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 Central Planning Committee
 4 March 2016

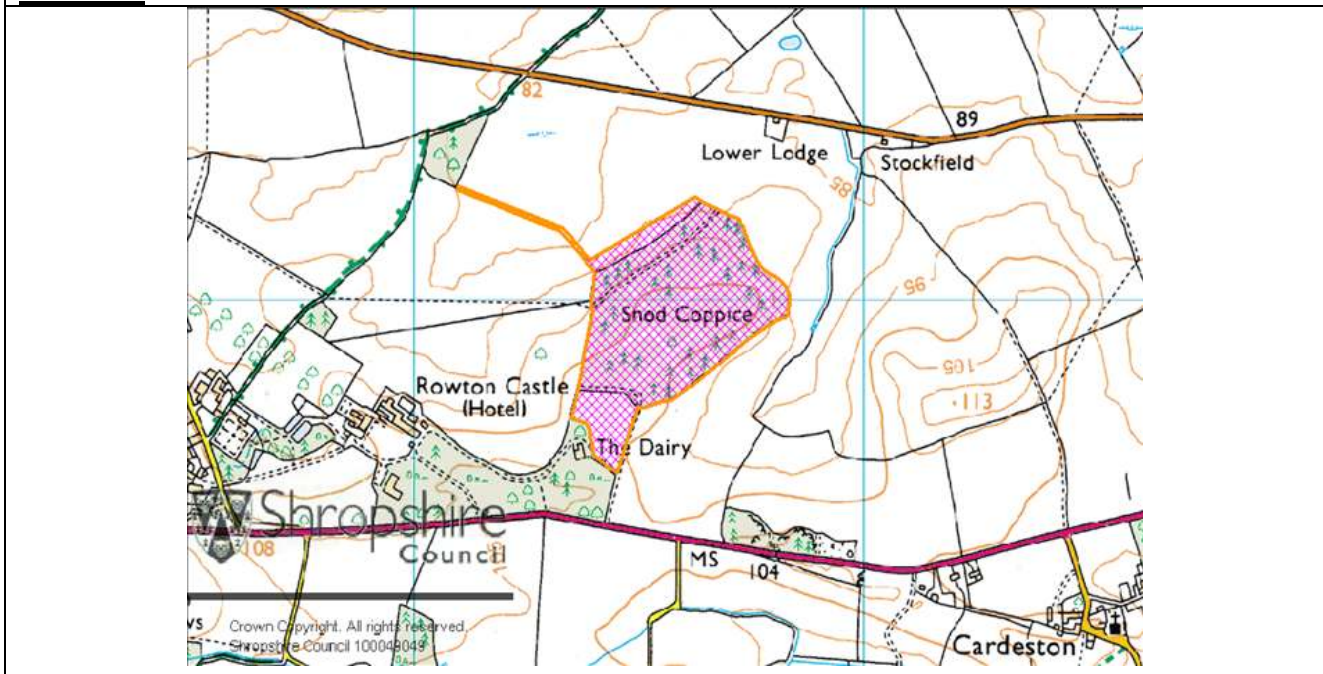
Development Management Report

Responsible Officer: Tim Rogers
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Summary of Application

Application Number: 15/05011/EIA	Parish:	Alberbury With Cardeston
Proposal: Erection of two poultry rearing buildings, four feed bins and other ancillary buildings, landscaping including ground modelling and tree planting.		
Site Address: Land At Snod Coppice Rowton Shrewsbury Shropshire		
Applicant: Rowton Growers Ltd		
Case Officer: Kelvin Hall	email: planningdmc@shropshire.gov.uk	

