevailing wind will carry pollution
- Fans will blow toxic dust, including dead skin, mites, bacteria, fungal spores, veterinary medicines, pesticides, ammonia and hydrogen sulphid
- Danger of airborne bacteria to workers and local residents
- Impact on ancient land drains
- Ammonia emissions
- Bioaerosol emissions
- Land is Grade 2
- Risk of flooding
- Untreated human waste from staff and visitors passed into the dirty water then spread on the farmland
- Issues with ash disposal from biomass burner
- Risk of disease transfer to other animals in the area

#### Ecology

- Impact on wildlife
- Site has not been properly surveyed

#### Economic

- Would only create one full time and one part time job
- Adverse impact upon local businesses including public houses
- Adverse impact on tourism
- Impact on local community is nearly completely negative

#### Principle

- Industrialisation of the area
- UK does not need any more fried chicken
- Chickens should not be kept in restrictive conditions with no access to daylight or fresh air; chickens should be permitted to roam freely
- Outdated, inhumane and unethical farming method
- Operation may be expanded
- Would set a precedent for further similar unsuitable developments

4.2.3 In addition to the above, an objection technical note has been submitted by Banners Gate Transportation Ltd. The full note can be viewed on the online planning register. The objection is summarised as follows:

- Junction visibility is substandard
- Junction geometry is not suitable for large vehicles
- The traffic generation of the project has been underestimated
- The route of the B4364 is suitable for light vehicles only
- Heavy goods traffic would increase the risk of side swipe accidents
- Construction traffic should be discussed

4.2.4 Detailed objections have been received from Marches Planning & Property. The submission states that it is on behalf of the Neenton, Faintree and Chetton Action Group (NF&C) of local residents opposed to the proposed development. Objections raised: (full objections can be read on the online planning register):

4.2.5 Residential amenity:

- Process set out in the Environmental Statement does not reflect widespread practice in the broiler industry; unlikely that the applicant would maintain the stated crop cycle or even the same processor; impact of greater number of crop cycles on odour, noise, dust, bioaerosols, traffic and ecology; would also increase amount of power and water consumed
- Other changes in the industry can be foreseen and should be accounted for, such as the possible banning of thinning
- Application fails to consider anything like the worst-case impacts; contain much contradictory, misleading and inaccurate data
- Does not describe the clean out process, although this generates the most intense odour, noise, dust and bio-aerosol impacts
- Noise from chick delivery not been considered, or from plant
- Removal of litter to storage heaps not considered- impact from odour
- Traffic movements and time taken involved in depopulation is underestimated

Landscape (these objections include those made by a chartered landscape architect):

- LVIA falls short of the requirements of a LVIA
- Contains inaccuracies and contradictions
- Feed silos on elevation drawing are misrepresented
- Cross sections not submitted
- Rate of growth of landscape planting overestimated
- Impact of development on landscape underplayed
- Landscape appraisal is of poor quality; makes only passing reference to historical depth of the landscape
- Hedges and trees would be exposed to high concentrations of ammonia
- would be remote from cluster of farm buildings; no other buildings of similar design

- several appeal decisions have endorse refusal of broiler unit developments on landscape grounds
- proposals are contrary to Development Plan policy
- cumulative effects have not been properly assessed
- photographs appear to have been taken from a crouched position and grass level image claims to show line of vision towards Brown Clee Hill from Smeesley Farm but in fact shows line of sight from a window in the barn
- no assessment of views towards Brown Clee Hill from the footpath or bridleway although the bridleway immediately abuts the site
- Comments from Chartered landscape architect (including 34 page review of LVIA):
- all landscape and visual effects, even with effective mitigation in place, would be negative, and some would be major negative, i.e. significant
- other landscape and visual effects are predicted to be moderate negative – this is an unacceptable level of harm
- proposed is uncharacteristic and inappropriate in the area; would introduce large scale, industrial and alien built form and artificial geometric shapes into what is agreed to be a ‘tranquil landscape of national importance’, of high value, high sensitivity and of high scenic quality within the setting of the AONB
- site is divorced from other agricultural built form
- not a landscape that can naturally or comfortably accommodate such large-scale development
- views would not be fully screened during winter months
- would take at least 10 years for the planting to screen from certain viewpoints in summer
- proposal would neither protect nor enhance the valued landscape
- does not comply with SC’s Strategic Objective to protect, enhance and where possible restore Shropshire’s built, natural and historic environment
- LVIA does not correctly follow the GLVIA3 process
- All the landscape and visual effects would be negative, even with ‘effective’ mitigation

Siting:

- No root protection management plan has been submitted; was specifically requested by the Scoping Opinion
- Concern that the retained corridor between the bridleway and the application site would be used as a farm access, as it would pass over the roots of mature oak trees, which are highly vulnerable to compaction
- Concern that the application states that horse riders have the option to use the existing public right of way leading to Smeesley, as this is a footpath and so not available to riders or cyclists
- Application does not specify why it is ‘impractical’ to install a green roof on the poultry building, despite the Scoping Opinion specifically requesting that they should be considered
- ecology assessment was carried out in September 2015 and is now, therefore, out of date
- fails to include any consideration of the impact on farmland birds; lapwings were observed flying over the site; these are on the red list of most endangered birds under the Birds of Conservation Concern review and a priority species in the UK Biodiversity Action Plan; high risk that the development would destroy lapwing habitat, contrary to the Biodiversity Action Plan, the Natural Environment and

Rural Communities (NERC) Act 2006 and the Wildlife and Countryside Act 1981

- likely that other farmland birds are also present on the site, because the ecology assessment has simply not investigated this habitat

Highway impacts:

- no routing plan submitted
- impact from overnight HGV movements; would be in breach of WHO guidance
- refusal on grounds of such harm has been upheld in appeal decisions
- no assessment of impact of night time HGV movements on homes close to the roads

Pollution:

- manure management plan insufficient
- no assessment of likely environmental impacts of disposal of litter
- no consideration of disposal of dirty water or ash from the biomass boiler
- manure management plan does not consider any pollutant/nutrient other than nitrogen; nutrient of most concern is phosphorous
- lack of comprehensive plan to manage the waste
- poses a sever threat to watercourses under the Water Framework Directive (WFD)
- concerns over spreading of water from washdown on the farmland, as contains nutrients and other pollutants such as disinfectants
- size of dirty water tanks not specified
- inadequate assessment of soil disturbance impacts from construction
- Environmental Permit will not address the above
- Contrary to policies CS18 and CS19
- WFD does not allow for any deterioration in any element of ecological or chemical status
- EA has not as yet agreed to take on the role of competent authority in assessing the environmental impacts of the planning application
- EA received 1679 complaints about poultry units in 2015
- While the EP aims to reduce noise and odour impacts from the facility itself, provided the applicant has noise and odour management plans in place and uses best available technology, he would not be in breach of his EP even if there were severe noise, dust or odour impacts
- An immune response may constitute sever illness and can be fatal
- Unrestricted disposal of the biomass ash on the applicant's land will lead to pollution
- Construction management plan is not sufficient
- Impact of odour, noise and dust on bridleway users not assessed – horses are highly sensitive to these impacts
- correspondence provided regarding a noise complaint in relation to a four broiler unit installation in Herefordshire in response to a noise complaint from a neighbour 400 metres away from the unit regarding pressure washers at 0400 hours
- details of odour issues provided that have arisen in respect of sites within Herefordshire, even where the odour modelling asserted that the properties were well outside the area that would be affected by any odour or dust
- neighbours have also complained that their gardens get covered by dust and feathers although 300-350 metres away
- EA receive nearly 2000 complaints per year about poultry units, principally relating to odour, equivalent to 2 per each installation in England

- applicant's agent have stated in relation to a current application in Herefordshire that it is generally accepted that 400m zone around intensive livestock development is the threshold for nuisance complaints relation to airborne emissions
- if permission granted should be subject to a condition that the litter is burned in the biomass boiler, otherwise would be a material change significantly altering the impact assessments

Lack of sustainability

- Development would be built entirely from non-renewable resource materials, none of which could be sourced locally; production process is highly unsustainable
- No assessment of economic benefit versus social and environmental impacts; small economic benefit
- Unclear as to how water or electricity would be supplied to the site, or how much required, as required under EIA regulations
- Contrary to policies to protect landscape and tourism

Sustainability

- The EIA's failure to assess the future intensification of production renders the assessment of impacts invalid
- Proposed eight cycles per year (based on growing birds for 38 days) does not reflect current industry practice and does not reflect likely future practices; many now harvesting birds at 28 days old with industry predicting 19 days in a very few years; forecast to be at least 15 annual cycles within the lifetime of the proposed development
- Application makes uncorroborated claims about economic and environmental benefits, both misleading and inappropriate in an ES; ES should be a factual document
- No evidence to support assertion that the development would bring us closer to being self-sufficient; UK exported 340,000 tonnes of chicken meat last year
- Chicken meat purchases in the UK have declined
- Not sustainable: involves intensive HGV movements; bulk of feed is soy imported from Latin America
- Industry generates comparatively little employment
- Development puts at risk employment for domestic workers in the tourist industry which makes a larger contribution to the local economy than agriculture; drives out skilled professionals who set up businesses in Shropshire
- Clear potential harm to Thornett & Co. which employs four people at the Barn at Smeesley Farm; EIA does not evaluate the potential loss of this business against the claimed benefits of the proposed development, or reduction in property values
- Inappropriate to site poultry units at such a distance from the main farmhouse; applicants have previously sought permission for a dwelling at the site citing need for a 24 hour presence – examples provided

Agricultural land:

- Land is likely to be Grade 3a, i.e. best and most versatile agricultural land, for which there is a presumption against the development of
- The former woodland cover of the site would have added nutrient and organic matter to the soil, enhancing its quality - Application gives no consideration to the detailed requirements set out by Natural England in the Scoping Opinion in relation to soil as a resource

4.2.6 Detailed objections have been received from Environmental Pollution Management Ltd. (on behalf of Marches Planning & Property) relating to odour, dust and noise impacts, summarised as follows:

- Inputs to the dispersion model could underestimate odour impact
- Uncertainty in the modelling has not been included
- Last 4 days of cycle when odour release likely to be greatest has not been considered
- No evidence that odour from litter stored in biomass boiler building would be contained
- Odour from transportation of manure from site not considered
- Therefore likely that residential receptors would be exposed to odours in excess of the EA's benchmark for moderately offensive odours
- Existing background concentrations of particulate matter not assessed
- Significant release of particulates from stack if litter is burnt
- Impact of bioaerosols on human health not considered
- ES does not consider significant noise sources from certain operations such as filling silos, removal of litter and cleaning of the poultry house; does not consider the combined impact of transport and operational noise sources

4.2.7 An objection has been received from Food & Water Europe, summarised as follows:

- Landscape impact
- Contrary to planning policy
- Absence of other large scale development in the area
- No calculation of how much water would be required
- Water demand may be further complicated if fracking is carried out in the county
- Impact on trees and hedgerows
- Limited economic benefits; no stable employment generated
- Health concerns
- Inconsistent with other poultry proposals that have been refused in the county

4.2.8 Support

- Need to keep affordable chicken on our own supermarket shelves
- Industry is still importing chicken to meet demand; should become more self-sufficient
- Viruses are becoming more and more controllable by the integrators
- Important for farmers to diversity to achieve a more sustainable living
- UK chicken industry needs to be supported
- Business would not impact on anybody
- If can have sheep, pigs and cattle on a farm, why not chickens
- Increase in traffic would be marginal
- Should encourage rural enterprise
- Will create employment for locals
- Will keep the farm within the family
- Live within 100m of a chicken farm and don't have any issues with odour, noise or visual impact
- Production of food must be supported
- Highways are more than adequate to cope
- Biomass boiler would reduce the amount of energy need to heat the sheds
- Environmental Permit would ensure operation meets strict procedures



- Will support local contractors and farmers
- Site is not in the AONB; countryside is not a museum
- Not enough poultry meat in UK to fulfil demand

## 5.0 THE MAIN ISSUES

- 5.1
- Environmental Impact Assessment
  - Planning policy context; principle of development
  - Siting, scale and design; impact upon landscape character
  - Local amenity considerations
  - Historic environment considerations
  - Traffic and access considerations
  - Drainage and pollution considerations
  - Ecological considerations

## 6.0 OFFICER APPRAISAL

### 6.1 Environmental Impact Assessment

- 6.1.1 The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 specify that Environmental Impact Assessment (EIA) is mandatory for proposed development involving the intensive rearing of poultry where the number of birds is 85,000 or more. The current proposal is for up to 225,000 birds and as such it is classed as EIA development. Shropshire Council provided a formal scoping opinion to the applicant in June 2015 (ref. 15/02108/SCO) setting out the matters that would need to be included in any EIA for the proposed development. The current planning application is accompanied by an Environmental Statement, as required by the 2011 Regulations.

### 6.2 Planning policy context; principle of development

- 6.2.1 Planning applications are required to be determined in accordance with the Development Plan unless material considerations indicate otherwise. Material considerations include the National Planning Policy Framework (NPPF), and this advises that the purpose of the planning system is to contribute to achieving sustainable development (para. 6) and establishes a presumption in favour of sustainable development (para. 14). One of its core planning principles is to proactively drive and support sustainable economic development (para. 17). Sustainable development has three dimensions – social, environment, and economic. In terms of the latter the NPPF states that significant weight should be placed on the need to support economic growth through the planning system (para. 19). The NPPF also promotes a strong and prosperous rural economy, supports the sustainable growth and expansion of all types of business and enterprise in rural areas, and promotes the development of agricultural businesses (para. 28). The NPPF states that the planning system should contribute to and enhance the natural and local environment (para. 109) and ensure that the effects (including cumulative effects) of pollution on health, the natural environment or general amenity should be taken into account (para. 120).
- 6.2.2 The proposed development is located in an area of countryside, and Core Strategy Policy CS5 states that development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits,

particularly where they relate to specified proposals including: agricultural related development. It states that proposals for large scale new development will be required to demonstrate that there are no unacceptable adverse environmental impacts. Whilst the Core Strategy aims to provide general support for the land based sector, it states that larger scale agricultural related development including poultry units, can have significant impacts and will not be appropriate in all rural locations (para. 4.74). Policy CS13 seeks the delivery of sustainable economic growth and prosperous communities. In rural areas it says that particular emphasis will be placed on recognising the continued importance of farming for food production and supporting rural enterprise and diversification of the economy, in particular areas of economic activity associated with industry such as agriculture. Core Strategy policy CS1 states that, outside community hubs and clusters settlements, development will primarily be for economic diversification and to meet the needs of the local communities for affordable housing.

