

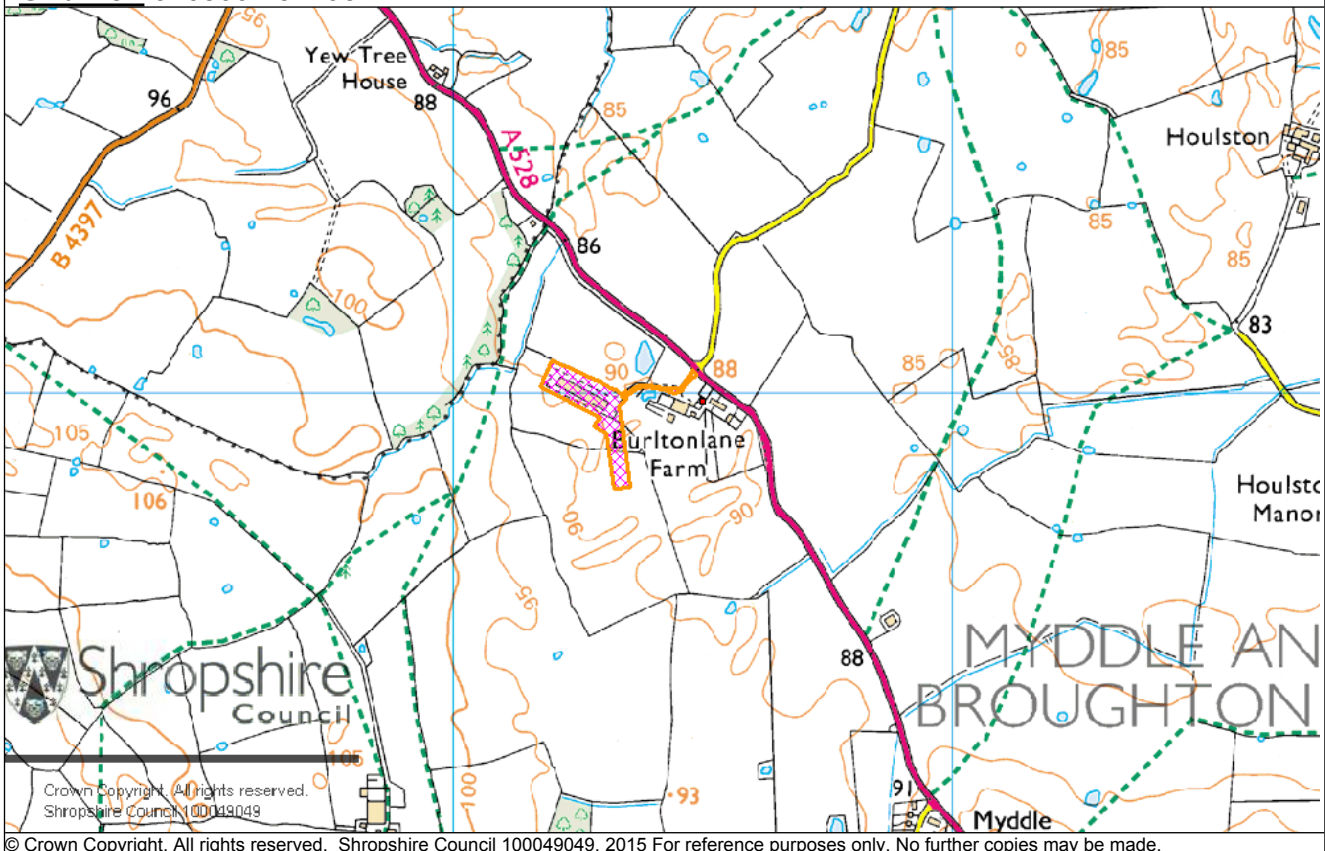
Development Management Report

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Summary of Application

Application Number: 15/04781/EIA	Parish:	Myddle And Broughton
Proposal: Erection of extensions to existing free range poultry buildings and erection of egg packing unit		
Site Address: Burlton Lane Farm Myddle Shropshire SY4 3RE		
Applicant: TS & Mrs C Powell		
Case Officer: Philip Mullineux	email: planningdmnw@shropshire.gov.uk	

Grid Ref: 346500 - 324984



Recommendation: Subject to a satisfactory response from Natural England that Members delegate authority to the Head of Planning Services to grant planning permission for the proposed development subject to the conditions as set out in Appendix 2 and any modifications to these conditions if considered necessary by the Head of Planning Services.