Grid Ref: 338557 - 313011



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

Contact: Tim Rogers (01743) 258773

REPORT

1.0 THE PROPOSAL

- 1.1 The planning application seeks permission for the extension of the existing poultry rearing development at Snod Coppice. The existing development comprises four large poultry rearing buildings, seven feed bins and a biomass boiler shed. The proposed development would include the erection of two additional poultry sheds, four feed bins and other ancillary buildings, together with landscaping including ground modelling and tree planting. The existing development has capacity for 179,000 birds in the four sheds. The proposed development would increase the capacity of the site by 96,000 birds to 275,000 bird places.
- 1.2 Each poultry shed would be constructed with a solid concrete floor, metal portal frame and roof and side wall cladding. They would have a shallow pitched roof and measure 94.71 metres x 24.68 metres with a ridge height of 4.84 metres. The fan outlets would protrude from the roof plane to a height of 5.75 metres. The biomass boiler building would be positioned between the existing and proposed poultry buildings. It would measure 23.63 metres x 11.63 metres, with an eaves height of 3.95 metres and 5.56 metres to ridge. It would house a 600kW biomass boiler and include space for woodchip storage.
- 1.3 The four feed bins would be positioned on concrete plinths between the proposed sheds. They would be 8.94 metres high and 3.5 metres in diameter. It is proposed that the colour of the buildings and feed bins would be reserved for agreement with the local planning authority. A concrete service pad would be constructed at the south-western side of the proposed poultry buildings, to be used for manoeuvring of HGVs.
- 1.4 Production process: Prior to the crop cycle the sheds would be pre-warmed to 31⁰c in preparation for chick delivery. Chicks would be 'thinned' when they reach around five weeks old. This would involve the catching and transport of a proportion of chicks over a two day period. When the birds are around six weeks old the remainder would be caught and removed from the site. Bird catching and removal would take place during the day time and night time over two days. At the end of the growing period the used litter would be taken away and stored in fields off-site prior to spreading on agricultural land. Wash down and disinfection would then take place ready for the next crop. The wash water would be collected in underground tanks before being spread to agricultural land. The biomass boiler would provide heat for the poultry sheds, using wood chip or straw as fuel.
- 1.5 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. The scope of the EIA is based upon formal advice provided by the local planning authority in a Scoping Report issued in November 2015.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is located at Snod Coppice, approximately 10km to the west of Shrewsbury and 1km to the north-west of Cardeston. Snod Coppice is an area of unmanaged, principally coniferous woodland covering an area of approximately 13.5

hectares. The proposed development would be sited adjacent to the existing sheds, on land which currently forms part of the woodland. The development would be surrounded by existing woodland cover.

- 2.2 The application site covers an area of approximately 15 hectares. This encompasses the area of proposed built development (approximately 1 hectare) together with the surrounding woodland and an area to the southwest proposed for landscaping (approximately 1.5 hectares).
- 2.3 The site is location in a rural area which includes scattered isolated properties. The nearest residential properties to the proposed buildings are The Dairy, approximately 320 metres to the south-west, and Lower Lodge, approximately 350 metres to the north-east. Rowton Castle is located approximately 600 metres to the south-west, and the complex includes a number of Listed Buildings as detailed in section 6.6 below. The Castle Country Club, a health and fitness club, is located approximately 670 metres to the south-west. Access to the site would be gained via the track to the existing poultry buildings which connects to the A458 trunk road approximately 450 metres from the site.
- 2.4 The woodland surrounding the proposed buildings, Snod Coppice, is designated as a Plantation on Ancient Woodland Site (PAWS).

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The proposals comprise Schedule 1 EIA development and the Council's Scheme of Delegation requires that such applications are determined by Planning Committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

- 4.1.1 **Alberbury with Cardeston Parish Council** The Parish Council supports this application as it is fulfilling an urgent need for more livestock production and providing local jobs.
- 4.1.2 **Environment Agency** No objections.

Environmental Permitting Regulations: The proposed development will increase bird numbers on the site from 170,000 to 275,000. 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.

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. For information the site currently operates under an Environmental Permit for its intensive poultry operations. A variation to the Permit has been submitted in consideration of the increase to bird numbers.

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. The Agency has 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.

- 4.1.3 **SC Drainage** The surface water drainage proposals in the FRA and Drainage Strategy are acceptable in principle, however SuDS applicability for the area is infiltration plus treatment and the site lies within a groundwater Source Protection Zone 3. Further details of drainage details are required, and can be dealt with by planning condition (see condition in Appendix 1).

4.1.4 **Natural England** No objections.

This application is in close proximity to the River Severn at Montford Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.

Other advice: We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application. It is recommended that further information is sought from the appropriate bodies.

Protected Species: We have not assessed this application and associated documents for impacts on protected species. Natural England's Standing Advice should be referred to as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England.

Biodiversity enhancements: This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Attention is drawn to Section 40 of the Natural Environment and Rural Communities Act (2006) and the need to have regard to the purpose of conserving biodiversity.