- 6.2.3 The planning application states that the proposed development would ensure that the farming business remains viable for the younger generation, and would allow the remaining land to be maintained within arable production. It is proposed that the applicant's son would manage and run the proposed poultry enterprise, and the application states that this would enable him to stay on the farm and build up the business for his family. In terms of employment, the application states that there would be a need for one full-time worker and part-time support. Sub-contractors would also be used on a regular basis through the crop cycle. It states that the development would help to meet the high demand for chicken, and that the proposal would amount to an investment of over £4m by the applicants.
- 6.2.4 The proposal comprises agricultural-related development, and such developments are specifically supported in the countryside, subject to meeting other criteria, under Core Strategy policy CS5. It would constitute a diversification of the existing farm business, and as such its rural location is acceptable in principle by virtue of Core Strategy policy CS1 and para. 28 of the NPPF. The development would be expected to contribute to improving viability of the enterprise and therefore provide some benefits to the rural economy. In principle therefore it is considered that the provision of a poultry unit development in this rural location can be supported. However policies also recognise that poultry units can have significant impacts, and seek to protect local amenity and environmental assets. These matters are assessed below.

### **6.3 Siting, scale and design; impact on landscape character**

- 6.3.1 Core Strategy policy CS6 states that development will be designed to a high quality using sustainable design principles. It seeks to ensure that development is appropriate in scale and design taking into account local context and character, having regard to landscape character assessments and ecological strategies where appropriate. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan policy MD7b states that applications for agricultural development should be of a size/scale which is consistent with its required agricultural purpose, and where possible are sited so that it is functionally and physically closely related to existing farm buildings.
- 6.3.2 Siting, scale and design: The site is not located within an area designated for landscape value. However it is visible from the Shropshire Hills Area of Outstanding

Natural Beauty (AONB), the boundary of which is approximately 3km to the west, particularly from the higher ground forming part of Brown Clee Hill.

- 6.3.3 The planning application as originally submitted proposed that the four poultry sheds and biomass boiler building were to be positioned such that their gable ends were pointing in an east-west orientation. Following discussions with Officers, and to seek to address concerns and comments raised as part of the planning consultation process, the layout of the site was modified to re-orientate the buildings north-south. In addition to this further changes to the site layout have resulted in the footprint of the buildings being reduced from approximately 2 hectares to 1.5 hectares.
- 6.3.4 Officers consider that the revised layout is a significant improvement on that originally submitted. The doors to the sheds would now face north, i.e. closer to the point at which collection vehicles enter the site, so this would reduce vehicle manoeuvring and movements. In addition the site size has been reduced significantly. The external design and scale of the buildings are generally standard for developments of this type, and Officers consider that this is acceptable in principle.
- 6.3.5 An assessment of alternatives has been included in the Environmental Statement. This indicates that, of other possible locations, the application site was chosen given its distance from neighbouring residential receptors, its natural screening, and its topography. There would be some physical detachment between the proposed development and the existing farm buildings at Walkhamwood Farm. Nevertheless the proposed site would avoid the need for significant hedgerow loss given the shape and size of the fields closer to the farm buildings.
- 6.3.6 Use of agricultural land: The proposed development would result in the loss of arable land from the farmholding. The application states that the amount of land lost would be approximately 5% of the applicant's arable land holding. The agricultural land classification maps show the application site to be Grade 3. These standard maps do not differentiate between Grade 3a and Grade 3b agricultural land. Grade 1, 2 and 3a is classed as 'best and most versatile' agricultural land. Nevertheless it should be noted that the land would be retained in agricultural production. Given the area of land involved, the identified Grade, and the continued use for food production, Officers do not consider that the loss of this Grade 3 agricultural land is a significant issue that would warrant refusal of the application.
- 6.3.7 Sustainable design: The proposed development incorporates a number of elements in the design to reduce energy consumption and waste. These measures include the use of movement sensors to minimise the use of lights; temperature-controlled ventilation fans; the use of drip cups to minimise water wastage; the use of a poultry litter-fuelled biomass boiler to avoid the use of non-renewable fuels for heating and to utilise waste generated from the site. These sustainable design principles are supported in the context of Core Strategy policy CS6.
- 6.4.1 Landscaping: The revised site layout incorporates an earth screen berm enclosing the development at a height of six metres above the finished ground levels of the poultry units. The LVIA states that the site design includes a clear planting strategy that focuses on delivering a realistic long term screen belt to protect the amenity of all visual receptors within 1.5km of the site. In addition it is proposed that the farm maintenance

regime is altered such that hedges shall be allowed to grow within a period of two years to a new cut height of 3 metres to form additional linear screening barriers. This compares to the existing regime in which hedges are maintained at a cut height of 1.5 metres.

- 6.4.2 Landscape impacts: The application is accompanied by a Landscape and Visual Impact Assessment (LVIA). This was revised as part of the re-design of the site. Further revisions were made following comments raised as part of the consultation process. Officers have sought advice on both the original LVIA and revisions to the LVIA from the Council's landscape consultants, ESP Ltd. They consider that some issues remain with the LVIA, particularly in respect of inconsistencies and the detailed application of the methodology in parts of the assessment. Nevertheless the consultants advise that the LVIA has reasonably identified the likely significant landscape and visual effects, and has played a role as a 'design tool' to inform the mitigation measures. They consider that the landscape proposals respond appropriately to the identified adverse landscape and visual effects. From this assessment by the Council's landscape consultant, Officers have sufficient confidence that the findings of the applicant's revised LVIA in relation to landscape and visual impact are reasonable.
- 6.4.3 The revised LVIA notes that the site lies within an area of high scenic quality. The development site forms part of a very large field where a convex ground profile gradually falls south and west. It lies between contours 208 to 185 metres. The view is open and exposed in a 90 degree arc from south to west. The LVIA considers that there are two areas of important visual receptors – at long distances greater than 3.5km but not exceeding 11km from the site on the elevated ground of the Clee Hills in the AONB, and at short distances of less than 1.5km where the two most important receptor points lie within 50-250 metres of the development site.
- 6.4.4 Officers agree with the revised LVIA in that the site layout has been well thought out. It acknowledges that the change from rolling field to engineered earth berm would have a significant effect on the landscape. In addition it acknowledges that the proposed buildings would be unique in that it would be the first major construction of poultry units within the study area.
- 6.4.5 The site would be lowered by up to 10 metres such that, given the 6 metre height of the poultry buildings and the 9 metres height of the biomass boiler building, the buildings would not project above the skyline view. Tree and hedgerow removal would be minimal. The revised LVIA states that the screen planting strategy is very comprehensive and once implemented, would create new areas of woodland, linear tree belt and boundary hedgerow that are designed to provide beneficial effects for improving farm biodiversity and at the same time strengthening, protecting and conserving landscape character of the local area. A new hedgerow would define the eastern boundary of the site. This would be 20 metres from the existing hedgerow to the east, to the west of which runs a public bridleway. There would therefore be a wide corridor between the site and bridleway.
- 6.4.6 The revised design proposes that the biomass building would be located centrally between two poultry buildings. This would make best use of the massing effect of the buildings and would help reduce the impact of the relatively high biomass building

surrounded by the lower units.

- 6.4.7 The steep gradients of the cut and fill embankment slopes would be protected with erosion control matting and sown on the inner faces with an eco-rich grass seed mix containing over 35 species to create a natural wild flora grassland habitat to increase farm biodiversity and ecological value. Further landscape planting would include the planting of an avenue of White Poplar approximately 500 metres to the south-west of the site to provide an effective screen for one visible semi-detached farm workers house at Wrickton 1.3km away.
- 6.4.8 The LVIA recognises that the proposed planting is of a scale and size appropriate to the scale of the development to replicate and conserve landscape character of the area. The loss of 4 hectares of arable field would be compensated for with the addition of 0.6 hectares of native woodland. The loss of 70 metres of hedgerow would be compensated for by the planting of 340 metres of hedgerow. The LVIA recommends that new buildings should be painted in one monotone subdued colour, preferably slate blue/grey. This can be agreed by planning condition should permission be granted.
- 6.4.9 The LVIA has assessed the landscape impact of the proposed development from numerous viewpoints, including long distances greater than 3.5km from the site, and short distances less than 1.5km from the site. The LVIA considers that the impact from long distance viewpoints to the west, i.e. on the higher slopes up to Brown Clee Hill and from Burwarton Park approximately 3.8km away would be minor, or minor with mitigation proposals. Landscape impact from viewpoints on the Neenton to Wrickton public highway, approximately 1km to the south-west, would be moderate reducing to minor with mitigation proposals. Landscape impact from certain points along the public bridleway to the east of the site would be significant reducing to moderate with the mitigation proposals. The LVIA notes that the addition of screen planting would result in the loss of the panoramic view of the Clee Hills. The visual impact from the property The Ridges to the northwest, and the public footpath approximately 270 metres to the west and from a bridleway to the east would be significant reducing to moderate with the mitigation planting. The impact from Smeasley Farm to the east would be moderate reducing to minor.
- 6.4.10 Whilst mitigation planting would take time to become fully effective the LVIA notes that due to the lowered construction level of the development, 90% of the new buildings would be hidden from view from the outset. The development is large in scale and, whilst the proposed design and mitigation would minimise visual and landscape impacts, it would nevertheless impact upon the landscape character of the area. This would be particularly noticeable from certain points along nearby public rights of way. The initial significant impacts would reduce in time to 'moderate' as the screen planting establishes.
- 6.4.11 The Council's landscape consultant considers that there are too few visual receptors and they are too local for the proposed development to generate long-term, significant adverse visual effects that are widely objectionable. Officers are of the view that the mitigation planting would reduce landscape and visual impacts to acceptable levels. The Council's landscape consultant considers that the site is sufficiently distant from the AONB (3km away) to prevent significant adverse effects on the landscape or visual effects on visitors and residents. Officers concur with this.

6.4.12 Cumulative landscape impact: The proposed development would be detached from the existing farm buildings and this would create a cumulative visual effect where two distinct developments can be viewed. The LVIA states that the implementation of landscape strategy proposals would reduce the severity of these effects, and that this cumulative effect is not significant. The Council's landscape consultant considers that the assessment of cumulative effects has been reasonably considered in the LVIA.

## **6.5 Historic environment considerations**

6.5.1 Core Strategy policy CS17 requires that developments protect and enhance the diversity, high quality and local character of Shropshire's historic environment. SAMDev Plan policy MD13 requires that heritage assets are conserved, sympathetically enhanced and restored by ensuring that the social or economic benefits of a development can be demonstrated to clearly outweigh any adverse effects on the significance of a heritage asset, or its setting. Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard has to be given to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which it possesses and preserving or enhancing the character or appearance of Conservation Areas.

6.5.2 The application is accompanied by a Heritage Impact Assessment (HIA) which has assessed the impact of the proposal on designated and non-designated heritage assets within a 2km study area. The HIA considers that the site is relatively secluded, and is not even visible from the vast majority of the studied area, and that it is in a landscape formed as a result of ongoing adaptation. It concludes that no designated or non-designated assets would be affected by the proposal, and no damage would be incurred on the known cultural heritage within the footprint of the proposed development.

6.5.3 The Council's Conservation Officer notes that the site is not visible from Neenton conservation area, approximately 1.2km to the west, or its listed buildings, and therefore the development would not impact upon their settings. In addition there is limited visibility between the site and the Grade II listed buildings at Faintree Hall and Faintree Hall Farm, approximately 1.3km to the north-east. It is not considered that the development would have a detrimental impact upon the setting of these assets. The Conservation Officer considers that, whilst the site may be visible from the Grade II registered Burwarton Hall Park, approximately 3.1km to the south-west, the park has strong tree cover and the development would have a minimal impact upon its setting.

6.5.4 It is considered that the proposal would generally preserve the character and setting of nearby heritage assets in line with policies, guidance and legislation as outlined above.

6.5.5 In terms of archaeology, the submitted Desk Based Assessment concludes that given the limited archaeological resource evident in the area, an archaeological watching brief during the ground works phase of the development would provide an adequate level of mitigation. The Council's Archaeologist concurs with this, and has recommended that a condition is added to any planning permission to require that a watching brief is undertaken during ground works (see Appendix 1).

## **6.6 Residential and local amenity considerations**

6.6.1 Core Strategy policy CS5 requires that proposals for large scale new agricultural

development demonstrate that there are no unacceptable adverse environmental impacts. Policy CS6 requires that developments safeguard residential and local amenity. SAMDev Plan policy MD7b states that planning applications for agricultural development will be permitted where it can be demonstrated that there would be no unacceptable impacts on existing residential amenity.

- 6.6.2 An Environmental Permit (EP) for the proposed operation has now been issued by the Environment Agency. This controls the detailed operational matters to prevent pollution of the environment, throughout the lifetime of the development. As noted by the Agency, the EP controls “day to day general management, including operations, maintenance and pollution incidents. In addition, through the determination of the EP, issues such as relevant emissions and monitoring to water, air and land, as well as fugitive emissions, including odour, noise and operation will be addressed”. In response to consultation on this planning application the Agency has raised no specific concerns regarding the proposed development.
- 6.6.3 Noise: A Noise Impact Assessment report has been submitted as part of the planning application. This was updated as part of the revised site layout. The Assessment is based upon a baseline/ambient noise survey undertaken at various locations in the vicinity of the site. Noise levels likely to be generated have then been assessed using criteria set out in the relevant noise standard BS4142. The Assessment identifies the operational plant as: ridge fans; feed bins; biomass boiler; boiler flue outlet; The Assessment concludes that noise impact during the daytime and night-time would be considered to be negligible when considering the current ambient noise climate. Noise associated with HGV movements at the poultry unit have been assessed during each of the operational phases, i.e. initial set up; normal daytime operations; overnight depopulation. The Assessment concludes that, other than for one exception, noise impact from each of these operations would be negligible. The exception is that, during overnight depopulation, noise impact from HGV movements would have moderate significance on properties in the vicinity of Walkhamwood Farm. It is noted however that these properties have a financial interest in the proposal and would be more tolerant to noise. In addition this activity is very infrequent, occurring only once per crop cycle (every 45 days). The Assessment concludes that there are no noise-related issues that would prevent planning permission from being granted for the proposal.
- 6.6.4 The Council’s Public Protection Officer considers that the noise assessment is robust and that it is based upon absolute worst case noise events. The Officer notes that noise levels have been modelled to be 10-15dB above background noise levels in certain circumstances. However this results in maximum noise levels of around 35dB at nearest receptors which is not a level that would be considered to have an adverse impact. Based upon the advice of the Public Protection Officer and the conclusion of the noise impact assessment it is not considered that the proposed development would have an adverse impact upon nearby residents due to noise. As a further safeguard the EP for the poultry operation controls noise from activities at the site.
- 6.6.5 Odour and flies: An Odour Impact report has been submitted as part of the planning application. This has been revised as part of the modifications to the site layout. The report assesses odour emission rates from the proposed poultry unit based upon an emissions model that takes into account the likely internal odour concentrations and ventilation rates of the poultry houses. These emission rates have then been used in an

atmospheric dispersion model to calculate odour exposure levels in the surrounding area.