REPORT

1.0 THE PROPOSAL

- 1.1 Application proposes extensions to an existing free range poultry and egg packing complex at Burlton Lane Farm, Myddle. The proposed development entails extending two existing free range egg laying units, construction of a purpose built egg packing unit and installation of four grain silos.
- 1.2 The application is accompanied by a site location plan, block plan, proposed floor and elevations plans, Design and Access Statement, and an Environmental Statement which includes sections in relationship to flood risk and drainage, water resources, odour assessment, ecological assessment, noise assessment, highways and transport assessment, heritage impact assessment, amenity risk and landscape and visual impact assessment.
- 1.3 The application falls into the remit of the Town and Country Planning (Environmental Impact Assessment), (England and Wales) Regulations 2011 (as amended) Schedule one development, and as such an Environmental Statement is mandatory to accompany any planning application for development on site. The threshold for schedule one development is 60,000 in relationship to egg layers. The proposed development comprises 32,000, taken the total number of birds on site to 64,000. As such the application was advertised by the Council as development accompanied by an Environmental Statement.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 Burlton Lane Farm is located approximately 1km to the north-west of the village of Myddle to the west side of the A528 midway between Shrewsbury and Ellesmere. The farm is accessed directly off the A528 with the access track extending around the north of the farm buildings to the existing poultry units. The site consists of two existing poultry buildings, each presently accommodate 16,000 free range birds on a single tier (deck) system, which equates to 32,000 birds in total. The existing buildings are 109.74m in length by 19.61m and are low profile, being 3.05m to the eaves and 7.62m to the ridge. It is proposed to extend and re-fit the existing buildings to increase layer hen numbers from the existing 32,000 to 64,000. (32,000 in each building).
- 2.2 The application proposes to extend the two existing 'free range egg production' poultry buildings by 2 bays which will equate to an additional 12.23 metres in length to each of the two existing buildings on site. The height will remain the same at 7.62 metres. The current egg packing units will be re-located from within the existing poultry buildings to a purpose built egg packing building situated between the two poultry units which will be linked by covered conveyor belts. This will measure 21.33 x 12.20 metres, with a height of 7.27 metres. This will allow all of the space within the poultry buildings to be utilised for hen accommodation and

enable the buildings to be fitted out with a multi-tier system. The application also proposes four grain silos with a total height each of 7.63 metres.

- 2.3 Information in support of the application indicates that the buildings will be re-fitted with a 'Big Dutchman Natura 284' system (multi-tier) aviary. The multi-tier aviary systems are suited to extension and refurbishment projects as they are based on a modular system. The system has been developed to allow the birds to follow their natural behaviour patterns whilst giving optimum efficiency and production for the producer. The multiple levels of the system enable 100% of the shed floor area to be used for litter. Manure belts situated below the raised platforms ensure the birds are not exposed to their droppings. The temperature within the sheds can be maintained at a more constant level throughout the year.
- 2.4 There will be a ranging area around the building to allow for 1ha of land per 2,500 hens. (In order that the hens can go out of doors if they so wish). The development will utilise the existing yard area and access track from the A528 highway. The application proposes no additional landscaping.
- 2.5 Information in support of the application indicates that the laying birds remain in the unit for just over one year (56 week production cycle) before they are replaced with the next batch. They will start laying eggs at around 20 weeks of age and will continue to do so until around 72 weeks when they will be removed, depending on the condition of the hens.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The proposal is for schedule one development in accordance with EIA Regulations and therefore Committee consideration is mandatory in accordance with the Council's scheme of delegation

4.0 Community Representations

- 4.1 **Myddle and Broughton Parish Council** raises no objections. The response indicates:

Detailed consideration has been given to this application by Council Members and they have agreed to support the application to extend the free range buildings and for the creation of an egg packing unit. However deep concern has been raised about the outlined proposal for the disposal of waste material from the unit. The information document indicates that the development will have no impact on the main road, which would suggest that the intention is to deposit waste on fields on the Myddle side of the road and that the waste will be left there in heaps until there is an opportune time to spread it and plough it into the land. Some of this land owned by the farmer is no more than 500m from residential properties and this proposal could at times lead to an infestation of flies, which would impact on many of the Myddle residents. Members would like an assurance that waste will not be deposited any closer to the village than is the current practice and that measures will be put in place to prevent adverse environmental issues arising which will affect residents.

4.2 Consultee Comments

- 4.3 **Historic England** have responded to the application with no objections. The response indicates:

The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

- 4.4 **The Environment Agency** raises no objections. The response states:

Environmental Impact Assessment (EIA): The proposed development falls under Schedule 1 of the EIA Regulations and therefore EIA is required. Schedule 1 sets the following thresholds, above which EIA is a mandatory requirement: Installations for intensive rearing of poultry or pigs with more than (a) 85,000 places for broilers or 60,000 for hens.

Environmental Permitting Regulations: The proposed development comprises 32,000, taken the total number of birds on site to 64,000. This 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. The applicant has applied for an EP which is being progressed in tandem with the planning application. 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.

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>

The construction phase in particular has the potential to cause pollution. Site operators should ensure that measures are in place so that there is no possibility of contaminated water entering and polluting surface or ground waters. No building material or rubbish must find its way into the watercourse. No rainwater contaminated with silt/soil from disturbed ground during construction should drain to the surface water sewer or watercourse without sufficient settlement. Any fuels and/or chemicals used on site should be stored on hardstanding in bunded tanks.