4.1.5 **SC Ecologist** As this is an extension to existing site no objection is raised providing appropriate conditions are on the decision notice and are enforceable.

The poultry farm currently has capacity for 179,000 birds across four sheds. The proposed poultry extension will increase the capacity to approximately 275,000 bird places.

The proposed site is currently unmanaged commercial coniferous plantation woodland designated as Planted Ancient Woodland. Indigo Planning has reviewed historic OS maps and has stated that the area of ancient woodland to be lost to the proposed development amounts to 0.139ha. The net woodland loss is 0.995ha.

The applicant is proposing to gradually manage the removal of conifers with a 30 year plan to convert back to lowland broadleaf woodland – creation of priority habitat. Compensation for the net loss of woodland will additionally be provided by the creation of new woodland (minimum 1.24 ha) connecting with ancient woodland to the south of

Snod Coppice. A 330m length of native hedgerow will be planted to form connection between Snod Coppice and the woodland to the north. A soil translocation exercise will be undertaken. Soil will be translocated from the areas for the proposed poultry units to the area of proposed new woodland planting. Please refer to - Snod Coppice Woodland Enhancement plan prepared by Aspect Ecology drawing number 3893/ES1, dated November 2015.

A full ecological restoration plan and environmental construction management plan is required to be submitted to and agreed in writing by the local authority prior to the commencement of works on site. Works shall be carried out as agreed. The plan shall include (but not be restricted to) full details regarding woodland/hedge planting, detailed 30 year plan for woodland restoration, control measures for Himalayan Balsam, and a detailed soil translocation plan.

Conditions should be imposed on the decision notice relating to a habitat enhancement plan and landscaping scheme to ensure the implementation of all mitigation works proposed in the environmental statement in respect of the woodland site and woodland enhancement areas (see Appendix 1).

Badger: Five badger setts have been recorded within the site. Sett 1 is an active main sett with four entrances in use. Sett 2 is considered likely to form an active outlier sett. Sett 3 is considered likely to form a small active annex sett. Sett 4 is considered to be an active subsidiary sett. Sett 5 is considered to form an inactive outlier sett.

The proposed site also provides foraging and commuting for badgers. There will be no works within 30m of the badger setts. Aspect Ecology considers that the setts are unlikely to be affected by the development.

A Badger method statement will be followed. Update badger survey and badger method statement will to be submitted to the local planning authority prior to works commencing on site (see Appendix 1).

Nesting Birds: A condition should be imposed requiring the provision of woodcrete nest boxes (see Appendix 1).

Bats: A condition should be imposed to require the erection of bat boxes and the submission of a lighting plan for any external lighting (see Appendix 1).

Designated Sites: The proposal is for an extension of an existing poultry site. Natural England has formally responded with no objection based on the potential impact that the proposal may have on Nationally/European designated sites.

The Environment Agency has provided the Ammonia Screening Assessment Output for the proposed poultry extension (via Kevin Heede). 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 EA modelling from the permit to complete the assessment of air pollution impacts. All sites within 10km of the proposed poultry extension (except Snod Coppice) screen out below the agreed thresholds.

Development that results in the loss or degradation of Planted Ancient Woodland would not normally be supported by SC Ecology and would be considered contrary to the principals of the Shropshire Local Development Framework; adopted core strategy policies CS6 & CS17 and to the principles of sustainable development. The proposed application does provide creation of priority habitat and will result in the restoration and management of a Planted Ancient Woodland. A net woodland area gain of 1.24 hectares and increased connective between surrounding woodlands by hedgerow linkage is believed to enhance the area for biodiversity.

4.1.6 **SC Trees** No objections subject to conditions.

The application seeks to construct 2 poultry rearing buildings and associated infrastructure within an area of woodland designated as a PAWS site. The site already supports 2 similar buildings and operational land.

Currently the woodland is planted with a coniferous crop, which is nearing maturity. The premise of the application is that the impact to the PAWS will be minimised where possible and any loss will be mitigated or offset through woodland improvement measures. This will allow for a betterment of the site, which would otherwise degrade if it was left to continue being managed as a commercial plantation. The applicant has submitted a comprehensive arboricultural impact assessment and woodland improvement plan.

Having reviewed these documents, it is considered that the proposed works will result in a long term improvement of the woodland and will significantly increase its conservation and landscape benefits, offering a nett gain to the wider community. It is recommended that the implementation of all mitigation works proposed in the environmental statement in respect of the woodland site and woodland enhancement areas is a condition of granting planning permission.