- 6.6.6 The results of the modelling indicate that the 98<sup>th</sup> percentile hourly mean odour concentration at nearby residences would be below the Environment Agency's benchmark for moderately offensive odours. [The 98<sup>th</sup> percentile is the value that would be exceeded for 2% of the time]. The report acknowledges that odours that arise during the clearing out process can be quite intense. It states that, as the duration of this emission is short, it has little effect on the 98<sup>th</sup> percentile statistics on which the guidance of acceptability is based.
- 6.6.7 The Council's Public Protection Officer considers that the odour assessment is robust and agrees with its conclusions that no significant detrimental impact will occur at nearest residential dwellings.
- 6.6.8 Objections to the proposal have been made on the grounds that the proposal would have adverse odour impact. In addition detailed objections have been received expressing concern that it would be unsafe to proceed with the development for the following reasons:
- Uncertainty has not been considered in the dispersion modelling study
  - It is likely that receptor 3 (Smeasley Farm) would be exposed to odour in excess of the Environment Agency's benchmark for moderately offensive odours
  - The storage of manure within the sealed biomass boiler building would result in anaerobic conditions, producing more offensive odours
  - Odour could be released from the chimney stack of the biomass boiler.
- 6.6.9 The applicant's odour consultant has provided a response that disputes the above. In response to the objections raised, the Public Protection Officer acknowledges that there may be some uncertainties, but considers that residential properties are a suitable distance away and that there would be no significant detrimental impact from odour. The Officer has confirmed that it is not necessary to impose any planning conditions in respect of odour, should permission be granted. As a further safeguard it should be noted that odour emissions would be addressed through the Environmental Permit for the proposed operation. In relation to pests, the Permit requires that a pests management plan is submitted to the Environment Agency for approval if requested by the Agency. The submitted plan would be required to identify and minimise risks of pollution, hazard or annoyance from pests.
- 6.6.10 Lighting: Lighting on the site will be kept to a minimum to ensure the safe operation of the site but to reduce any light spill outside the unit. Each shed will have a low-wattage, low intensity light above the openings to allow safe working during normal working hours during the winter. Additional lighting may be required during the removal of birds but this will be carried out in low light levels to avoid causing unnecessary stress to the birds. There will be no use of high intensity lighting.
- 6.6.11 Based upon the above assessment Officers consider that the proposal would be in line with Core Strategy policy CS6 to safeguard residential amenity from adverse impact from noise, odour and pests. In addition due to the limited impact of the proposed development and the transient nature of users of public rights of way in the area it is not considered that the proposed development would adversely affect the amenity of path



users.

**6.7 Traffic and access considerations; public rights of way**

- 6.7.1 Core Strategy policy CS6 requires that all development is designed to be safe and accessible. Policy CS16 seeks to deliver sustainable tourism, and promotes connections between visitors and Shropshire's natural, cultural and historic environment. Policy CS17 seeks to protect and enhance environmental networks, including public rights of way.
- 6.7.2 A Transport Statement has been submitted in support of the planning application. This includes details of the proposed new access, the results of an automatic traffic count undertaken in 2015, recent Personal Injury Accident data, and a prediction of additional traffic that would be generated by the proposed development.
- 6.7.3 Proposed access: The existing access to the farm is too narrow to accommodate two-way HGV movements and affords restricted visibility for emerging vehicles. It also carries a public right of way (bridleway). It is proposed to construct a new vehicle access to serve both the existing farm and also the proposed poultry development. This would connect to the B4364 at a point approximately 200 metres to the west of the existing access.
- 6.7.4 The proposed access would allow two HGV's to pass at the entrance point. Its construction would necessitate the removal of approximately 20 metres of hedgerow to create the opening. A topographic survey confirms that no hedgerow would need to be removed in respect of achieving the required visibility splays, and that the existing oak tree close to the new access track would not be affected.
- 6.7.5 The Council's Highways Officer has confirmed that the proposed new access is acceptable in principle, and has recommended a number of conditions to ensure that the detailed design is appropriate. In addition a planning condition can be imposed to any permission that requires that all farm and poultry traffic uses the new access only. These are set out in Appendix 1. It is considered that the new access proposals would provide a better access to the farm by improving highway safety, and can be supported.
- 6.7.6 Existing Accident record: The Transport Statement includes Personal Injury Accident data for the most recent three year period (2012 – 2015), and this shows that 12 accidents were recorded within the study area (the B4364) during this period. Based upon an assessment of this data, the applicant's consultant states that the accident record along the local highway network over the three year period does not indicate any particular highway safety issue within the area considered. In addition they consider that it is unlikely that the prevalence of accidents on the local highway network in the vicinity of the site would be materially affected by the proposed development.
- 6.7.7 Proposed traffic movements and route: The predicted traffic generation included in the Traffic Statement was based upon the application as originally submitted, when it was proposed that the biomass boiler would be fuelled by imported wood chip and that chicken litter would be removed from the site by tractor and trailer. The proposal is now that the biomass boiler would be fuelled by chicken litter produced from the site. This would mean that the vehicle movements to and from the site would be reduced in relation to the predictions in the Transport Statement as wood chip would not be

imported and chicken litter would not be exported. The application states that this would result in a reduction of 55 one-way vehicle movements per cycle.

- 6.7.8 Taking this into consideration, there would be 74 vehicles (60 of which would be HGVs) to the site per flock cycle (45 days), which equates to an average of 4 movements per day, of which 3 would be HGV's. The busiest period in terms of HGV movements would be at the end of the cycle when the chickens are collected. This would involve 30 HGVs per cycle. The additional HGV traffic would equate to a 4.9% increase in respect of existing average daily flows of HGV's on the B4364. In respect of all traffic, there would be a 0.2% increase. The application states that when birds are removed from the site at the end of each cycle vehicles would turn right when they join the B4364 and therefore not travel through Neenton village.
- 6.7.9 The Council's Highways Officer considers that the B4364 is of good quality and of sufficient width and construction to serve a greater volume of traffic than it currently does. In relation to the predicted traffic based upon the original proposal that included biomass deliveries and manure removal, the Officer considered that the additional traffic generated by the proposed development could be adequately accommodated on the adjacent highway. The proposal as now amended would result in significantly less HGV traffic than was considered by the Highways Officer.
- 6.7.10 A large number of objections have been raised to the proposal on the grounds that it would have an adverse impact on the local highway network and reduce highway safety. Objectors are concerned regarding the width and alignment of the B4364 at present, and its ability to cope with additional traffic loads. These concerns are acknowledged. Nevertheless in terms of policy guidance, paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are 'severe'. Notwithstanding the concerns that have been raised, including those by Neenton Parish Council and by consultants commissioned by objectors, Officers do not consider that the proposed development would result in a 'severe' magnitude of impact, and therefore it is not considered that a refusal on highways grounds could be substantiated.
- 6.7.11 Public rights of way: The proposed development would not have a direct effect on any public rights of way in the area. The construction of the new access road would result in there being less agricultural traffic on the existing access road which carries a public bridleway. This would provide some benefit to bridleway users by reducing the amount of heavy traffic along this route. The eastern edge of the proposed development would be set back from the bridleway by more than 15 metres. It is considered that this is a sufficient buffer to ensure that the development would not be overbearing to bridleway users. The development would be set down into the ground and this would mean that views of the surrounding landscape, including the higher ground of Brown Clee Hill to the west, from public rights of way in the area, would not be significantly restricted.
- 6.8 **Drainage and pollution considerations**
- 6.8.1 Core Strategy Policy CS18 seeks to reduce flood risk and avoid adverse impact on water quality and quantity. Policy CS6 requires that development safeguards natural resources, including soil and water.
- 6.8.2 The application is supported by a Flood Risk Assessment. Its authors have confirmed

that it remains valid in respect of the modified site layout.

- 6.8.3 Surface water drainage: The FRA notes that the site lies within Flood Zone 1 and therefore has a low probability of fluvial flooding. The proposed development would increase impermeable areas at the site, which would result in higher surface runoff rates. The surface water management strategy for the site includes the construction of a drainage ditch to the south of the site to act as an attenuation basin. This has been designed to drain free of water and remain waterless in dry weather. The ditch would be a minimum of 1.5 metres deep. A flow control device would limit the rate of discharge of the stored water.
- 6.8.4 The Council's Drainage Officer has confirmed that the surface water drainage proposals are acceptable.
- 6.8.5 Foul water drainage: The main mitigating feature of the development is that all operations would take place either within the buildings or on the hardstanding areas around the buildings. There would be separate systems for foul and surface water drainage. Dirty water would only be generated during times when the sheds are cleaned. Dirty wash water would be directed to a foul water storage tank using a diverter valve. The tanks would be emptied when required.
- 6.8.6 The FRA identifies a number of hazards during the operation of the site that could result in pollution. It states that full mitigation measures would be covered in the accident management plan as part of the Environmental Permit. In summary the FRA states that all significant impacts for the construction/decommissioning and operational phases would be mitigated to a minor level (or less) for all identified potential impacts.
- 6.8.7 Manure management: The biomass boiler would burn the chicken litter produced from the poultry units. The litter would be stored in a sealed negative pressured part of the boiler building. The power produced from the biomass boiler would provide heat and power for the site. This sustainable energy would also mean that that manure would not have to be spread on the applicant's farmland or exported off site to be spread on 3rd party farm land. This would greatly reduce the amount of litter being spread directly on the land and the number of vehicle movements to and from the site as no litter will be exported off-site and no wood chip or other fuel will be imported onto the site for use in the biomass boiler.
- 6.8.8 The Environmental Permit for the proposed operation allows for the use of the manure as a biofuel, and requires that the operator maintains and implements a manure management plan. It is considered that this element of the proposed operation is satisfactorily controlled under the Permitting regime. The applicant has confirmed that they have an annual nutrient management plan produced by a qualified agronomist, and that the spreading of ash from burnt litter would be done to Defra guidelines, under the Nitrate Pollution Prevention Regulations.
- 6.8.9 Detailed matters relating to pollution prevention measures are dealt with through the Environmental Permitting process, and controlled through the Environmental Permit for the site.

## 6.9 **Ecological consideration**

- 6.9.1 Core Strategy policy CS17 seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan policies MD2 and MD12 require that developments enhance, incorporate or recreate natural assets. Para. 118 of the NPPF states that local planning authorities should aim to conserve and enhance biodiversity.
- 6.9.2 An Ecological Assessment has been undertaken in support of the planning application. This comprises a Desk Study, an Extended Phase One Habitat Survey, an Initial Bat Survey and a Great Crested Newt Assessment. There are no designated ecological sites within or adjacent to the application site. There are two Local Wildlife Sites within 2km of the site: a woodland approximately 1.2km to the east; and a woodland approximately 1.3km to the east. The Ecological Assessment concludes that the proposal would not adversely affect the conservation status of these sites or the status of protected species recorded within the locality, and the Council's Ecologist concurs with this.
- 6.9.3 The Ecological Assessment concludes that the flora of the site has a very low ecological value. In relation to protected species it concludes as follows. The site and its boundaries may be used by bats for foraging purposes. There are two trees with bat roost potential but these are to be retained during and post development. Badgers may, occasionally, traverse and/or forage on the site but there was no evidence of badger setts within 50m of the proposed development. Although it is not considered that hedgehog would reside on the site or use it for breeding/nesting purposes, hedgehog may traverse the site or use it for foraging. It is possible that otter may traverse the watercourse to the west, and therefore on occasions may be present on the site. Vegetation on, bounding and within the immediate vicinity of the site may be used by small breeding birds for nesting purposes. Given the location and habitat of the site and surrounding area it is not considered likely that water vole would reside on the site. The potential for the proposal to impact on great crested newts is low.
- 6.9.4 The Ecological Assessment states that hedgerow and trees within the immediate vicinity of the site provide a valuable habitat within an agricultural landscape. The proposed development would require the removal of approximately 20 metres of hedgerow in order to form the opening for the new access road. The proposal would also involve the removal of approximately 40-50 metres of hedgerow at the entrance to the poultry unit yard. These hedges are described in the Ecological Assessment as intact species-rich hedges. The removal of part of this hedge would have some ecological impact. However the overall ecological value of the site would be enhanced in the longer term through the planting of trees and hedgerows and the installation of an attenuation pond. Wildlife habitat creation would include the supplementary planting of approximately 100 metres of existing hedge with native species; the planting of a 200 metres avenue of trees along the boundary between the Walkhamwood Farm property and The Dairy Farm to the south-west; the planting of a new native species hedge to provide an understorey to an existing group of trees to the south-west.
- 6.9.5 No specific concerns have been raised by Natural England. The Shropshire Wildlife Trust consider that, while the development is of a significant scale, it would appear that the ecological impacts are limited. The Council's Tree Officer considers that the construction of the new access should not result in any significant damage to the

mature oak tree near the proposed entrance. The tree protection conditions recommended can be added to the decision notice (see Appendix 1).

- 6.9.6 A reasonable avoidance method statement and mitigation has been included in the Ecological Assessment, and a condition can be imposed to require that these are adhered to, as recommended by the Council's Ecologist. Further conditions can be added to require the submission of a landscaping scheme; a habitat management plan; and to require the provision of bird and bat boxes (see Appendix 1).
- 6.9.7 Potential impacts from emissions from the poultry units: Ammonia is released from intensive poultry sheds through the breakdown of uric acid which arises from bird excretion. Ammonia emissions from poultry units can potentially impact on nearby nature conservation sites, damage vegetation and affect sensitive habitats.
- 6.9.8 An ammonia screening was carried out by the Environment Agency on the 25 November 2015. The result was that the proposal screened out from requiring ammonia modelling. Natural England has been consulted on the proposed development and they have raised no concerns regarding the proposed development.
- 6.9.9 There are no European sites in 10km or SSSI's within 5km. Local Sites within 2km have screened out below the critical load thresholds. The Environment Agency have concluded that detailed ammonia modelling is not required to support this application. The Council's Ecologist is satisfied that the proposed application is unlikely to have a significant effect on locally designated sites
- 6.9.10 On the basis of the available evidence it is considered that the proposed development would protect and enhance the natural environment, and is therefore in line with Core Strategy policy CS17 and SAMDev Plan policy MD2 and MD12.