- 4.5 **Natural England** – A verbal update will be presented to Committee.
- 4.6 **Shropshire Fire and Rescue Service** has responded to the application indicating 'no comment'.
- 4.7 **SC Public Rights of Way Manager** raises no objections indicating there are no recorded public rights of way affected by the proposal.
- 4.8 **SC Public Protection Manager** raises no objections. The response indicates:

Having considered the details and the location I do not anticipate the proposed having any noise or odour impact on existing residential receptors due to distances between residential receptors and the poultry units. As a result I have no objection to this development in relation to these aspects. I would like to point out that the proposed extensions will result in the applicant requiring an environmental permit issued and regulated by the Environment Agency. I would recommend this is submitted in tandem with the planning application

- 4.9 **SC Land Drainage Manager** raises no objections. The response indicates:

A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Councils Surface Water Management: Interim Guidance for Developers document. It is available on the councils website at:

www.shropshire.gov.uk/environmental-maintenance-and-enforcement/drainage-andflooding/flood-risk-management-and-the-planning-process.

The provisions of the Planning Practice Guidance, in particular Section 21 Reducing the causes and impacts of flooding, should be followed.

Preference should be given to drainage measures which allow rainwater to soak

away naturally. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

4.10 **SC Planning Ecologist** raises no objections. The response states:

The proposal involves an extension to the existing poultry units at Burlton Lane Farm. The total number of birds will increase from 32,000 to 64,000 (32,000 in each building). An Ecological Assessment has been conducted and Turnstone Ecology has concluded that the proposed development will not permanently affect any terrestrial habitat as the proposed extensions will be constructed on existing concrete slabs, the egg packing unit will be constructed on existing hardstanding and access to the site will be along existing hard core tracks.

Turnstone Ecology has recommended that any screening bunds and/or buffers around the poultry units are seeded with an appropriate wildflower/field margin seed mix and that nesting opportunities for House Martin are provided. Conditions and informatives are recommended.

Environmental Permit

The Environment Agency has provided pre-permitting application advice to the applicant. The screening assessment undertaken by the Environment Agency has considered any Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Ramsar sites within 10km; any Sites of Special Scientific Interest (SSSI) within 5km and also any National Nature Reserves (NNR), Local Nature Reserves (LNR), ancient woodlands and local wildlife sites (LWS) within 2km of the farm. The Environment Agency has confirmed that based on the information the applicant has provided detailed modelling is not required to be submitted with the applicants permitting application.

Shropshire Council, under Regulation 61 in the Habitats Regulations, can rely on the 'evidence and reasoning' of another competent authority. Shropshire Council can therefore use the Ammonia Screening Output (provided by Kevin Heede via email dated 19th November) to complete the assessment of air pollution impacts for European Designated Sites within 10km, National Designated Sites within 5km, and Local Wildlife Site/Ancient Woodlands in 2km.

All sites screen out below the permitting threshold and therefore no further modelling is required to support this planning application.

Habitat Regulation Assessment

This application must be considered under the Habitat Regulation Assessment process in order to satisfy the Local Authority duty to adhere to the Conservation of Species & Habitats Regulations 2010 (known as the Habitats Regulations).

Natural England must be formally consulted on this planning application and the Local Planning Authority must have regard to their representations when making a planning decision. Planning permission can only legally be granted where it can be concluded that the application will not have any likely significant effects on the integrity of any European or Nationally Designated sites.

4.11 **SC Conservation Manager** raises no objections. The response indicates:

In considering the proposal due regard to the following local and national policies and guidance has been taken, when applicable: CS5 Countryside and Green Belt, CS6 Sustainable Design and Development and CS17 Environmental Networks, and with national policies and guidance, National Planning Policy Framework (NPPF) published March 2012.

Burlton Lane Farm was identified under the Historic farmsteads characterisation project, 2010 and is describe “Regular Courtyard comprising an L- Plan range with detached buildings to the third side of the yard... Additional detached elements to main plan... 19th Century... Position of Farmhouse: Detached, gable on to yard. Farmstead Location: Isolated. Survival: Partial Loss - less than 50% change...”

The “L” plan buildings have exposed timber framing and brick noggin and the farmhouse is constructed of local red sandstone. Both building are identified as being non-designated heritage assets as defined in Annex 2 of the NPPF.

Details:

The Heritage Impact Statement does not refer to up to date guidance regarding setting of heritage assets and suggests that there are no heritage assets within 1km of the proposed application works (which is incorrect as there is one Designated Heritage Asset and several Non-Designated Heritage Assets. The Grove is a Designated Heritage Asset and the converted farm buildings originally with The Grove are non-Designated Heritage Assets; Old Farm and buildings (non-Designated Heritage Asset); Yew Tree Farm (non-Designated Heritage Asset); Myddlewood Farm (non-Designated Heritage Asset) and of course there are the Old Farm Buildings (2 units) and the farmhouse which are non-Designated Heritage Assets. All of these sites were identified on the HER under the Historic Farmstead Characterisation Project 2008-10 and under other recording projects, but have not been considered as part of the HIA undertaken. However, it is agreed that even though the extension to the easterly chicken shed can be seen from the Old Farm converted buildings (although this is not acknowledged within the HIA) the overall proposal will not cause any additional harm to the setting and significance of the heritage assets beyond that which has already occurred as a result of the existing chicken sheds on site.