4.1.7 **Historic England** Do not wish to comment in detail, but offer the following general observations. Conditions should be imposed requiring your Council's prior approval of all landscape and planting works, and of the external details, materials and finishes of the buildings, and of the management regime for the surrounding planting. The advice of your Council's Historic Environment Conservation Team on this proposal should be followed in full. It is recommended that the application is determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

4.1.8 **SC Archaeology** A Heritage Statement is included as Appendix 4 of the Environmental Statement. We confirm that this satisfies the requirements of Paragraph 128 of the NPPF and Policy MD13 of the emergent SAMDev component of the Local Plan. The Statement finds that there is low potential for archaeological remains to be present on the site. We concur with this assessment and on this basis we no further comments to make with respect to archaeological matters.

4.1.9 **SC Conservation** The Heritage Statement is satisfactory and we have no further comments to make in terms of historic environment matters. I would however direct you to the recommendations provided by Historic England in terms of imposing conditions regarding landscape and planting works and their continued maintenance and

management, and the approval of external details, materials and finishes of the new buildings, and would request that relevant conditions to cover these matters are added to the decision notice.

4.1.10 **Highways England** No objections.

4.1.11 **SC Highways** No comments. The planning application seeks to develop land currently served from an existing vehicular access to the Trunk Road network – highway consideration should be sought from Highways England, who are the Highway Authority for trunk roads.

4.1.12 **SC Public Protection** No comments to make.

4.1.13 **Shropshire Fire Service** No comments.

4.2 **Public comments**

4.2.1 The application has been advertised by site notice and in the local press. In addition, 46 residential and other properties in the local area have been individually notified. No public representations have been received.

5.0 **THE MAIN ISSUES**

- Environmental Impact Assessment
- Planning policy context; principle of development
- Siting, scale and design; impact upon landscape character
- Landscaping and ecology
- Local amenity considerations
- Historic environment considerations
- Traffic and access considerations
- Drainage and pollution 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 proposed development would increase the number of birds reared at the site by 96,000, and as such it is EIA development. Shropshire Council provided a formal scoping opinion to the applicant in November 2015 (ref. 15/04295/SCO) setting out the matters that would need to be included in any EIA for the proposed development. The 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.
- 6.2.3 The application states that the economic benefits of the proposed development include the investment in the agricultural industry and a rural business; and job opportunities. The application states that the proposed development would require the equivalent of 1.5 additional full time workers. Other employment would include feed delivery and poultry collection drivers, and cleaning and manure removal teams.
- 6.2.4 The above policies indicate that there is 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 a poultry unit development in this location can be supported.
- 6.2.5 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 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. It is noted that the site is not located within an

area designated for landscape value.

- 6.3.2 A Landscape and Visual Impact Scoping Report has been submitted as part of the EIA/ This provides an assessment of potential impacts of the proposal, and concludes that landscape and visual impact is not a topic that needs to be assessed as part of the EIA process. The Scoping Report notes that the existing site and proposed extension is located entirely within Snod Coppice, a dense area of mixed woodland. In addition it notes that there are no public rights of way through Snod Coppice and as a consequence there are no visual receptors that would be affected by the proposed development. The Scoping Report acknowledges that the proposal would involve the removal of trees. However it states that these are non-native trees that are not characteristic of the local landscape, and that the removal of these trees would not be visible from anywhere outside Snod Coppice. It concludes that it is unlikely that there would be any adverse effects on landscape character or visual amenity beyond the confines of Snod Coppice.
- 6.3.3 Officers concur with the findings of the Scoping Report. The dense woodland surrounding the application site restricts views of the site from public viewpoints or residential properties in the vicinity, including the A458 and The Dairy, and Rowton Castle. The potential impacts arising from the removal of woodland are discussed below. However, it is not considered that the removal of trees from the site would result in the proposed development being visible beyond the woodland. As such it is not considered that the proposal would adversely affect the landscape character or visual amenity of the area.