## **7.0 CONCLUSION**

- 7.1 The proposal for a new broiler unit at Walkhamwood Farm comprises an appropriate diversification of the existing farming business. As an agricultural-related development it is supported in principle in this countryside location under Development Plan policy.
- 7.2 The Environmental Impact Assessment has included detailed reports which have identified the potential impacts of the proposal, and put forward mitigation of these impacts. The proposed development would entail the construction of large buildings within a rural location and these would impact upon the landscape character of the area. Nevertheless it is considered that the design and layout of the site, including setting the development on a platform up to 10 metres below existing levels and providing significant peripheral landscaping, would reduce this impact to acceptable levels once the mitigation has established. It is not considered that the proposed development would adversely affect the visual qualities of the AONB located approximately 3km away.
- 7.3 The siting of the buildings has been sensitively chosen to minimise local impact on residential amenity. The layout of the site is appropriate, and the scale and design of the buildings is acceptable. The proposed development would incorporate sustainable design principle to reduce its environmental impact. The loss of Grade 3 agricultural land to the development is not considered to be a significant overriding issue to warrant

refusal of the application. The proposal would preserve the character and setting of nearby heritage assets, and a watching brief can be undertaken during construction to address any archaeological issues.

- 7.4 Potential impacts on residential and local amenity, including from noise and odour, have been appropriately assessed. It is not considered that the proposal would have a detrimental impact upon such amenity. The surface water and dirty water management proposals are of an appropriate design to ensure protection of the site, surrounding areas and water resources from adverse runoff and pollution. In addition an Environmental Permit for the proposed operation has been issued by the Environment Agency and this would provide further additional safeguards against potential environmental harm.
- 7.5 It is considered that the local highway network has sufficient capacity to accommodate the additional traffic that would be generated by the proposed development. The burning of poultry litter produced at the site in the biomass boilers would avoid the need for heavy vehicles to delivery biomass fuel or export manure from the site. The design of the access is acceptable and would provide a better access to the farm than the existing one. The proposal would not result in significant ecological impacts and in overall terms would improve the ecological value of the area through new planting.
- 7.6 The proposal is a large-scale development in a rural area and would have some impact on the local area, including from additional traffic on the public highway, and effects on the visual character of the area. Nevertheless, and with regard to the mitigation put forward, Officers do consider that these impacts would not be unacceptable when weighed against the wider benefits in providing a facility for the rearing of broiler chickens as a diversification scheme for the farm.
- 7.7 Detailed objections have been submitted by consultancies on behalf of local residents in relation to potential impacts of the proposal, including in relation to highways, landscape and pollution. These have been given due consideration by Officers as part of the assessment of the application. Notwithstanding these concerns there have been no objections raised to the proposals by statutory and other consultees, including Natural England, the highways authority, the Environment Agency, and the Council's Public Protection and Ecology team. Officers consider that the proposed development can be supported in relation to Development Plan and national planning policy. As such it is recommended that delegated authority is given to the Planning Manager to grant planning permission for the proposed development subject to the conditions as set out in Appendix 1 and any amendments to these considered necessary.

## 8.0 Risk Assessment and Opportunities Appraisal

### 8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.

- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

## 8.2 Human Rights

Article 8 give the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

## 8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1970.

## 9.0 Financial Implications

There are likely financial implications of the decision and/or imposition of conditions if challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependant on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – in so far as they are material to the application. The weight given to this issue is a matter for the decision maker.

## 10. Background

### 10.1 Relevant Planning Policies

#### 10.1.1 Shropshire Core Strategy

- Policy CS5 (Countryside and Green Belt)
- Policy CS6 (Sustainable Design and Development Principles)

- Policy CS13 (Economic Development, Enterprise and Employment)
- Policy CS16 (Tourism, Culture and Leisure)
- Policy CS17 (Environmental Networks)
- Policy CS18 (Sustainable Water Management)

10.1.2 SAMDev Plan

- Policy MD2 (Sustainable Design)
- Policy MD8 (Infrastructure Provision)
- Policy MD12 (Natural Environment)
- Policy MD13 (Historic Environment)

10.2 Central Government Guidance:

10.2.1 National Planning Policy Framework (NPPF)

RELEVANT PLANNING HISTORY:

10/01201/VAR Variation of Condition No.3 (materials) attached to 07/1005 to allow for a variation in approved materials GRANT 19th May 2010

10/05547/DIS Discharge of condition on planning application 10/01201/VAR DISAPP 18th January 2011

11/01984/AGR Erection of an agricultural storage building PNAGR 27th May 2011

12/00004/AGR Erection of an agricultural building PNAGR 19th January 2012

15/02108/SCO Proposed development of four poultry units, 10 feed bins and biomass boiler SCO 17th June 2015

16/01034/OHL To uprate approx 545 metres of existing 1,000 volt overhead line from 2 wire to 3 wire and to erect and additional 230 metres of 11,000 volt 3 wire overhead line to provide a service to a customer at Walkhamwood Farm NOOBJC 6th July 2016

BR/APP/FUL/07/1005 ERECTION OF SINGLE STOREY SIDE AND REAR TWO STOREY EXTENSION GRANT 24th January 2008

11. Additional Information

View details online: <https://pa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage&searchType=Application>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member  Cllr Robert Tindall
Appendices APPENDIX 1 - Conditions



**APPENDIX 1 - Conditions**

**STANDARD CONDITION(S)**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).
2. The development shall be carried out strictly in accordance with the approved plans and drawings  
Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

**CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES**

3. No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works.  
Reason: The site is known to hold archaeological interest.
4. Before any other site operations are commenced, the vehicular access works shown on drawing no. 001 rev. C (Proposed Access) shall be substantially completed with the approved visibility splays cleared of all obstructions exceeding 800mm in height above the level of the adjacent carriageway.  
Reason: To ensure that the development will not prejudice the free flow of traffic and conditions of safety on the highway nor cause inconvenience to other highway users.
5. No development hereby permitted shall take place until details of the external materials and colour treatment of all plant and buildings have been submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details, and retained as such for the lifetime of the development.  
Reason: To ensure an acceptable appearance to protect visual quality.
6. Where the approved plans and particulars indicate that construction work or installation of any drainage or service run is to take place within the Root Protection Area of any retained tree or hedge, then prior to commencement of any development-related works on site, a Tree Protection Plan (TPP) shall be submitted to and approved in writing by the LPA. The TPP shall include details on how any such retained tree or hedge will be protected from harm or damage during the development.  
Reason: to ensure that permitted work within an RPA is planned and carried out in such a manner as to safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

7. All pre-commencement tree protection measures detailed in the approved Tree Protection Plan (TPP) shall be fully implemented to the written satisfaction of the LPA, before any development-related equipment, materials or machinery are brought onto the site. Thereafter the approved tree protection measures shall be maintained in a satisfactory condition throughout the duration of the development, until all equipment, machinery and surplus materials have been removed from the site.  
Reason: to safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.
8. (a) No works associated with the development will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a tree planting scheme, prepared in accordance with British Standard 8545: 2014 Trees: from Nursery to Independence in the Landscape Recommendations, or its current version, has been submitted to and approved in writing by the LPA. The approved scheme shall include:  
(i) details of the trees and shrubs to be planted in association with the development, including species, locations or density and planting pattern, type of planting stock, size at planting, means of protection and support, planting period and date of completion, and measures for post-planting maintenance and replacement of losses;  
(ii) details as relevant of the specification and location of the barriers to be installed prior to commencement of development (and / or any other measures to be taken), for the protection of ground reserved for the planting identified in (i) above.
- (b) The approved tree planting scheme shall be implemented as specified and in full within the timescale agreed with the LPA. If within a period of three years from the date of planting, any tree or shrub, or any tree or shrub planted in replacement for it, dies, is uprooted or removed, or becomes seriously damaged or diseased, another tree or shrub of a similar specification to the original shall be planted at the same place during the first available planting season.  
Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.
9. Prior to the commencement of development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented fully in accordance with the approved details for the duration of the construction period.  
Reason: In the interests of highway safety, pollution prevent and local amenity.
10. A habitat management plan shall be submitted to and approved in writing by the local planning authority prior to the use of the buildings permitted. These works shall be carried out as approved. The plan shall include:  
a) Description and evaluation of the features to be managed;  
b) Ecological trends and constraints on site that may influence management;  
c) Aims and objectives of management;  
d) Appropriate management options for achieving aims and objectives;  
e) Prescriptions for management actions;  
f) Preparation of a works schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually);  
g) Personnel responsible for implementation of the plan;

h) Monitoring and remedial/contingencies measures triggered by monitoring.  
The plan shall be carried out as approved, unless otherwise approved in writing by the local planning authority, for the lifetime of the development.

Reason: To protect features of recognised nature conservation importance.

11. No building and construction work shall be commenced unless evidence has been provided to the Local Planning Authority that no badger setts are present within 30 metres of the development site to which this consent applies immediately prior to work commencing. The site should be inspected within 3 months prior to the commencement of works by an experienced ecologist and a report submitted to the Local Planning Authority. If the survey indicates the presence of any Badger Setts within 30 metres of the site then prior to the commencement of the development an updated mitigation plan shall be submitted for the approval of the Local Planning Authority. The mitigation shall be undertaken in accordance with this approved plan which should include an artificial badger sett.

Reason: To ensure the protection of badgers, under the Badgers Act (1992)

#### **CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT**

12. A total of 2 woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be erected on the site prior to first occupation of the buildings hereby permitted.

Reason: To ensure the provision of nesting opportunities for wild birds.

13. A total of 2 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site prior to first use of the building hereby permitted. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained.

Reason: To ensure the provision of roosting opportunities for bats which are European Protected Species.

14. The surface water drainage scheme shall be installed in accordance with the approved drainage plan and details prior to the first use of any of the buildings hereby approved.

Reason: To ensure that the surface water drainage systems are adequate and to minimise flood risk.

#### **CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT**

15. The full width of the vehicular access shall be constructed in a bound material for a distance of 20 metres from the B4364 nearside carriageway edge before any other site operations are commenced and thereafter maintained for the life of the development.

Reason: To provide a safe access to the development in the interests of highway safety.

16. The gradient of the access from the B4364 carriageway edge shall not exceed 1 in 24 for a distance of 15 metres and thereafter the gradient of the drive shall not exceed 1 in 10.

Reason: To provide a safe access to the development in the interests of highway safety.

17. Any gates provided to close the proposed access shall be set a minimum distance of 20 metres from the B4364 carriageway edge and shall be made to open away from the highway only.

Reason: To provide a safe access to the development in the interests of highway safety.

18. Heavy Goods Vehicles and tractors shall not access or egress Walkhamwood Farm or the poultry units from the B4364 other than via the access road permitted under this planning permission.

Reason: In the interests of highway safety.

19. (a) The number of birds at the site within the poultry rearing buildings shall not exceed 225,000 at any time.

(b) Records of the number of birds delivered to the site during each cycle shall be made and these shall be made available to local planning authority on request.

Reason: To avoid adverse impacts due to intensification of the development.

20. Work shall be carried out strictly in accordance with the Ecological Assessment conducted by Star Ecology (November 30th 2015) and Post Development Wildlife Habitat letter prepared by Star Ecology (17th February 2017).

Reason: To ensure the protection of bats, great crested newts, nesting birds, otters, badgers and hedgehogs.

### **Informatives**

1. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 187.
2. The right of way - Public Bridleway 2 Neenton - must remain open and available at all times and the public must be allowed to use the way without hindrance both during development and afterwards.  
 Vehicular movements (i.e. works vehicles and private vehicles) must be arranged to ensure the safety of the public on the right of way at all times.  
 Building materials, debris, etc must not be stored or deposited on the right of way.  
 There must be no reduction of the width of the right of way.  
 The alignment of the right of way must not be altered.  
 The surface of the right of way must not be altered without prior consultation with this office; nor must it be damaged.  
 No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation.
3. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent.

All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive

Note: If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

4. Great Crested Newts are protected under the European Council Directive of 12 May 1992 on the conservation of natural habitats and of wild fauna and flora (known as the Habitats Directive 1992), the Conservation of Habitats and Species Regulations 2010 and under the Wildlife & Countryside Act 1981 (as amended).

If a Great Crested Newt is discovered on the site at any time then all work must halt and Natural England should be contacted for advice.

5. Badgers, the setts and the access to the sett are expressly protected from killing, injury, taking, disturbance of the sett, obstruction of the sett etc by the Protection of Badgers Act 1992.

No works should occur within 30m of a badger sett without a Badger Disturbance Licence from Natural England in order to ensure the protection of badgers which are legally protected under the Protection of Badgers Act (1992).

All known Badger setts must be subject to an inspection by an experienced ecologist immediately prior to the commencement of works on the site.

6. Mud on highway  
The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

No drainage to discharge to highway

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

Works on, within or abutting the public highway This planning permission does not authorise the applicant to:

Construct any means of access over the publicly maintained highway (footway or verge)  
or

Carry out any works within the publicly maintained highway, or

Authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

The applicant should in the first instance contact Shropshire Councils Street works team. Please note: Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant

can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.

7. Consideration should be given to the information contained within Shropshire Fire and Rescue Services Fire Safety Guidance for Commercial and Domestic Planning Applications which can be found using the following link:  
<http://www.shropshirefire.gov.uk/planning-applications>

Specific consideration should be given to the following:

Enclosed Agricultural Buildings over 280m<sup>2</sup>

Access for Emergency Fire Service Vehicles

It will be necessary to provide adequate access for emergency fire vehicles. There should be sufficient access for fire service vehicles to within 45 metres of every point on the projected plan area or a percentage of the perimeter, whichever is less onerous. The percentage will be determined by the total floor area of the building. This issue will be dealt with at the Building

Regulations stage of the development. However, the Fire Authority advise that early consideration is given to this matter.

THE BUILDING REGULATIONS, 2000 (2006 EDITION) FIRE SAFETY APPROVED DOCUMENT B5. provides details of typical fire service appliance specifications.

Water Supplies for Fire fighting Building Size

It is important to note that the current Building Regulations require an adequate water supply for firefighting. If the building has a compartment of 280m<sup>2</sup> or more in area and there is no existing fire hydrant within 100 metres, a reasonable water supply must be available. Failure to comply with this requirement may prevent the applicant from obtaining a final certificate.

8. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from [www.planningportal.gov.uk](http://www.planningportal.gov.uk) or from the Local Planning Authority. The fee required is £97 per request, and £28 for existing residential properties.

Failure to discharge pre-start conditions will result in a contravention of the terms of this permission; any commencement may be unlawful and the Local Planning Authority may consequently take enforcement action.