RECOMMENDATION:

No objection is made as it is considered that, even when considering cumulative impact, the additions do not cause any additional harm to the setting of the heritage assets.

Suggested Conditions:

- Materials
- Additional landscaping to help mitigate the visual impact of the buildings within the wider setting of heritage assets and within the wider landscape.

4.12 **SC Highways Manager** raises no objections. The response indicates:

Although the proposal seeks to increase the number of poultry from 32000 to 64000, the highway authority do not consider that the associated transport

movements would have a material impact and affect traffic flow on the A528 and its junction onto the highway. The highway authority therefore raises no objection to consent being granted.

4.13 **Public Comments**

4.14 No comments/objections have been received from members of the public in relationship to this application.

5.0 **THE MAIN ISSUES**

- Environmental Impact Assessment
- Planning policy and principle of development
- Siting, scale, historic and landscape impact.
- Residential amenity
- Public highway and transportation.
- Drainage
- Ecology

6.0 **OFFICER APPRAISAL**

6.1 **Environmental Impact Assessment**

6.1.2 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 egg laying birds is 60,000 or more. As such the current proposal is EIA development. The planning application is accompanied by an Environmental Statement, as required by the 2011 Regulations.

6.1.3 The Environmental Statement in support of the application makes reference to a sequential site selection, (alternative locations), as set out in Section 3 of the Environmental Statement and Officers consider detail as set out on site selection is considered satisfactory with consideration to the farming business concerned and the location and impacts etc.

6.2 **Planning policy and principle of development**

6.2.1 The National Planning Policy Framework (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). 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 enterprises, 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 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.
- 6.2.3 The Council's SAMDev Policy MD7b indicates that planning applications for agricultural development will be permitted, where it can be demonstrated that the development is required in connection to a viable agricultural enterprise, and is of a size/scale and type which is consistent with its required agricultural purpose and the nature of the agricultural enterprise that it is intended to serve.
- 6.2.4 The above policies indicate that there is strong national and local policy support for development of agricultural businesses which can provide employment to support the rural economy and improve the viability of the applicant's existing farming business. In principle therefore it is considered that the provision of an extension to the existing poultry unit in this location as an extension to the existing enterprise can be supported. Policies 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 historic and landscape impact.**
- 6.3.1 Application proposes extending two existing egg laying units and construction in between these existing units a purpose built egg packaging plant.
- 6.3.2 Whilst it is acknowledged that intensive poultry units can have a significant impact on the landscape character as well as a visual impact, consideration also has to be given to the economic benefits.
- 6.3.3 The application proposes extending an existing egg laying unit which forms part of a family farming enterprise. The two sheds are located alongside the remainder of the farmstead and measure 109.74m in length and 7.62m high. (to the ridge). The proposal is for two extensions to the existing buildings measuring 12.23 metres. Application also proposing a new build egg processing plant measuring 21.33 x 12.20 metres, with a total height of 7.27 metres. Also proposed are four additional feed silos which will have a 18 tonne capacity with a total height of 7.63 metres.

- 6.3.4 Paragraph 129 of the NPPF indicates that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal, (including by development affecting the setting of a heritage asset), taking account of the available evidence and any necessary expertise.
- 6.3.5 A heritage impact assessment has been submitted as part of the Environmental Statement in support of the application to which Officers overall share the conclusion of the report in principle, in that there will be no significant impact on either designated or non designated heritage assets within or adjacent to the proposed development site. (Officers though do not share the conclusions of the report in that there are no surrounding non designated heritage assets, these being the farmhouse and former traditional farm buildings, however impact on these is considered acceptable). It is also noted that Historic England raises no objections.
- 6.3.6 A landscape and visual impact assessment also forms part of the Environmental Statement submitted in support of the application and this indicates providing additional landscaping on the site would not be practical due to the requirements of a free range unit and the risk of predators within the ranging area, visual impact from the proposed development is considered insignificant and, as such, no additional landscaping is proposed.
- 6.3.7 Officers consider that the principle of the development is considered acceptable as the proposed development will contribute towards the economic viability of a traditional farming business that has diversified in recent years into egg production, and this is considered an acceptable form of diversification for the business concerned with consideration to the location.
- 6.3.8 However as indicated earlier in this report intensive poultry units can have a significant impact on the landscape character as well as a visual impact, and can appear 'industrial' in the rural landscape. In this instance the applicants' comments with regards to landscaping in relationship to the immediate vicinity of the site are accepted, and it is considered that the existing farmstead does help mitigate the development into the surrounding landscape. However there are viewpoints from where impact is considered significant and although the proposed extensions are small in comparison to the existing buildings on site, the cumulative impact with the proposed egg packing unit, it is considered will have an impact from certain viewpoints in the wider landscape. Therefore it is recommended that a condition is attached to any approval notice issued in order to ensure landscaping in the form of native tree and hedge planting, in order to help mitigate the development into the surrounding overall landscape, with consideration to mitigation as per the suggested condition, and the existing development on site, scale and design of the proposed development considered acceptable.
- 6.4 **Residential amenity.**
- 6.4.1 The nearest dwellings outside of the applicants control to the site are approx. 210 metres away and the applicants have included as part of the Environmental Statement an odour impact assessment which indicates that odour exposures will be below the Environment Agency's benchmark for moderately offensive odours.
- 6.4.2 The proposed development will mean the total number of birds on site is 64,000.