6.4 Landscaping and ecology

- 6.4.1 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. It states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland unless the need for, and benefits of, the development in that location clearly outweigh the loss. Further, that if significant harm resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then permission should be refused.
- 6.4.2 Snod Coppice is woodland which is dominated by non-native conifer plantation. The dominant species is European larch, with less frequent species comprises Norway spruce, Douglas fir, and Scots pine. The majority of the woodland is designated as a Plantation on Ancient Woodland Site (PAWS). This is an ancient woodland site where the semi-natural woodland has been replaced with a plantation.
- 6.4.3 The Environmental Statement includes a comprehensive arboricultural impact assessment and woodland improvement plan. Ancient woodland is defined as any woodland that has been wooded continuously since at least 1600AD. The arboricultural assessment considers that much of the woodland is not in fact ancient woodland, as a 1956 plan shows that more than half of the wooded area had been cleared at that time. It states that this is consistent with the age of the replanted trees, of around 50 years.

- 6.4.4 The proposed development would require the removal of an area of woodland of 1.18 hectares. Most of this woodland is within an area which the 1956 plan shows to be clear of woodland at that time. The applicant therefore contends that most of the woodland to be removed is not ancient. The application states that the total area of PAWS woodland to be removed amounts to 0.139 hectares, which is 3.3% of the total ancient woodland area at Snod Coppice.
- 6.4.5 Mitigation and compensation: The application proposes comprehensive management of the entire retained woodland area at Snod Coppice. This would include the phased removal of the predominant coniferous forestry species back to lowland broadleaf woodland, a priority habitat, and the control of bracken and bramble. The application states that this would increase light levels to the woodland floor which will promote the development of understorey and woodland flora species.
- 6.4.6 The application also proposes that a new area of native species deciduous woodland is planted to the south-west of Snod Coppice, to connect the existing woodland to another area of ancient woodland. This new woodland would have an area of 1.15 hectares. Further connectivity would be provided through the planting of a 330 metres length of native hedgerow. In addition an area of wildflower grassland would be planted between the new woodland and the existing access track, and measures to control an area of Himalayan Balsam are proposed.
- 6.4.7 Following discussions with Officers regarding proposals to mitigate for the loss of woodland, the applicant has submitted a Framework Habitat Management Plan which provides an outline of the management proposals for the area. This is intended to form the basis of a more detailed management plan, to be produced should permission be granted. The Plan notes that at present the PAWS is in unfavourable and declining ecological condition due to the dominance of non-native conifers and lack of recent management. It states that the existing woodland is considered to be of moderate to high value at the local level, but that given the lack of management this value is expected to decline as the tree crop reaches maturity. Restoration of the retained woodland would take place over an approximate 30 year period, on a phased basis. The area of new woodland planting and wildflower grassland would be subject to long-term management.
- 6.4.8 It is anticipated that a management company would be formed to implement the management plan, funded by revenue generated by the proposed development. Officers consider that the Framework Habitat Management Plan provides a satisfactory outline of the mitigation and compensation measures that would be undertaken at the site. It is considered that the imposition of planning conditions requiring the submission, approval and implementation of a more detailed management plan, would be the appropriate means of securing satisfactory compensation and mitigation measures at the site over the long term. These conditions can also require the periodic monitoring and review of the management plan.
- 6.4.9 Other ecological issues: The submitted ecological report identifies that there are five badger setts within the site. A planning condition can be imposed to require that an updated risk avoidance method statement is submitted for approval, to ensure protection of badgers, as recommended by the Council's Ecologist. Additional

conditions can be attached to the decision notice to require the provision of bird and bat boxes. It is proposed that lighting would be provided by 1 no. metal halide lamp above the main door of each shed. This would be used solely during bird catching at night. Further details of the proposed lighting can be provided as part of a planning condition, to ensure that it minimises disturbance to bats, as recommended by the Council's Ecologist. An ammonia screening assessment has been undertaken by the Environment Agency in relation to the proposed development. This has concluded that no further detailed assessment is required in relation to potential air pollution impacts of the proposal on any designated ecological sites in the wider area.

Notwithstanding the proposed removal of woodland from the Plantation on Ancient Woodland Site, it is considered that the mitigation and compensation measures proposed would result in an overall enhancement to biodiversity in the area. As such the proposed development can be supported in relation to Core Strategy policy CS17, SAMDev Plan policy MD18 and para. 118 of the NPPF.