9. In determining this application the local planning authority gave consideration to the following policies:

Shropshire Core Strategy

Policy CS1 (Strategic Approach)

Policy CS5 (Countryside and Green Belt)

Policy CS6 (Sustainable Design and Development Principles)

Policy CS13 (Economic Development, Enterprise and Employment)

Policy CS16 (Tourism, Culture and Leisure)

Policy CS17 (Environmental Networks)

Policy CS18 (Sustainable Water Management)

SAMDev Plan

Policy MD2 (Sustainable Design)

Policy MD7b (General Management of Development in the Countryside)

Policy MD8 (Infrastructure Provision)

Policy MD12 (Natural Environment)

Policy MD13 (Historic Environment)

Central Government Guidance:

National Planning Policy Framework (NPPF)

National Planning Practice Guidance

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Committee and date

South Planning Committee

4 April 2017

## Development Management Report

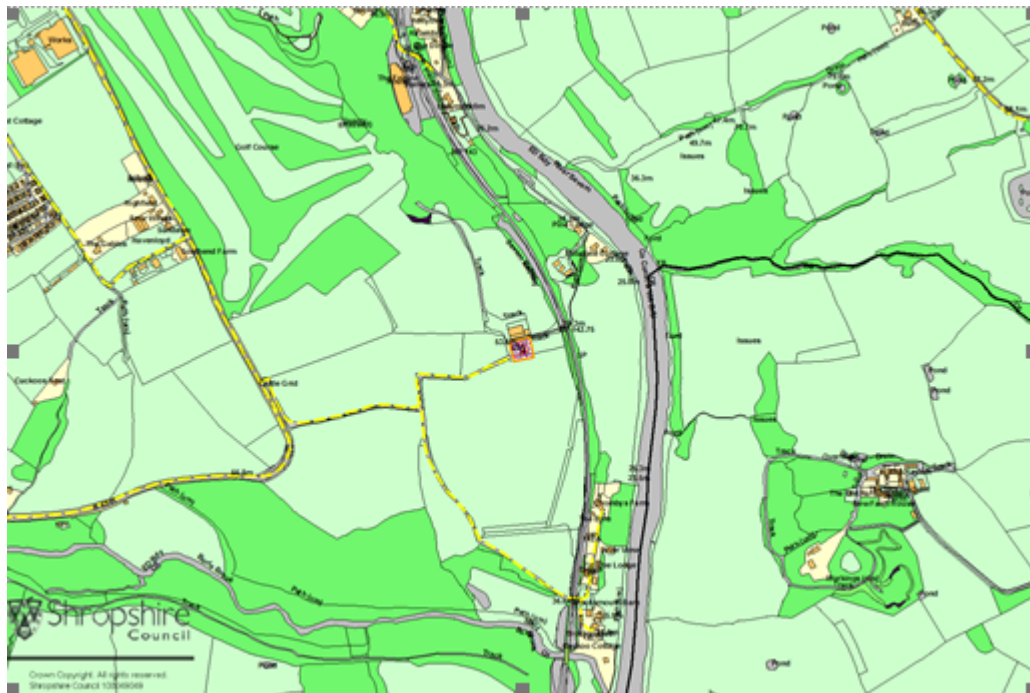
Responsible Officer: Tim Rogers

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### Summary of Application

<b>Application Number:</b> 16/04135/FUL	<b>Parish:</b>	Highley
<b>Proposal:</b> Change of use of agricultural buildings to 2 dwellings and installation of septic tank drainage (Part Retrospective)		
<b>Site Address:</b> Agricultural Building NW Of Coombys Farm Severn Side Highley Shropshire		
<b>Applicant:</b> Mr C Herbert		
<b>Case Officer:</b> Elizabeth Attwood	<b>email:</b> <a href="mailto:planningdmse@shropshire.gov.uk">planningdmse@shropshire.gov.uk</a>	

**Grid Ref:** 375144 - 282299



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**Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.**

## REPORT

### 1.0 THE PROPOSAL

- 1.1 This planning application change of use of agricultural buildings to 2 dwellings and installation of septic tank drainage (Part Retrospective).
- 1.2 The background to this application is that in 2015 application 15/01903/PMBPA for prior approval as Permitted Development under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 was made under recently introduced permitted development rights for the change of use from agricultural to residential use. It was determined from the information supplied that Prior Approval was not required subject to conditions on 28<sup>th</sup> Jul 2015.
- 1.3 The proposal was to convert a range of buildings previously used for agriculture into two dwelling houses. The external dimensions of the buildings would not extend beyond the external dimensions of the existing buildings and the applicant confirmed that the works required to implement the conversion would involve the following:
- Renovation of roof coverings where necessary
  - Installation of doors and windows
  - Installation of mains water and electricity services (both are already on site)
  - Installation of septic tank.
- 1.4 The cumulative floor space of the existing buildings is 407.72 sq.m. and there are no other dwellings which have been developed previously under Class MB.
- 1.5 The proposed residential curtilage space originally submitted amounted to a total of 316 sq.m. which would exceed the requirements in the regulations that such areas should be no larger than the land area occupied by the agricultural building (i.e. approximately 292 sq.m.) Accordingly amended plans were submitted to reduce the curtilage to 292 sq.m. The site did not form part of a SSSI neither was it listed or curtilage listed.
- 1.6 A visual inspection by the case officer in 2015 confirmed that the buildings were of substantial construction and in good structural condition. Issues in respect of transport and highways, noise impacts, contamination, flood risk, ecology and design and external appearance were considered and were deemed to be acceptable and hence Prior approval in respect of these matters was not required.
- 1.7 Therefore, having assessed the application it was found to meet all of the above criteria and therefore was deemed to be 'Permitted Development'.

- 1.8 This application has been submitted because it is considered that some of the works which have been undertaken are outside the limits of what is permitted under the Prior Notification scheme.
- 1.9 The buildings are grouped around a small courtyard and comprise of 'U' shaped range that would provide residential accommodation. The western side of the courtyard is enclosed by a detached building that would provide garaging/storage and the entrance into this shared space. Each dwelling unit would have an 'L' shaped plan. The larger southern unit would be part single and part two storey. It would provide a utility room, kitchen, sitting room, hallway, office and lounge (Or fourth bedroom) on the ground floor, with three bedrooms (one ensuite) and bathroom at first floor level. The ground floor of the smaller northern unit would contain a dining/sitting room and kitchen, and three bedrooms (one ensuite) and a shower room on the first floor. The roof finishes are a mix of clay plain tiles and natural slate, with the walls being predominantly stone with some areas of brick work and horizontal boarding. Hipped roofs are a feature of three gable ends in the building group. Full external joinery details have been submitted with the application. The residential curtilage would comprise of areas to the south, east and north of the buildings enclosed by a combination of stock proof post and rail fencing and hedging. A field access track runs along the northern side of building group, separating them from an existing building which remains in farming use. The dwellings would share a septic tank and drainage field in agricultural land immediately to the east of the residential curtilage, with surface water disposed of to soakaways.

## **2.0 SITE LOCATION/DESCRIPTION**

- 2.1.1 The site is barns at The Heath, which is a part of Coombys Farm, Severnside, Highley. The Heath is a separated site on Coombys Farm, divided by the Severn Valley Railway line and about 3/4mile. The Heath is just south of the Severn Valley Country Park and is adjacent to the Severn Valley Railway.
- 2.1.2 The site is accessed via a metalled farm track from New Road, the B4555 which splits and leads to both properties. There is a right of way running adjacent to the site, Footpath 0127/34/1.
- 2.1.3 The range of buildings subject of this application are located within a complex of agricultural buildings access to which is via a long drive joining the public highway to the south of Highley in the open countryside.
- 2.1.4 The active farm comprising 105 acres is a primarily a sheep farming enterprise (165 sheep live outside for all of the time with the exception of lambing) and the active building consists of three sections. The section nearest to the application site is a "pole barn" with steel sheet cladding approximately 30m x 10m. It is separated from the application buildings by a strip of land some 8 metres wide. This section of the farm building is used solely for the storage of feed corn, hay and bedding straw.
- 2.1.5 The second section is furthest from the application site and is about 30m x 10m. It

has access through the east and west gables. It is only used for roughly 4 weeks each year when lambing is in progress. This section is separated from the application buildings by the feed/straw storage building - plus the 8m wide strip of land, (i.e. the nearest part of this lambing shed is some 18 metres from the application building).

- 2.1.6 The third section of the farm building consists of a smaller lean-to addition (some 10m x 9m), with a steel sheeted roof. This building is also used for lambing for about four weeks a year. The area of yard to the north of the farm building is used for the storage of (home produced) haylage.

### **3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 The Chair and Vice Chair of the South Planning Committee, in consultation with the Principal Officer, consider that in view of the public representation received and the planning history of the site it would be appropriate for the Committee to appraise the site context of the development.

### **4.0 Community Representations**

- Consultee Comments

- 4.1 Highley Parish Council – no objections
- 4.2 SC Highways – no objections and suggest informatives in respect of the PROW and works abutting the public highway. *The site is a significant distance from the public highway and therefore the latter informative is not relevant.*
- 4.3 SC Drainage – no objections and suggests an informative in respect of a sustainable drainage scheme
- 4.4 SC Affordable Housing - Whilst the Council considers there is an acute need for affordable housing in Shropshire, the Councils housing needs evidence base and related policy pre-dates the judgment of the Court of Appeal and subsequent changes to the NPPG, meaning that on balance and at this moment in time, national policy prevails and no affordable housing contribution would be required in this instance.
- 4.5 SC Ecology - Conditions and informatives recommended.

A preliminary bat survey was carried out on this site in March 2015 by Chelmarsh.

#### Bats

The buildings were found to be largely unsuitable to support roosting bats and no evidence of bat presence was observed.

Care should be taken during works to the roofs and should a bat be found at any point, works must cease and a suitably qualified ecologist contacted for advice.

Bat boxes (or integrated bat bricks) should be erected on the converted buildings to

enhance the roosting opportunities available for bats.

New lighting on the site should be sensitive to bats and follow the Bat Conservation Trust's guidance.

### Birds

Three swallows nest and one blackbird nest were observed in building C and 'a small bird, presumably a tit species had either been nesting or roosting' in a gap in the wooden fascia of Barn B.

Works to the buildings should take place between October and February to avoid harming nesting birds. If this is not possible then a pre-commencement check for active nests should be carried out and if any active nests are present, works cannot commence until the young birds have fledged.

Replacement nesting opportunities should be provided in the converted building by erecting bird boxes.

### Other species

No evidence of any other protected species was observed on, or in close proximity to, the site and no additional impacts are anticipated.

Site materials should be stored off the ground to prevent them being used as refuges by wildlife.

Trenches should be covered overnight or contain a ramp so that any animal that becomes trapped has a means of escape.

### Conditions and informatives

The following conditions and informatives are recommended for inclusion on the decision notice:

#### **Bat box condition**

Prior to first occupation / use of the building, details for the provision of bat boxes shall be submitted to and approved in writing by the Local Planning Authority. A minimum of 2 external bat boxes or integrated bat bricks suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site. The boxes shall be sited in accordance with the latest guidance (currently [http://www.bats.org.uk/pages/bat\\_boxes.html#Putting up your box](http://www.bats.org.uk/pages/bat_boxes.html#Putting up your box)) and thereafter retained for the lifetime of the development.

Reason: To ensure the provision of roosting opportunities for bats, in accordance with MD12, CS17 and section 118 of the NPPF.

#### **Bird box condition**

Prior to first occupation / use of the building, details for the provision of bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The

following artificial nests shall be provided:

1. A minimum of 2 swallow cups.
2. A minimum of 1 open-fronted nest box suitable for blackbirds.
3. A minimum of 1 box suitable for small birds (32mm hole, standard design).

Reason: To ensure the provision of nesting opportunities for wild birds, in accordance with MD12, CS17 and section 118 of the NPPF.

### **Lighting plan**

Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's *Bats and Lighting in the U.K.* guidance.

Reason: To minimise disturbance to bats, European Protected Species.

### **Informative: Ecology – Bats**

All bat species found in the U.K. are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended).

It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct access to a bat roost. There is an unlimited fine and/or up to six months imprisonment for such offences.

During all building renovation, demolition and extension works there is a very small risk of encountering bats which can occasionally be found roosting in unexpected locations. Contractors should be aware of the small residual risk of encountering bats and should be vigilant when working in roof spaces and removing roof tiles etc.

If a bat should be discovered on site then development works must halt and a licensed ecologist and Natural England (0300 060 3900) contacted for advice on how to proceed. The Local Planning Authority should also be informed.

### **Informative: Ecology – Nesting wild birds**

The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one that is being built, containing eggs or chicks, or on which fledged chicks are still dependent. It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal, scrub removal and/or conversion, renovation and demolition work in buildings should be carried out outside of the bird nesting season which runs from March to September inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation or buildings cannot be clearly seen to be clear of nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

If during construction birds gain access to any of the buildings and begin nesting, work must cease until the young birds have fledged.

### **General site informative for wildlife protection**

The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife.

Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

## 4.6 - Public Comments

A site notice has publicised the application. One representation has been received; the issues raised are;

- ☐ the single storey and two storey barns were merely ruins in 2004,
- ☐ Both barns have been demolished to ground level and reconstructed
- ☐ With new window openings to suit future adaptation to living accommodation.
- ☐ the stonework has been recently laid, the bonding is "random rubble" and no attempt has been made to dress the stonework as was customary at the time of the original barn construction.
- ☐ The application makes it clear these barns are surplus to agricultural needs so why has the applicant recently rebuilt barns that he has no agriculture use.
- ☐ The hipped roof is not appropriate, the large patio windows are out of character in barns.
- ☐ The cart shed would have had open arches only to the courtyard side Only and the two-storey barn would have only east and west doors to thresh the corn.
- ☐ The three large picture windows to the SW are all new openings and are out of character with barns.

- ☐ The roof to the two-storey barn has been raised an additional metre more than show on plan.
- ☐ The Conservation survey was carried out when bats were hibernating the bat boxes are too small.
- ☐ Other matters in respect of holiday lets, planning history on the site and motocross were raised but are not material planning considerations in determining this application.

Photographs and photomontages have also been submitted purporting to show the building in various states of repair.

## 5.0 THE MAIN ISSUES

Principle of development  
Siting, scale and design of structure  
Visual impact and landscaping  
Residential Amenity  
Highway Safety  
Ecology  
Affordable Housing

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

6.1.1 This application has been submitted because it is considered that some of the works which have been undertaken are outside the limits of what is permitted under the Prior Notification scheme.

6.1.2 These include;

- The previously approved flat roof to the western barn being amended to a slate hipped roof with clay ridge and hip tiles to match the south elevation;
- An increase in length of the four light wide window in the gable end of elevation B and the omission of the waney edge timber boarding;
- The three light wide 1st floor window on elevation A being amended to a two light wide;
- The four light wide French doors on elevation B now being a three light wide (in the same opening);
- Approved 4 x two light wide window on the north D elevation being reduced to 3 windows;
- The approved mono pitched roof to the garage building now being a pitched roof;
- Approved cement rendered brickwork now faced with reclaimed brick;
- Approved 2x ground floor windows on south elevation E reduced to 1 window.