This is above the threshold (40,000) for regulation of poultry farming under the Environmental Permitting, (EP), (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. It is understood the applicant has applied for an EP which is being progressed in tandem with the planning application. Should the site operator fail to meet the conditions of a site permit, the Environment Agency are in a position to take action in-line with their published Enforcement and Sanctions guidance.

- 6.4.3 The National Planning Policy Framework in paragraph 122 states that ‘local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively.
- 6.4.4 The permit issued and monitored by the Environment Agency only covers on site activities and therefore feed deliveries to the site and manure movements off the farming unit concerned will not be covered by the permit, (other than on-site activities), and as such with proximity to the location of dwellings outside of the applicants control it is recommended that conditions are attached to any approval notice issued restricting times for feed deliveries and that any manure removed off site is done so in sealed and covered containers/trailers.
- 6.4.5 Manure disposal and storage. Detail in support of the application indicates that the applicants intend storing manure generated on site, on the farm holding for spreading on land forming part of the farm. Information forming part of the Environmental Statement indicates that the shed will be fully cleaned out once every 13-15 months at the end of each cycle and will generally take place over a period of 1 to 2 days. This chore is as a result of the belt conveyor system, which allows weekly removal of manure. The system uses a belt system for the removal of manure. The droppings fall onto manure belts, and remain dry and friable. This allows the weekly removal of manure which is to be removed off site in sealed trailers to be stored in suitable temporary field heaps to be spread on land farmed by the applicants. (The comments as raised by the Local Parish Council on this matter are noted).
- 6.4.6 The response from the Environment Agency as outlined in paragraph 4.4 above discusses manure management, indicating that under the environmental permitting regime the applicant will be required to submit a manure management plan. This will consist 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. It is used to reduce the risk of the manure leaching or washing into groundwater or surface water. The permitted farm would be required to analyse the manure twice a year and the field soil (once every five years) to ensure that the amount of manure which will be applied does not exceed the specific crop requirements i.e. as an operational consideration. Any plan submitted would be required to accord with the Code of Good Agricultural Policy (COGAP). Therefore it is considered that the Environmental Permit will address matters of concern in relationship to manure

storage and disposal on site. Clearly when manure leaves the permitted holding it then becomes outside of the permit regime for the specific holding and as such it is recommended that a condition is attached to any approval notice if members are mindful to approve the application, in order to ensure all manure moved off the intensive poultry site is done so in sealed and covered trailers as proposed. It must also be noted that the Council's Public Protection section has statutory powers to deal with any proven amenity issues as a result of the development.

- 6.4.7 Also submitted in support of the application is a noise impact assessment to which the conclusions to the report indicate that a noise survey has been conducted to determine the typical background noise levels at the nearest dwellings to the proposed extended/upgraded free-range poultry units. The extract fan and internal activities including livestock as a result of the proposed free-range egg poultry units extension/upgrade have been assessed in accordance with BS4142:201. The findings of the report are considered acceptable, and it is noted that neither the EA or the Council's Public Protection Manager raise any objections on this matter.
- 6.4.8 On balance the proposal is considered acceptable in relationship to surrounding residential amenity issues, the applicants having applied for an environmental permit for the operations as proposed from the EA. As such the proposal is considered to be in accordance with relevant policies of the Shropshire Core Strategy, the Council's emerging SAMDev and the National Planning Policy Framework on issues in relationship to residential amenity and public protection.