6.5 Local amenity considerations

6.5.1 Core Strategy policy CS6 requires that developments safeguard residential and local amenity. The nearest residential properties to the site are more than 300 metres away. Noise emissions from the proposed development would be attenuated by the existing large poultry sheds at the site, and also by the woodland. The Council's Public Protection Officer has raised no concerns regarding the proposals, and the Environment Agency has advised that issues relating to emissions of noise and odour would be addressed through the Environmental Permit which will need to be issued for the site. The Agency confirm that action would be taken should the site operator fail to meet the conditions of the Permit. The submitted Environmental Statement notes that there have been no instances of complaints regarding noise or odour since the Environmental Permit was issued in 2007. Officers consider that the proposal includes an appropriate separation distance between the poultry sheds and residential properties to ensure that appropriate safeguards against noise or odour issues can be taken.

6.6 Historic environment considerations

6.6.1 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. Paragraph 134 of the NPPF requires that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In addition, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in considering whether to grant planning permission which affects the setting of a Listed Building, the local planning authority shall have special regard to the desirability of preserving the setting.

6.6.2 The Environmental Statement incorporates a heritage assessment which evaluates heritage assets in the vicinity and assesses potential impacts and opportunities for mitigation. The application site lies within an area of historic and archaeological interest, particularly in relation to the Rowton Castle estate to the south-west. Rowton Castle is located approximately 600 metres to the south-west. The Castle, together with

an attached stable courtyard, is a Grade II* Listed Building. Other listed buildings within the Castle complex are the Tower House and adjoining courtyard walls (Grade II) and a Terrace retaining wall and Tower (Grade II). Rowton Lodge (Grade II) approximately 570 metres to the south-west. A Grade II Listed milestone is located approximately 340 metres to the north.

- 6.6.3 The proposed development provides for the removal of some woodland within the central part of Snod Coppice. Other than this, the existing woodland would be retained, albeit that it would be restored to deciduous species over a 30 year phased period. It is considered that there would be sufficient tree cover to ensure that the development would not be visible from surrounding heritage assets, and would not affect their setting. Matters relating to landscaping and external materials, as raised by Historic England and the Council's Conservation Officer, can be agreed as part of appropriate planning conditions.

6.7 Traffic and access considerations

- 6.7.1 Traffic to and from the site would utilise the existing established access to the A458 trunk road. A Technical Note has been submitted with the Environmental Statement which provides a review of the existing traffic conditions on the A458 and potential impacts that may result from the proposed development. This has been based upon an automated traffic count of flows on the A458.

- 6.7.2 The traffic report states that the most traffic to and from the site would occur during depopulation days. During these days the increase in traffic on the A458 arising from the proposed development would be between 0.09% and 0.13%. It states that this change in flow is well within the day-to-day variation of flow on the highway network and would be a negligible increase over existing traffic conditions.

- 6.7.3 Highways England has raised no objections to the proposed development on the grounds of impact upon highway safety. It is considered that the existing access is satisfactory in terms of width and visibility to accommodate the additional traffic that would be generated by the proposed development.

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.

- 6.8.2 Surface water drainage: The site is located within Flood Zone 1, indicating that the risk of surface water flooding is low. The submitted Flood Risk Assessment states that on site surface water attenuation would be provided by French drains and soakaways between the sheds. It states that the detailed drainage design would be informed by infiltration tests. The Council's Drainage Officer has confirmed that this is acceptable in principle, and that detailed measures can be dealt with by planning condition. An appropriate condition is included in Appendix 1.

- 6.8.3 Foul drainage: Dirty water would be generated as part of the process of washing out the floors of the poultry sheds at the end of each cycle. It is proposed that a slot drain would be installed at the entrance doors to the sheds, to collect dirty water and direct it to a holding tank. This holding tank would also accommodate dirty water from a wash down of the yard area, controlled by a diverter valve. It is considered that this is

acceptable in principle. The Environmental Permit would provide detailed control over pollution prevention measures incorporated within the design of the development.