6.1.3 Local Development Framework Core Strategy Policy CS5 – Countryside and Green Belt, permits 100% open market conversions in the rural area where the buildings constitute a “heritage asset” and where respect for the heritage asset is demonstrated and high standards of sustainability are achieved. This is reiterated



in the SAMDev Plan policy MD7a which confirms that normally only minimal alteration or rebuilding is acceptable to achieve the development and that the proposal would respect the significance of the heritage asset, its setting and the local landscape character.

- 6.1.4 Comments received from an objector are acknowledged however as noted previously the case officer reported that the buildings were in good condition when she visited the site in June 2015. The officer report stated;

*“The buildings subject of this application consist of the following:*

*Barn A is a stone built barn with a new tiled roof.*

*Barn B is also stone built but with a corrugated tin roof and a wooden fascia on its sides.*

*Barn C is a small stone and brick structure with a corrugated tin roof.*

*They have masonry walls of local stone and/or red brick, waney edged timber boarding (to part of the first floor elevations) on timber framing and cement render finish to the brick walls of the 1960’s addition. The main roof over the two storey element has a pitch roof with modern profiled steel sheeting on timber trusses. The single storey wing has a steep pitched roof covered in plain clay tiles and the remaining roofs are a shallow pitched h metal sheeting on a waterproof underlay”.*

- 6.1.5 The objector has also submitted a photograph of the barns in a poor state of repair stating to have taken it in 2007 and aerial photographs from Circa 2004.

- 6.1.6 Officer research on [www.getmapping.com](http://www.getmapping.com) has revealed that in;

- ☐ 1999 there was a large barn with a green roof, and the L shaped extension had a grey roof, the small barn had lost its roof, but it was difficult to confirm the state of the detached barn;
- ☐ 2004 was a similar situation to 1999;
- ☐ 2010 some reroofing had occurred in respect of the large barn, the small barn had no roof, the detached barn was roofed;
- ☐ 2012 was a similar situation to 2010;
- ☐ 2013 was a similar situation to 2010 and 2012;
- ☐ 2015 the large barn, the small barn and the detached barn were all roofed.

- 6.1.7 The applicant has confirmed that; the building suffered storm damage in the 1980’s and it was decided to repair and re roof the buildings over time when funds allowed using original and reclaimed materials rather than replace with modern steel portal frame in order to retain the original and traditional character.

- 6.1.8 There photographs taken on 15.03.15 illustrating the Ecology Survey submitted with application 15/01903/PMBPA show that;
- Barn A is in good order and has a new tiled roof.

- Barn B is in fairly good condition and has wany edged cladding on the 1st floor level and a green corrugated tin roof. The building is full of straw/hay.
- Barn C the L shaped extension is random rubble stone and brick work with cement render which has suffered from frost/weather damage. There is a mono pitched tin roof.

6.1.9 The Shropshire Council Type and Affordability of Housing SPD defines “Heritage assets” as buildings which normally:

- pre-date 1950;
- comprise traditional materials and building methods;
- are of permanent and substantial construction;
- are of local significance and add value to the landscape

6.1.10 Paragraph 50 of the NPPF requires LPA’s to deliver a wide choice of quality homes and paragraph 51 requires them to bring them to bring vacant buildings back into use.

6.1.11 Policy CS6 of the Shropshire Council Core Strategy states that development should conserve and enhance the built and historic environment and be appropriate in its scale and design taking account of local character and context. It further states that development should safeguard residential and local amenity.

6.1.12 Core Strategy Policy CS17 is also concerned with design in relation to its environment, but places the context of the site at the forefront of consideration i.e. that any development should protect and enhance the diversity, high quality and local character of Shropshire’s historic environment and does not adversely affect the heritage values and function of these assets.

6.1.13 As noted above open market residential conversions in the rural area will only be considered where they are of a design and form which has merit either as heritage, architectural or landscape features, and high standards of sustainability can be achieved. These detail matters are considered below.

## **6.2 Siting, scale and design of structure**

6.2.1 The National Planning Policy Framework (NPPF) at section 7 places an emphasis on achieving good design. Core Strategy policy CS6 which seeks to ensure that all development is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character. Policy CS17 also sees to protect and enhance the diversity, high quality and local character of Shropshire’s natural, built and historic environment. SAMDev policy MD2 also deals with sustainable design issues.

6.2.2 Officers and SC Conservation are of the opinion that the historic farmstead buildings are of sufficient architectural and historic merit to justify their retention and conversion. This is discussed further below in para. 6.3.

6.2.3 The original form and layout of the buildings has been retained. Officers have researched the issues in respect of two storey barns with hipped roofs as noted in the neighbour representation. What has been found is:

- Discovering Farm Buildings – J.E.C Peters 1981. Photograph 18 is a very similar arrangement to The Heath main building with a stables element in the hipped roof wing attached to the main cattle building. It is 19th Century example from Padstow, Cornwall.

- Historic Farm Buildings: An Introduction and Guide in association with the National Trust – Jeremy Lake 1989. Pages 108 and 109 contain line drawing illustrations of farm complexes at Franklin's Farm; Robinson's Farm and Dunckley's Farm, all on the Grafton Estate, Northamptonshire. All the major two storey farm buildings shown have hipped roofs.

6.2.4 Therefore, whilst it is acknowledged that roofs to agricultural buildings often tend to be a gable design there is a precedent for two storey farm buildings with hipped roofs. Moreover, there are examples of hipped roofed barns in the County and officers have recently noted examples in Apley, Woundale and Cressage. Furthermore, the applicant has provided a set of Watercolour paintings of the farmyard dating back to the 1920's which shows that the building had hipped roofs.

6.2.5 The cladding of the concrete rendered brickwork with reclaimed brick and replacement of the previously approved flat and mono pitched roofs with pitched roofs to match the main barn is considered an improvement and has a positive impact upon the visual amenity of the building.

6.2.6 The changes to the previously approved fenestration details are deemed minor and have little consequence on the character and appearance of the building.

### **6.3 Visual impact and landscaping**

6.3.1 In considering the proposal due regard to the following local and national policies, guidance and legislation has been taken; CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, policies MD2 and MD13 of the Site Allocations and Management of Development (SAMDev), the National Planning Policy Framework (NPPF) published March 2012, Planning Practice Guidance and Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

6.3.2 The buildings form part of Coombys Farm but are located to the North West of the main farm within a complex shown as The Heath on OS mapping. The buildings are of stone with brick and some timber cladding. The conversion involves some amount of rebuilding and reroofing works some of which has already been completed on site; either prior to the PMBPA during ongoing repairs to the buildings following storm damage in the 1980's. Barns can be seen on historic pre 20th century OS mapping and a traditional farm building group here can be considered to be of historic merit as a landscape feature.

6.3.3 Having visited the site and seen the quality of the work already completed SC Conservation considers that this has been undertaken to a good standard. The barns contribute to the wider landscape context and are considered to be appropriate for conversion to residential from a conservation perspective. The proposed plans and joinery details provided are considered to be appropriate and the proposals are considered to accord with policies, guidance and legislation as outlined above.

#### **6.4 Residential Amenity**

6.4.1 Given the limited nature of the use of the use of the adjacent agricultural buildings and the fact that there are no windows proposed on the north elevation it is considered that the proximity to these buildings is unlikely to give rise to undue noise and disturbance for the occupiers which would be detrimental to their living conditions.

6.4.2 There are no nearby neighbouring dwellings.

6.4.3 The proposal is therefore compliant with policy CS6 and MD2 which seek to safeguard residential amenity and achieve safe sustainable high quality development.

#### **6.5 Highway Safety**

6.5.1 The access onto the B4555 is existing and adequate for domestic as well as agricultural traffic, and there is an adequate area for parking and turning on site.

6.5.2 The proposal is therefore compliant with Policy CS6 requires development to be safe and accessible to all, and paragraph 32 of the NPPF states that decisions should take into account of whether a safe and suitable access to the site can be achieved.

#### **6.6 Ecology**

6.6.1 Core Strategy policy CS17 requires development not to adversely impact upon ecological interests. SAMDev policy MD12 sets out in detail the level of protection offered to Shropshire's natural assets.

6.6.2 The Council's Ecology Team is content that ecological interests would be safeguarded by conditions relating to the erection of bat and bird boxes and external lighting, and informatives in respect of bats, nesting Birds, birds nests, site clearance.

#### **6.7 Affordable Housing**

6.7.1 Shropshire Council's Core Strategy was adopted in March 2011 with the founding principle of seeking to create the context for "A Flourishing Shropshire". The Shropshire Council policy requires anyone developing a new open market dwelling

(subject to exceptions) to make an Affordable Housing Contribution (AHC), which depending on the development size and the prevailing target rate, could be a financial contribution and/or on site provision.

- 6.7.2 The Minister of State for Housing and Planning, Brandon Lewis MP issued a Written Ministerial Statement (WMS) on 28th November 2014 announcing that Local Authorities should not request affordable housing contributions on sites of 10 units or less (and which have a maximum combined gross floor space of 1,000sq m), or 5 units or less in designated protected rural areas.
- 6.7.3 Reading and West Berkshire Councils sought to challenge the WMS at the High Court (Case Ref 76.2015) and on 31st July 2015 Mr Justice Holgate quashed the WMS and the Government subsequently withdrew relevant commentary from the National Planning Practice Guidance. From this point, Shropshire Council continued to apply its affordable housing policy.
- 6.7.4 The Government challenged this decision through the Court of Appeal which overturned Mr Holgate's decision on the 11th May 2016. Consequently, the WMS still applies and the National Planning Policy Guidance was amended on the 19th May 2016.
- 6.7.5 In addition to this the Housing & Planning Act gained Royal Assent on the 12th May 2016 and this gives power to Government to make secondary legislation to achieve the same result i.e. set minimum thresholds for affordable housing contributions.
- 6.7.6 In accordance with the view of the Planning Inspectorate it is considered that the WMS is a material consideration. Shropshire Council therefore accepts that the WMS applies as a significant material consideration and this means that the Council will not require an Affordable Housing Contribution for applications for 10 or less dwellings (5 or less within a designated protected rural area) and less than 1,000sqm floor area in the majority of cases.
- 6.7.7 However, this is cannot be a blanket rule and as such there may be exceptions to this. The Court of Appeal judgement referred to a statement made by the Government's Counsel in the High Court that (emphasis added):-  
“(i) As a matter of law the new national policy is only one of the matters which has to be considered under section 70(2) of TCPA 1990 and section 38(6) of TCPA 2004 when determining planning applications or formulating local plan policies (section 19(2) of PCPA 2004), albeit it is a matter to which the Secretary of State considers ‘very considerable weight should be attached’;”
- 6.7.8 The Court of Appeal agreed with this proposition and confirmed that the development plan remains the starting point for decision taking although it is not the law that greater weight must be attached to it than other considerations. The WMS is policy not binding law and does not countermand the requirement in s38(6) of the 2004 Act or s70(2) of the 1990 Act.

6.7.9 The Council's position is therefore that the WMS is a significant material consideration but it does not replace or automatically override the development plan as the starting point for planning decisions. Consequently, there may still be cases where the Council considers that its adopted policy attracts greater weight in the planning balance than the WMS.

6.7.10 In this case given the fact that the development proposed would be acceptable in principle, and in acknowledgment of the additional development costs involved in the conversion of these buildings it is considered that the WMS outweighs the development plan policy CS11 with respect to Affordable Housing contributions and therefore an affordable housing contribution can no longer be justified and therefore no weight should be given to this in the overall planning balance.

## 7.0 CONCLUSION

7.1 The barns contribute to the wider landscape context. While overtime the buildings would appear to have the subject of some reconstruction, they are considered to be appropriate for conversion to residential from a conservation perspective. The proposal will bring vacant buildings back into useful occupation, making a sustainable use of the structures, and will provide two new dwellings with suitable private amenity space and parking facilities. There will be no adverse impact upon the residential amenity or ecology and the conversion and reuse of the site will have a positive impact up on the character and appearance of the area.

## 8.0 Risk Assessment and Opportunities Appraisal

### 8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.

The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However, their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore, they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario, there is also a right of appeal against non-determination for application for which costs can also be awarded.

## 8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

## 8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

## 9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

## 10. Background

### Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

Central Government Guidance:

NPPF: National Planning Policy Framework

NPPG: National Planning Practice Guidance

Core Strategy Policies:

CS5: Countryside & Green Belt

CS6: Sustainable Design and Development Principles

CS9: Infrastructure Contributions  
 CS17: Environmental Networks  
 CS11 Type and Affordability of Housing  
 Type and Affordability of Housing SPD

SAMDev Plan:  
 MD2 Sustainable Design  
 MD7a Managing Housing Development in the Countryside  
 MD12 Natural Environment  
 MD13 Historic Environment

RELEVANT PLANNING HISTORY:

15/01903/PMBPA Application for prior approval under part 3, class Q Permitted Development under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the change of use from agricultural to residential use.  
 PNR 28th July 2015  
 SC/MB1963/0953/BR Extraction of sand & gravel (Detail) PERMIT 4th September 1963  
 BR/88/0069 Use for parking of one heavy goods vehicle REF 9th March 1988  
 BR/86/0552 Erection of agricultural worker's dwelling and installation of septic tank REF 2nd December 1986  
 BR/92/0356 Use of land for the parking of three lorries GRANT 8th October 1992  
 BR/92/0355 Use of land for the parking of one lorry GRANT 8th October 1992  
 BR/99/0674 Certificate of Lawfulness for the use of land for the stationing of three caravans for short term holiday use GRANT 3rd November 1999  
 BR/99/0673 Certificate of Lawfulness for the conversion of farmhouse to two dwellings and conversion of former agricultural building to a single dwelling GRANT 3rd November 1999  
 BR/98/0629 Use of existing dog kennels as breeding kennels GRANT 30th October 1998

11. Additional Information

View details online: <https://pa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) Ecological Survey Supporting Statement
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member  Cllr Dave Tremellen
Appendices APPENDIX 1 - Conditions



## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).
2. The development shall be carried out strictly in accordance with the approved plans and drawings  
Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.
3. The external materials shall match in colour, form and texture those of the existing building.  
Reason: To ensure that the works harmonise with the existing development.

#### CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

4. Prior to first occupation / use of the building, details for the provision of bat boxes shall be submitted to and approved in writing by the Local Planning Authority. A minimum of 2 external bat boxes or integrated bat bricks suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site. The boxes shall be sited in accordance with the latest guidance (currently [http://www.bats.org.uk/pages/bat\\_boxes.html#Putting up your box](http://www.bats.org.uk/pages/bat_boxes.html#Putting_up_your_box)) prior to first occupation and thereafter retained for the lifetime of the development.

Reason: To ensure the provision of roosting opportunities for bats, in accordance with MD12, CS17 and section 118 of the NPPF.