6.5 **Public highway and transportation issues.**

- 6.5.1 Access into and out of the site is directly onto the A528 highway. The applicants have submitted a traffic impact assessment as part of their application and this indicates that in relationship to 64,000 birds, on free range egg production unit and a production cycle over a 60 week (15 month) period, that traffic generated when the proposed free range egg production unit is in full production, on a weekly basis will be around 6 vehicle movements per week (12 two way vehicle movements). These would be made up of 2.2 feed delivery, 3 egg collections and 1 manure collection. It is unlikely that there would be an increase of traffic movements associated with fallen stock or staff than currently exist with the site. The peak periods are considered to be the bird delivery and depopulation which will occur at the beginning and end of the 15 month cycle. Typically it is estimated that there would be two days of peak activity:
1. Population of sheds – 16 movements (two days)
 2. Depopulation of sheds – 16 movements (two days)
 3. Manure removal – 2 movements per week
- (N.B. 2 movements equates to one vehicle, one movement in, one movement out).
- 6.5.2 Movements outside of the peak periods - Given the nature of the proposals and likely movements of the traffic generated by the proposals, the movements will be outside of the normally accepted peak hours. HGV's associated with the population and depopulation of the birds will likely be outside the peak hours when there is expected to be less traffic on the highway.
- 6.5.3 When assessing the overall increase in traffic for a 60 week duration, against the background of the existing site traffic there will be an overall increase of 4 HGV

movements associated with the birds in and birds out, 1.03 HGV's per week for feed (124 two way), 1 HGV per week for egg collection (120 two way), 1 T&T per week for manure (120 T&T two way).

6.5.4 With consideration to the existing public highway access which is direct onto the A528 public highway and the existing vehicle movements as a result of the existing operations on site the increase in vehicle movements as a result of this proposal are considered acceptable and it is noted that no objections are raised on public highway and transportation matters. As such the proposed development is considered to comply with Policies CS6 and CS7 of the Shropshire Core Strategy, the Shropshire SAMDev and the NPPF in relationship to public highway and transportation issues.

6.6 **Drainage**

6.6.1 The NPPF and policy CS18 of the Shropshire Core Strategy require consideration to be given to the potential flood risk of development. It is noted that the application site is in flood zone 1 in accordance with the EA flood risk data maps. (lowest risk), The Environmental Statement in support of the application is accompanied by a drainage and flood risk assessment and its comments and conclusions are noted and have been considered as part of the consideration to this application.

6.6.2 In this case no objections have been raised by the Environment Agency or the Council's Drainage Manager as it is noted that a sustainable drainage system can be installed on site in connection to the existing development. Reference to this can be included on any planning permission if granted.

6.6.3 In view of the above it is considered that an appropriate drainage system can be installed to meet the requirements of the NPPF and policy CS18 of the Shropshire Core Strategy.

6.7 **Ecology.**

6.7.1 The NPPF and policy CS17 of the Shropshire Core Strategy require consideration to be given to the impact of the proposed development on the natural environment. This particularly relates to the impact on statutorily protected species and habitats. Therefore the application has been considered by the Council's Ecologist and Natural England.

6.7.2 The application is accompanied by an Ecological assessment as part of the Environmental statement and its conclusions are considered satisfactory.

6.7.3 The SC Planning Ecologist in response to the application raises no objections recommending conditions and informatives to be attached to any approval notice issued. It is recommended that these are attached to any approval notice as recommended, and with these in place the proposed development is considered to be in accordance with Policy CS17 of the Shropshire Core Strategy, the Council's SAMDev and the NPPF on matters in relationship to ecological issues. A copy of the Habitat Regulation Assessment is attached as appendix 2 to this report.

7.0 CONCLUSION

- 7.1 The proposal is for an extension to two egg laying units, a purpose built egg packing unit and construction of four feed silos on an established egg laying unit which will house up to 64,000 birds in total on site, as part of an existing farm diversification venture for the previously traditional family farming business.
- 7.2 It is acknowledged that the development as existing is significant in scale and does have a limited impact on the landscape, however it is considered that the proposed development is not significant in relationship to the existing on site. Therefore on balance with consideration to the location, size and scale and cumulative impacts, there will not be of an adverse impact with further landscape mitigation. Also with consideration to the economic benefits to the business concerned and production of local food with further landscape mitigation in the form of native plantings and consideration to the external colour of the development, on balance acceptable in principle.
- 7.3 The development raises no adverse concerns from any of the statutory consultees to the application, and with no objections from the local Parish Council, and members of the public it is considered that planning issues can be addressed satisfactorily with consideration to the detail submitted in support of the application and responses received from the statutory consultees. The applicants have submitted to the Environment Agency an application for an environmental permit in order for the site to operate and this will address issues in relationship to amenity and public protection.
- 7.4 The findings and conclusions as indicated in the Environmental Statement submitted in support of the application are on balance considered acceptable.
- 7.5 As such the proposed development is considered acceptable and in accordance with relevant policies as set out in the Shropshire Core Strategy, the emerging SAMDev, the National Planning Policy Framework and other relevant planning guidance. The recommendation is therefore one of approval subject to conditions as attached to this report.

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.