7.0 CONCLUSION

7.1 The proposal to erect two poultry sheds, four feed bins and a biomass boiler building at Snod Coppice would represent an appropriate expansion of the existing broiler poultry business. The proposed development would be sited a sufficient distance from sensitive receptors to ensure that potential issues relating to noise and odour can be avoided. Additional controls would be provided as part of the Environmental Permit. In addition the existing woodland around the site would ensure that adverse impacts upon landscape character and the setting of nearby heritage assets would not arise. The proposal would result in the removal of part of the overall woodland area at Snod Coppice, which is designated as Plantation on Ancient Woodland Site. Nevertheless the proposal incorporates a number of measures which would mitigate and compensate for this loss. These include the long-term management of the whole of the woodland area to restore it on a phased basis from non-native coniferous plantation to deciduous woodland, and the planting of native woodland. These habitat management measures would provide significant biodiversity enhancements and on balance it is considered that they would provide a satisfactory level of compensation for the impacts resulting from the loss of ancient woodland. Overall it is considered that the proposal can be accepted in relation to Development Plan policies and other material considerations and that the grant of planning permission subject to the conditions set out in Appendix 1 can be recommended.

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 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): The NPPF states that one of the core planning principles is that planning should support the transition to a low carbon future and

encourage the use of renewable resources (para. 17). Amongst other matters, 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 Relevant Planning History:

15/04295/SCO Extension To Existing Poultry Farm, Scoping Opinion 26th November 2015

SA/96/0737 Erection of 2 agricultural buildings for the production of poultry together with low profile feed bins, incinerator, gas tank, underground storage tank and ancillary works, permitted 14th November 1996

SA/02/1193/F Erection of 2 no. poultry broiler units, low profile feed bins, gas tanks and ancillary works, permitted 15th April 2003

11. **Additional Information**

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) The application ref. 15/05011/EIA and supporting information and consultation responses.
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member Cllr David Roberts (Loton)
Appendices APPENDIX 1 - Conditions

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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 shall take place until a scheme of foul drainage, and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (which ever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

4. 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 the visual qualities of the area, and as such these details need to be approved prior to the development proceeding in order to ensure a sustainable development.

5. No development shall take place until a habitat management plan has been submitted to and approved in writing by the local planning authority. The plan, to be based upon the aims and objectives of the Framework Habitat Management Plan dated February 2016, shall provide for habitat management over a 30 year period, and shall include:
 - a) Description and evaluation of the features to be managed;
 - b) Aims and objectives of management;
 - c) Preparation of a works schedule, including 30 year plan, an annual work plan, and the means by which the plan will be rolled forward annually;
 - d) Personnel responsible for implementation of the plan;
 - e) details of the monitoring and review of the plan.

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, and compensate for the loss of woodland.

6. No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall be carried out as approved. The submitted scheme shall include:
- a) Planting plans, including wildlife habitat and features (e.g. bird and bat box locations)
 - b) Written specifications (including operations associated with soil translocation)
 - c) 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).
 - d) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works
 - e) Implementation timetables

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

7. 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 a detailed mitigation plan shall be submitted for the approval of the Local Planning Authority. The mitigation shall be undertaken in accordance with this approved plan.

A Risk Avoidance Method statement for badgers shall be updated based on the additional survey work undertaken and submitted to the local planning authority. Works shall be undertaken as agreed.

Reason: To ensure the protection of badgers.

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

8. 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.

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

9. Woodcrete nest boxes with a 32mm hole diameter (a minimum of 5) should be provided in newly created woodland for cavity-nesting species to replace loss of mature trees.

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

10. A total of 5 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on site prior to the 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

11. No construction works shall be undertaken outside of the following hours: 0800 and 1800 Monday to Friday; and 0800 to 1300 on Saturdays. No such works shall take place on Sundays or bank holidays.

Reason: To protect the amenities of the local area.

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. 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

Shropshire Core Strategy and saved Local Plan policies:

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)

SAMDev Plan policies:

Policy MD2 (Sustainable Design)

Policy MD8 (Infrastructure Provision)

Policy MD12 (Natural Environment)

Policy MD13 (Historic Environment)

3. Advice from the Council's Drainage Officer:

The following drainage details, plan and calculations could be conditioned if planning permission were to be granted:

1. The surface water drainage proposals in the FRA and Drainage Strategy using french drains and soakaways are acceptable in principle, however, SuDs applicability for the area is Infiltration PLUS treatment and the site lies within a groundwater Source Protection Zone 3. Surface water run-off must be treated through a filtration unit prior to entering the soakaways and also pass through a silt trap or catchpit prior to entering the soakaways to reduce sediment build up within the soakaways.

Percolation tests and the sizing of the french drains/ soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 20% for climate change. Full details, calculations, dimensions and location of the percolation tests and the proposed soakaways should be submitted for approval.

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.

4. 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.

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.