5. Prior to first occupation / use of the building, details for the provision of bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following artificial nests shall be provided:
  1. A minimum of 2 swallow cups.
  2. A minimum of 1 open-fronted nest box suitable for blackbirds.
  3. A minimum of 1 box suitable for small birds (32mm hole, standard design).

The bird boxes shall be installed before first occupation of the dwellings and thereafter retained for the lifetime of the development.

Reason: To ensure the provision of nesting opportunities for wild birds, in accordance with MD12, CS17 and section 118 of the NPPF.

## CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development relating to schedule 2 part 1 class A, B, C, D, E, G, H,; shall be erected, constructed or carried out.

Reason: To maintain the scale, appearance and character of the development and to safeguard residential and / or visual amenities.

7. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Bats and Lighting in the U.K. guidance.

Reason: To minimise disturbance to bats, European Protected Species.

### Informatives

1. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National planning policy Framework paragraph 187.
2. Central Government Guidance:  
NPPF: National Planning Policy Framework  
NPPG: National Planning Practice Guidance  
Planning (Listed Buildings and Conservation Areas) Act 1990 (Section 66&72)

#### Core Strategy Policies:

CS5: Countryside & Green Belt  
CS6: Sustainable Design and Development Principles  
CS9: Infrastructure Contributions  
CS17: Environmental Networks  
CS11 Type and Affordability of Housing  
Type and Affordability of Housing SPD

#### SAMDev Plan:

MD2 Sustainable Design  
MD7a Managing Housing Development in the Countryside  
MD12 Natural Environment  
MD13 Historic Environment

3. It is recommended that the applicant investigate ways of incorporating techniques of 'Sustainable Urban Drainage' into this development. These will help to minimise the impact of the development with features such as porous parking, detention ponds, grass swales and infiltration trenches. This will maintain the recharge of groundwater resources, reduce large fluctuations in river flows during rainfall and stop pollutants from road runoff from entering watercourses. Further information can be obtained from the Environment Agency.
4. The above conditions have been imposed in accordance with both the policies contained within the Development Plan and national Town & Country Planning legislation.
5. THIS PERMISSION DOES NOT CONVEY A BUILDING REGULATIONS APPROVAL under the Building Regulations 2010. The works may also require Building Regulations approval. If you have not already done so, you should contact the Council's Building Control Section on 01743 252430 or 01743 252440.
6. Informative  
All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended).

If a live bat should be discovered on site at any point during the development then work must halt and Natural England should be contacted for advice.

#### Informative

Special consideration should be made to minimise the impact lighting would have on any bats. Lighting should not shine on potential ecological corridors and should be in line with the advice available in the Bat Conservation Trust booklet Bats and Lighting in the UK.

#### Nesting Birds

Chelmarsh (March 2015) found evidence of 3 Barn Swallow and one Blackbird nest within Barn C. However, Chelmarsh has stated that there are a number of alternative opportunities nearby for nesting swallows, and as such no mitigation for the loss of nesting habitat will be needed as part of this proposal. As the site is used by nesting birds there will be a constraint on when works can proceed so as to avoid disturbance. The following informative should be on the decision notice.

#### Informative

The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent.

All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive

Note: If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an

experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

7. The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife.

Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.



Committee and date  
 South Planning Committee  
 4 April 2017

## Development Management Report

Responsible Officer: Tim Rogers  
 email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b>Application Number:</b> 16/05706/COU	<b>Parish:</b>	Much Wenlock
<b>Proposal:</b> Change of use from A1 Class Use (retail) to A3 Class Use (restaurants/cafes) and use of garden for outside seating.		
<b>Site Address:</b> 17 Barrow Street Much Wenlock TF13 6EN		
<b>Applicant:</b> Wenlock Estates		
<b>Case Officer:</b> Elizabeth Attwood	<b>email:</b> <a href="mailto:planningdmse@shropshire.gov.uk">planningdmse@shropshire.gov.uk</a>	

**Grid Ref:** 362388 - 299915



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**Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.**

## **REPORT**

### **1.0 THE PROPOSAL**

- 1.1 Change of use from A1 Class Use (retail) to A3 Class Use (restaurants/cafes) and use of garden for outside seating.
- 1.2 The outside seating comprises 2 x 70cm circular bistro tables which seat 2 people and 1x 90cm square bistro table which seats 4 people.
- 1.3 Outside seating will only be during daylight hours.

### **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The application site is located within Much Wenlock Conservation Area and comprises an early C18 three storey Grade II Listed building in a row of commercial premises on the ground floor with residential flats above. The building is the end property in the row and is a brick construction under a hipped roof and is painted white on the gable.
- 2.2 The shop front is late C19 and comprises square bay windows either side of the centrally located doorway and there are 4 sash windows with keyblocks and plain lintels above. The returned side of No 17 has 1 sash window to centre with channelled lintel and keyblock above a moulded wood doorcase with rectangular fanlight and attractive gabled rustic wood porch. The building is included in the Listing with no's 16 to 22 (consec) for the group value which the buildings have as a whole.
- 2.3 The aforementioned side door leads to a small garden which has hard and soft landscaping comprising flagstone paths and a seating area, lawned area and planted borders. The area is bounded by black painted trident topped railings.
- 2.4 The garden is a wedge shape and there is a footway and public highway running along the south east boundary and a public footpath (Church Walk) runs along the north western boundary. There are residential properties on the opposite side of Barrow Street and there is a dress shop (A1) and a gift shop (A1), and there is a dwelling on the other side of the footpath.

- 2.5 The existing Uses in the row from east to west comprise an estate agent (A2), a hardware store (A1), a bakery (A1), a tea shop (A3) and a gown embroidery shop (A1).
- 2.6 The premises (no.17) was until recently occupied by Croft Design (Ecclesiastical Outfitters) and the new occupier (The Tea Junction and More) have basically swapped premises, and Croft Design have moved to no.22.
- 2.7 The accommodation offered by the 'swapped' premises is better suited the needs of the respective businesses, in that no. 22 is a larger property with a basement which Croft Design can use as storage and no.17 has a small garden which will add an extra dimension to the tea room.
- 2.8 The Tea Junction and More was previously a mixed use in that it was a hardware store (A1) on the ground floor and a tea room (A3) in the basement. However, the hardware store element of the business has now ceased as due to the significant reduction in trade over the last few years as a result of competition from discount supermarkets which made the business unviable.

### **3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 Cllr David Turner requested that the application is considered by the Planning Committee and he is concerned about; the balance of retail uses, parking, access, neighbour amenity, including noise, cooking smells and privacy, and impact on the Conservation area. The Chair of the South Planning Committee, in consultation with the Principal Office, considers that Committee consideration of the application is warranted to assess the potential neighbour amenity impact as a result of use of the outside area as part of the café.

### **4.0 Community Representations**

- Consultee Comments

Much Wenlock Town Council – no objections

SC Public Protection - no objection to the proposed change of use. However, recommends that a condition relating to the installation of and any changes to any extraction system is imposed. Informatives in respect of an Alcohol Premise License and Food Premise Registration are suggested.

SC Conservation – no objections.

SC Archaeology – no adverse comments.

- Public Comments

A Site Notice, Press Notice and 13 direct neighbour notifications have publicised the application. Eleven representations have been received; of these there are 4 objections, 4 in support and 3 neutral.

The comments objecting are;

- ② I am concerned that the Class 1 use (Retail) and Class 3 use (Cafes/Restaurants) balance of the commercial units in the town is going to be affected. To lose a valuable retail unit in the town is not good for the future of this town. The trading hours should match the other Class use A3 in the same block.
- ② I wish to lodge my objection to the weekday opening hours until 21.30. Our Listed property shares a boundary with the garden and the garden is less than 3.5 metres from our downstairs sitting room/study window. To the East of No. 17, Barrow Street is predominantly a residential area comprising many Listed properties and is, of course, a Conservation Area.
- ② I do not object to use of the garden during the day (although it will inevitably impact negatively on our privacy) I believe it is inappropriate to approve opening hours beyond 18.00 during the week.
- ② However well managed the use of the garden, there is bound to be an environmental impact on the residential area around it from the inevitable noise from those using it as an eating/play/smoking area and from the installation of tables, chairs, large parasols, gazebos and litter bins, etc., particularly during the summer. The size of the garden is of concern as it could accommodate a large number of people exacerbating the environmental impact.
- ② The use of the garden area will obviously impact negatively on our privacy, and this will be particularly irksome if the proposed opening hours i.e. until 21.30, are approved. I suspect that by the time customers leave the premises it will be much later. I do not see why this should be granted when the other tea shops have been restricted to the much earlier closing hours of 17:00.
- ② I would like reassurance that the permission applies to use of the building and not the "Green" enclosed by railings.
- ② In the past few years there has been damage to the front of the building when large vehicles, struggling to pass each other at this narrow part of the street, have hit parts of the window and fascia of No.17. This could be a danger to customers.
- ② I assume that the council will be concerned and adequately provide for waste disposal.
- ② We request that you refer to the original planning application for Tea on the Square at 21 Barrow Street which is 4 doors away in the same row of shops. Planning reference 10/04033/FUL condition number 3 and 10/04034/FUL point 10.3.3 restrict the opening hours. It states that "No



customers shall be on the premises other than between the hours of:- [09:00 - 17:00] Mondays - Saturdays, [10:00 - 16:00] Sundays and Public Holidays" These restrictions in reality mean putting closed on at 4pm and 3pm respectively to ensure that customers have finished their food and beverages by closing time. We presume the same restrictions would need to be applied if permission is granted.

The comments supporting are;

☒ I note that Much Wenlock Town Council are neutral about the application and as such do not object to it so I hope Shropshire Council will not object to it either.

☒ I wish to support this application for the following reasons: -

1. Looking back at the history of this building I can see that it has been a tea shop for some 50 years from about 1900 to 1950 so this is just returning an old building to its previous use.

2. The current tenant has merely swapped shops with Croft Designs which will allow both business to continue trading in the Town and employ more local people.

3. Most of the fixtures and fittings at the new tea shop originally came from the old Priory tea rooms, a great example of recycling.

4. It will be a boon to have a small safe peaceful garden as there are few similar businesses with these facilities within the Town.

☒ It is obvious that fears relating to noise late at night and especially in the garden are unfounded and effectively this business is going to provide some of the facilities that used to be provided by the priory tea rooms, which a number of people in the Town miss and the business is simply responding to an existing demand.

☒ The new tenants of No 22 we will not be making use of the existing permission for a tea room. This will be allowed to lapse.

☒ By relocating the existing tea room to No 17 the owner will be securing the jobs of a number of local people and will not actually be adding a new food outlet to the town as they are already trading.

☒ The tea room will no longer be central to the high street or directly next door to another tea room, therefore one objection here is quite surprising.

☒ Longer opening hours are necessary as nowhere in the town currently provides the option of a hot meal between 3-7pm for either residents or tourists. If other outlets see a problem with this, they too can request a change in their opening hours so that they are also open for longer.

☒ If it does not go through, my job along with seven others will be jeopardised.

What people seem to forget is that this tea room is already existing and not 'new'. As someone who has worked the successful bistro nights, it is evident that Much Wenlock needs to offer somewhere where food is served between

3pm and 7pm.

- ☐ Retail space will not be lost as the two shops are simply swapping.

The neutral comments are;

- ☐ In principle, we do not have any issues with this application. However, we note that the revised proposed plan includes the small outdoor area which is located less than 10 metres from our property, which is let. Most properties around this garden are grade II listed buildings and therefore do not have the benefit of noise reduction features such as double glazing. We would urge the officer in charge to ensure that the use of the garden area is not detrimental to the nearest properties, by restricting the opening hours of the garden to a reasonable time for such a residential area.
- ☐ We understand that Veolia will be collecting waste, and would like assurance that this will not be done at an antisocial hour and that any extraction fan from the kitchen will be quiet as it is likely to be situated facing Church Walk and our garden and will be immediately below the windows of the flats above 17 Barrow Street, accessed from Church Walk. We would also require assurance that disposal of fat is not down the probably shared drains and which could cause blockages.

## 5.0 THE MAIN ISSUES

Principle of development

Siting, scale and design of structure and impact upon the character and appearance of the listed building and the conservation area.

Residential Amenity

Parking and Access

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

6.1.1 Core Strategy policies CS1, CS3, CS8, CS13, CS15 and CS16, together with SAMDev policies MD1 and MD10a and the NPPF recognise the need for development to maintain and enhance the vitality and viability of Shropshire's network of town and rural centres and support the delivery of appropriate comparison and convenience retail; office; leisure; entertainment and cultural facilities. The proposal is considered to comply with these policies in principle.

6.1.2 Much Wenlock Neighbourhood Plan (MWNP) 2013-26 states that;

*Much Wenlock's town centre, with its wide range of independent shops, local market stallholders, bank, Post Office and petrol filling station is of great importance*

*to the community, serving the needs of local residents, visitors and a wide rural hinterland. The Plan is designed to protect Much Wenlock's retail core and promote and support its viability. Any development which compromises the town centre and its range of provision will not be supported.*

6.1.3 Policy EJ5 of the MWNP states that; *The change of use of business premises from A1, A2, A3, A4, and A5 uses will not be permitted unless it can be demonstrated that the ongoing use of the premises for these purposes is no longer viable.*

6.1.4 The proposed use of the building is A3 and therefore there is no conflict with this policy.

6.1.5 The building is a grade II listed building, and the NPPF and local policy requires Local Planning Authorities to have regard to the impact of development on the character and setting of heritage assets.

## **6.2 Siting, scale and design of structure and impact upon the character and appearance of the listed building and the conservation area.**

6.2.1 Under the Planning (Listed Buildings and Conservation Areas) Act 1990 there is the obligation to have special regard to the desirability of preserving the character or appearance of Conservation Areas in carrying out statutory functions. Core Strategy policies CS6 and CS17 are consistent with this guidance, with CS6 requiring development to protect, restore and enhance the natural, built and historic environment and to be appropriate in scale, density, pattern and design taking into account the local context and character. CS17 states that development should protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment. SAMDev policy MD13 encourages development which delivers positive benefits to heritage assets.

6.2.2 The application proposes the change of use from A1 use to A3 use, the property is Grade II listed. No physical changes are proposed to the building as part of the change of use, therefore it is not considered that any impacts will occur to the listed building.

6.2.3 Only three small tables as described in paragraph 1.2, and 8 associated chairs are proposed in the garden area, and a condition will prevent any additional paraphernalia e.g. gazebos or umbrellas from being used without first applying to the LPA for permission. Therefore, there will be no adverse impact upon the visual amenity of the streetscene or the character and appearance of the conservation area.