10.0 Relevant Planning Policies

10.1 Shropshire Core Strategy

- Strategic Objective 9 seeks to promote a low carbon Shropshire by measures that include the generation of energy from renewable sources
- Policy CS5 (Countryside and Green Belt)
- Policy CS6 (Sustainable Design and Development Principles)
- Policy CS13 (Economic Development, Enterprise and Employment)

- Policy CS17 (Environmental Networks)
- Policy CS18 (Sustainable Water Management)
- Policy CS19 (Waste Management Infrastructure)

10.2 Central Government Planning Policy and Guidance:

National Planning Policy Framework (NPPF): The NPPF: supports a prosperous rural economy, and states that plans should promote the development of agricultural businesses (Chapter 3); promotes good design as a key aspect of sustainable development (Chapter 7); supports the move to a low carbon future as part of the meeting of the challenges of climate change and flooding (Chapter 10); states that the planning system should contribute to and enhance the natural and local environment by preventing development from contributing to unacceptable levels of soil, air, water or noise pollution (Chapter 11). The NPPF states that local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and recognize that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions, and should approve applications for renewable or low carbon energy if its impacts are (or can be made) acceptable (para. 98).

10.3 Emerging policy:

Site Allocations and Development Management (SAMDev) document: Relevant draft Development Management policies include:

- MD2 (Sustainable Design)
- MD7b (General Management of Development in the Countryside)
- MD12 (Natural Environment)
- MD14 (Waste Management Facilities)

Relevant planning history:

NS/04/01118/FUL Erection of poultry house with associated equipment and hardstanding and alterations to existing vehicular access CONAPP 13th December 2004

NS/05/00207/FUL Extension to existing poultry house CONAPP 4th April 2005

NS/07/01475/FUL Proposed erection of a Free Range Poultry Building and associated feed bins CONAPP 18th October 2007

11. Additional Information

View details online:

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 Brian Williams
Appendices APPENDIX 1 – Conditions Appendix 2 – HRA.

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. Prior to commencement of works on site a scheme of landscaping shall be submitted to and approved by the Local Planning Authority. The works shall be carried out as approved. The submitted scheme shall include:

- a) Planting plans, including wildlife habitat and features
- b) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate. Native species used to be of local provenance (Shropshire or surrounding counties).
- c) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works and this will include vegetation surrounding the application site as referred to in condition number 11 below.
- d) Implementation timetables

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design.

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

4. Manure will be removed off the application site in sealed and covered trailers.

Reason: In consideration of the amenity of the surrounding area.

5. 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 booklet Bats and Lighting in the UK

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

6. A total of 4 woodcrete artificial nests suitable for small birds such as house 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

7. 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

8. No feeding stuffs will be delivered to the site outside the hours of 8am - 6pm Monday - Saturday or at any times during a bank holiday.

Reason: In the interests of surrounding residential amenity.

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

9. All building development on site, (including all the feed silo's), are to be all externally coloured in accordance with an external colour scheme to be agreed in writing with the Local Planning Authority prior to any development on site.

Reason: In consideration of the visual impact and to mitigate the development into the surrounding landscape.

APPENDIX 2**Habitat Regulation Assessment (HRA) Screening Matrix**

Application name and reference number:

15/04781/EIA

Burlton Lane Farm

Myddle

Shropshire

SY4 3RE

Erection of extensions to existing free range poultry buildings and erection of egg packing unit.

Date of completion for the HRA screening matrix:

23rd November 2015

HRA screening matrix completed by:

Nicola Stone

Planning Ecologist

01743-252556

Table 1: Details of project or plan

Name of plan or project	15/04781/EIA Burlton Lane Farm Myddle Shropshire SY4 3RE Erection of extensions to existing free range poultry buildings and erection of egg packing unit.
Name and description of Natura 2000 site and Nationally designated site which has potential to be affected by this development.	<p>West Midland Mosses SAC</p> <p>West Midland Mosses SAC (184.18ha) is a collection of sites which between them represent nationally important dystrophic water bodies, transition mires and quaking bogs.</p> <p>Annex I Habitats that are a primary reason for selection of site:</p> <ul style="list-style-type: none"> • Natural dystrophic lakes and ponds • Transition mires and quaking bogs <p>Fenn`s, Whixall, Bettisfield, Wem and Cadney Mosses SAC and Midland Meres and Mosses Ramsar Phase 2.</p> <p>Fenn`s, Whixall, Bettisfield, Wem and Cadney Mosses SAC and Midland Meres and Mosses Ramsar Phase 2 (949.2ha) together form an outstanding example of lowland raised mire. The site as a whole supports a wide range of characteristic acid peat bog vegetation. The moss complex, which straddles the border between Shropshire, England and Clwyd, Wales, is one of the largest and most southerly raised mires in Britain.</p> <p>Annex I Habitats that are a primary reason for selection of the SAC:</p> <ul style="list-style-type: none"> • Active raised bog. <p>Annex I Habitats present as a qualifying feature but not a primary reason for selection of the SAC:</p> <ul style="list-style-type: none"> • Degraded raised bogs still capable of natural regeneration <p>The site is included within the Ramsar Phase 2 due to its Raised Bog and Carr habitats with invertebrate assemblages and the plant species <i>polifolia</i>, <i>Dicranum undulatum</i> and <i>Sphagnum pulchrum</i></p>