## **6.3 Residential Amenity**

- 6.3.1 Policy CS6 seeks to ensure that all development contributes to the health and wellbeing of communities, including safeguarding residential and local amenity.
- 6.3.2 With this in mind, neighbour comments regarding loss of privacy and noise and disturbance are noted.
- 6.3.3 The premises is small with a net tradeable area of only 71sq.m. and therefore this alone will restrict the number of customers patronising the tea room at any one time. Similarly, only 8 outside seating opportunities are proposed during daylight hours.
- 6.3.4 There are flats above the unit on the 1st and 2nd floor facing Barrow Street, a dwelling to the north east (right), on the other side of a public footpath and a row of cottages on the opposite side of Barrow Street which is the main route through the town. Therefore, there will already be a degree of noise from pedestrians and traffic and Members of the Public can walk past the aforementioned residential properties, in this edge of town centre location.
- 6.3.5 Noise sensitive hours are widely recognised to be 23.00 – 07.00. The opening hours proposed are 08.30 – 21.30 Monday – Friday and 08.30 – 17.00 on Saturdays and 10.00 – 16.00 on Sundays and Bank Holidays, and therefore do not fall within noise sensitive hours.
- 6.3.6 SC Public Protection has no objections to the proposal and no hours of restriction have been suggested.
- 6.3.7 The tea room will not be selling alcohol and therefore it is unlikely that there will be any rowdy or anti social behaviour as a result of the proposed use of the premises. In the event that alcohol is to be sold in the future this will fall under the remit of SC Licensing and an Alcohol Premises License would be required. Potential impact upon residential amenity would be considered by the relevant officers prior to any License being issued. Furthermore, no fume extraction apparatus is proposed.
- 6.3.8 Government guidance contained within para. 123 of the NPPF states that;

Planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby

land uses since they were established.

- 6.3.9 With the above guidance in mind officers consider that the change of use of the premises from A1 to A3 would not result in a significant adverse impact and that the use can be suitably controlled via conditions. Accordingly, the proposal is compliant with policy CS6 which *inter alia* aims to protect residential amenity. Furthermore, in the unlikely event that noise or odour ever became an issue this would be a matter for SC Public Protection under the Environmental Protection Act 1990.

#### **6.4 Parking and Access**

- 6.4.1 There is no parking associated with the application however this is a town centre location with nearby public carparks and therefore this situation is acceptable in the context of the site. Furthermore, this is not a new business, it is a relocated business which has moved from a premises five doors away which did not have any parking facilities. This situation is typical for the majority of businesses in the town.

- 6.4.2 There is no change proposed to the existing access.

#### **7.0 CONCLUSION**

- 7.1 The relocation of the existing tea room to this location is acceptable and will have no adverse effect on the vitality or viability of Much Wenlock. There will be no works or alterations to the property which is a listed building and therefore there will be no impact upon the historic fabric of the building or the character or appearance of the conservation area. The modest size of the premises and proposed opening hours are not excessive and therefore it is unlikely that there would be any significant adverse impact upon the residential amenity of the nearby residential properties in this edge of town centre location.

#### **8.0 Risk Assessment and Opportunities Appraisal**

##### **8.1 Risk Management**

There are two principal risks associated with this recommendation as follows:

☒ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.

☒ The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However, their role is to review the way the authorities reach decisions, rather than to make a decision on the planning

issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore, they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario, there is also a right of appeal against non-determination for application for which costs can also be awarded.

## 8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

## 8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

## 9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

## 10. Background

### Relevant Planning Policies

Central Government Guidance:  
National Planning Policy Framework  
National Planning Practice Guidance  
The Planning (Listed Buildings and Conservation Areas) Act 1990

Shropshire Core Strategy:  
CS1 Strategic Approach  
CS3 The Market Towns and Other Key Settlements  
CS6 Sustainable Design and Development Principles  
CS8 Facilities, Services and Infrastructure Provision  
CS13 Economic Development, Enterprise and Employment  
CS15 Town and Rural Centres  
CS16 Tourism, Culture and Leisure  
CS17 Environmental Networks

SAMDev Plan:  
MD1 Scale and Distribution of Development  
MD10a Managing Town Centre Development  
MD13 Historic Environment  
S13 Much Wenlock Area

Much Wenlock Neighbourhood Plan 2013 - 26  
EJ5 (Economy and Jobs)

#### RELEVANT PLANNING HISTORY:

BR/APP/LBC/04/1066 Display of sign board on the side elevation REFUSE 17th January 2005  
BR/APP/ADV/04/1067 Display of a non-illuminated sign board on the side elevation REFUSE  
17th January 2005  
BR/APP/ADV/05/0473 Display of advertisement GRANT 25th July 2005  
BR/APP/LBC/05/0472 Display of advertisement GRANT 21st July 2005  
BR/95/0662 ERECTION OF REPLACEMENT STEEL RAILINGS. GRANT 21st November 1995  
BR/95/0481 REMOVAL OF STEEL RAILINGS AND ERECTION OF REPLACEMENT  
RAILINGS. GRANT 13th September 1995  
BR/79/0299/LB The erection of a single storey rear extension to provide a porch and store at  
17 Barrow Street, Much Wenlock GRANT 14th August 1979

#### 11. Additional Information

View details online: <https://pa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member  Cllr David Turner
Appendices APPENDIX 1 - Conditions

**APPENDIX 1**

**Conditions**

**STANDARD CONDITION(S)**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).
2. The development shall be carried out strictly in accordance with the approved plans and drawings  
Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.
3. Prior to installation of and any changes to any extraction system details of all components shall be provided including noise information of any components (e.g. fans) and odour and noise mitigating components. This information shall be submitted in writing to the local planning authority for approval in writing prior to installation of the system.  
Reason: To protect the amenity of the area and nearby residential properties

**CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT**

4. The use of the garden for outside seating for customers of the tea room shall be in daylight hours only and there shall be no use of the area as outside seating for customers of the tea room during the hours of darkness.  
Reason: To protect the residential amenity of the nearby residential properties
5. There shall be no more than two 70cm diameter and one 90cm diameter tables and eight chairs in the outside seating area at any one time. There shall be no other furniture, items or paraphernalia including umbrellas or parasols erected, installed or used in the garden.  
Reason: To limit the use of the outside seating area in order to protect the residential amenity of the nearby residential properties and in order to preserve and enhance the character and appearance of the conservation area.



6. The use hereby permitted shall only be carried out between 08.30 - 21.30 on Mondays - Fridays, 08.30 - 17.00 on Saturdays, and 10.00 - 16.00 on Sundays, Bank and Public Holidays.  
Reason: To protect the residential amenity of occupiers of nearby properties.

### **Informatives**

1. The above conditions have been imposed in accordance with both the policies contained within the Development Plan and national Town & Country Planning legislation.
2. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National planning policy Framework paragraph 187.
3. In determining this application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:

National Planning Policy Framework

National Planning Practice Guidance

The Planning (Listed Buildings and Conservation Areas) Act 1990

Shropshire Core Strategy:

CS1 Strategic Approach

CS3 The Market Towns and Other Key Settlements

CS6 Sustainable Design and Development Principles

CS8 Facilities, Services and Infrastructure Provision

CS13 Economic Development, Enterprise and Employment

CS15 Town and Rural Centres

CS16 Tourism, Culture and Leisure

CS17 Environmental Networks

SAMDev Plan:

MD1 Scale and Distribution of Development

MD10a Managing Town Centre Development

MD13 Historic Environment

S13 Much Wenlock Area

Much Wenlock Neighbourhood Plan 2013 - 26

EJ5 (Economy and Jobs)

4. A license will be required prior to alcohol being offered for sale and therefore it is recommended that any application is submitted as far in advance of the date that you would like to start selling alcohol. Details on alcohol licensing can be found at the following link: <https://new.shropshire.gov.uk/licensing/apply-for-a-licence-or-permit/new-premises-licence/>

5. As this application contains the proposal for a food premises and therefore a food premise registration form will need to be completed. The form can be found at the following address: <https://new.shropshire.gov.uk/environmental-health/food-safety/food-safety-for-business/register-a-food-business/>  
The completed form should be completed and returned to the Health Promotion and Prevention team, Public Protection, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND and it is recommended that it is returned prior to the food premise opening.  
The applicant should ensure that the design and layout ensures that all food safety and hygiene legislation can be complied with in full.

Committee and date

South Planning Committee

4 April 2017

**SCHEDULE OF APPEALS AND APPEAL DECISIONS  
As at 4 April 2017**

<b>LPA reference</b>	16/04411/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Duncan Stanworth
<b>Proposal</b>	Refurbishment and conversion of existing redundant buildings to form a private dwelling
<b>Location</b>	Proposed Dwelling North Of Redhill Garage Redhill Shifnal Shropshire
<b>Date of appeal</b>	17/03/2017
<b>Appeal method</b>	Written representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	15/04010/FUL
<b>Appeal against</b>	Non-determination
<b>Committee or Del. Decision</b>	n/a
<b>Appellant</b>	Mr & Mrs Gittings
<b>Proposal</b>	Change of use from public house to a single dwelling house (amended description)
<b>Location</b>	Rock House Inn Much Wenlock Road Farley Much Wenlock Shropshire TF13 6NX
<b>Date of appeal</b>	17/03/2017
<b>Appeal method</b>	Written representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	15/00667/OUT
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr Kenneth Oram
<b>Proposal</b>	Outline application (access for approval) for residential development
<b>Location</b>	Proposed Residential Development Land To The West Of Knowlegate Shropshire
<b>Date of appeal</b>	07.12.2015
<b>Appeal method</b>	Written Reps
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	14/05449/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Kevin Bytheway
<b>Proposal</b>	Erection of two dwellings and formation of pedestrian access
<b>Location</b>	Development Land West Of Grove Terrace Bridgnorth
<b>Date of appeal</b>	22.09.2015
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	18.12.2015
<b>Costs awarded</b>	
<b>Appeal decision</b>	Dismissed

<b>LPA reference</b>	14/03562/OUT
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr Stuart Hughes
<b>Proposal</b>	Outline application for 1No dwelling (to include access)
<b>Location</b>	Adjacent Barkshed Cottage Wyson Lane, Woofferton Ludlow, SY8 4AN
<b>Date of appeal</b>	29.09.2015
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	18.12.2015
<b>Costs awarded</b>	
<b>Appeal decision</b>	Dismissed

<b>LPA reference</b>	14/04930/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Committee
<b>Appellant</b>	Mr Rupert Acton
<b>Proposal</b>	Construction of a solar farm of size 10.99ha (circa 255 modules); inverter cabins, transformers, two sub-station cabins, two ancillary equipment cabins; pole mounted CCTV cameras; security fencing; continued use of land for agricultural purposes
<b>Location</b>	Land North Of Henley Common Henley Lane Acton Scott Shropshire
<b>Date of appeal</b>	26.06.2015
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	04.01.2016
<b>Costs awarded</b>	No
<b>Appeal decision</b>	Allowed

<b>LPA reference</b>	15/00467/FUL
<b>Appeal against</b>	Non-Determination
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr T Gall
<b>Proposal</b>	Conversion of existing stables to a dwelling
<b>Location</b>	The Bungalow, Haven Hills Road, Brockton, Shifnal, TF11 9NP
<b>Date of appeal</b>	23.10.15
<b>Appeal method</b>	Written Reps
<b>Date site visit</b>	8.12.15
<b>Date of appeal decision</b>	4.1.16
<b>Costs awarded</b>	
<b>Appeal decision</b>	Dismissed

<b>LPA reference</b>	14/05209/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Committee
<b>Appellant</b>	
<b>Proposal</b>	Proposed side kitchen extension
<b>Location</b>	Hazeck, The Mines, Benthall, Broseley, TF12 5QY
<b>Date of appeal</b>	4.11.15
<b>Appeal method</b>	Written Reps (Fast Track)
<b>Date site visit</b>	15.12.15
<b>Date of appeal decision</b>	24.12.15
<b>Costs awarded</b>	
<b>Appeal decision</b>	Allowed

<b>LPA reference</b>	14/025580OUT
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr Ben Trouth
<b>Proposal</b>	Outline application for the erection of one dwelling with garage (all matters reserved)
<b>Location</b>	Proposed Development Land East Of The Old School, Caynham, Shropshire
<b>Date of appeal</b>	01.10.2015
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	08.01.2016
<b>Costs awarded</b>	
<b>Appeal decision</b>	Dismissed

<b>LPA reference</b>	15/04328/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Jonathan Russell
<b>Proposal</b>	Erection of a two storey side extension to include balcony, erection of porch to front elevation
<b>Location</b>	Hill House Quatford Bridgnorth WV15 6QJ
<b>Date of appeal</b>	08.01.2016
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	14/02184/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Committee
<b>Appellant</b>	Longville Arms Ltd
<b>Proposal</b>	Erection of two tourist accommodation blocks with meeting room; creation of parking areas; demolition of derelict outbuilding; and installation of sewage treatment plant (amended description)
<b>Location</b>	Wenlock Edge Inn Easthope Much Wenlock Shropshire TF13 6DJ
<b>Date of appeal</b>	23.07.2015
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	25.11.2015
<b>Costs awarded</b>	
<b>Appeal decision</b>	Allowed

<b>LPA reference</b>	15/01001/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr Darren Riley
<b>Proposal</b>	Erection of two detached dwellings and garaging; formation of vehicular accesses; erection of stable block; works to trees
<b>Location</b>	Fairview Old Mill Lane Oldbury Bridgnorth WV16 5EQ
<b>Date of appeal</b>	03.12.15
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	14/04018/OUT
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Committee
<b>Appellant</b>	Selina Graham
<b>Proposal</b>	Outline planning application for residential development (including access, all other matters reserved)
<b>Location</b>	Land South Of Coalport Road Broseley
<b>Date of appeal</b>	02/12/2015
<b>Appeal method</b>	Hearing
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	14/05717/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Professor Quentin Leiper
<b>Proposal</b>	Erection of a detached dwelling and associated garaging
<b>Location</b>	Land South Of Oldbury House Oldbury Road Bridgnorth Shropshire
<b>Date of appeal</b>	14.12.15
<b>Appeal method</b>	Written Reps
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	



<b>LPA reference</b>	15/01214/VAR
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Paul Brennan
<b>Proposal</b>	Removal of Conditions No 3 and 4 (holiday accommodation) to allow for unrestricted occupancy
<b>Location</b>	Proposed Log Cabin At Former Reservoir Park Gate Cleobury North Bridgnorth
<b>Date of appeal</b>	09.10.2015
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	02.12.2015
<b>Costs awarded</b>	
<b>Appeal decision</b>	Dismissed

<b>LPA reference</b>	16/04962/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr Andy Keenan
<b>Proposal</b>	Demolition of existing industrial workshop and erection of a dwelling
<b>Location</b>	R L Keenan & Son Workshop Adjacent Crown House Ludlow Road Little Stretton Shropshire SY6 6RF
<b>Date of appeal</b>	22.03.2017
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

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