Hencott Pool

Most of Hencott Pool Midland Meres and Mosses Ramsar Phase 2 (11.5ha) is swamp carr on very wet peat dominated by alder *Alnus glutinosa* and common willow *Salix cinerea* with frequent crack willow *Salix fragilis*. Although there are considerable areas of bare peat beneath the trees, there is a rich flora of fen plants. It is included in the Ramsar Phase for its Carr habitat and the species *Carex elongata* and *Cicuta virosa*

Sweat Mere & Crose Mere

Sweat Mere and Crose Mere Midland Meres and Mosses Ramsar Phase 2 (38.58ha) are two dissimilar meres constituting a site of exceptional importance. The meres and their surrounds form a complex of open water, reedswamp, fen and woodland habitats unrivalled in Shropshire for the variety of natural features of special scientific interest. It is included in the Ramsar Phase for its Open water, Swamp, Fen, Wet pasture and Carr habitats with the species *Carex elongata* and *Thelypteris palustris*

Brownheath Moss

Brownheath Moss Midland Meres and Mosses Ramsar Phase 2 (31.32ha) differs from the other North Shropshire Mosses in consisting of a series of pools set in an area of heathland and woodland, rather than an expanse of peat. It is included in the Ramsar Phase for its Fen and Carr habitats with the species *Carex elongata*.

Cole Mere

Cole Mere Midland Meres and Mosses Ramsar Phase 2 is one of the largest of the Shropshire meres, with an almost complete fringe of woodland. There is a comparatively rich flora of aquatic macrophytes and the aquatic invertebrate fauna of Cole Mere is particularly diverse. It is included in the Ramsar Phase for its Open water, Wet pasture and Carr habitats with the plant species *Carex elongata*

Midland Meres and Mosses (Ramsar phase 1)**1.1.1.1 Clarepool Moss**

Clarepool Moss Midland Meres and Mosses Ramsar Phase 1 (15.62ha) is a basin mire which has developed, in part at least, as a quaking bog (Schwingmoor). It is included within the Ramsar Phase for its Open Water and Basin Mire habitats with the species Dotted Footman.

White Mere

White Mere Midland Meres and Mosses Ramsar Phase 1 (31.97ha) is one of the richest of the North Shropshire meres for aquatic plants. It is included within the Ramsar Phase for its open water and carr habitats with the plant species *Carex elongata* and *Eleocharis acicularis*

1.1.1.2 Fenemere

Fenemere Midland Meres and Mosses Ramsar Phase 1 (16.34ha) is a particularly rich and interesting mere with eutrophic water. Fenemere is also important for its rich aquatic invertebrate fauna. It is included within the Ramsar Phase for its open water, swamp, fen, wet pasture and Carr habitats with the species *Cicuta virosa* and *Thelypteris palustris*

Description of the plan or project	Erection of extensions to existing free range poultry buildings and erection of egg packing unit.
Is the project or plan directly connected with or necessary to the management of the site (provide details)?	No
Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?	No

We have identified the following effect pathways:

- Damage to the Ramsar site & SAC caused by aerial emissions
- Possible effects on the hydrology of the Ramsar site & SAC

1. Possible impact of aerial emissions

The Environment Agency has provided pre-permitting application advice. The screening assessment undertaken by the Environment Agency has considered any Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Ramsar sites within 10km; any Sites of Special Scientific Interest (SSSI) within 5km and also any National Nature Reserves (NNR), Local Nature Reserves (LNR), ancient woodlands and local wildlife sites (LWS) within 2km of the farm. The Environment Agency has confirmed that based on the information the applicant has provided detailed modelling is not required to be submitted with the applicants permitting application.

Shropshire Council, under Regulation 61 in the Habitats Regulations, can rely on the 'evidence and reasoning' of another competent authority. Shropshire Council can therefore use the Ammonia Screening Output (provided by Kevin Heede via email dated 19th November) to complete the assessment of air pollution impacts for European Designated Sites within 10km, National Designated Sites within 5km, and Local Wildlife Site/Ancient Woodlands in 2km.

All sites screen out below the permitting threshold and therefore no further modelling is required to support this planning application.

2. Hydrology

SC Ecology has assessed Natural England's Ramsar Catchment Areas. The proposed site location falls outside of the catchment area. No further assessment has been undertaken.

Conclusion

Providing works are carried out in accordance with the approved plans, and as agreed within an Environment Agency Permit, SC Ecology has concluded that the proposed development will not impact on the integrity of Ramsar sites and SAC in 10km.

The Significance test

1.1.1.3 There is no likely significant effect on European Designated Sites from planning application 15/04781/EIA.**The Integrity test**

There is no likely effect on the integrity of the European Designated Sites from planning application 15/04781/EIA.

Conclusions

Natural England should be provided with SC Ecologist HRA. Comments should be received prior to a planning decision being granted.

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 as 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.