

Committee and Date

North Planning Committee

22<sup>nd</sup> March 2016Item

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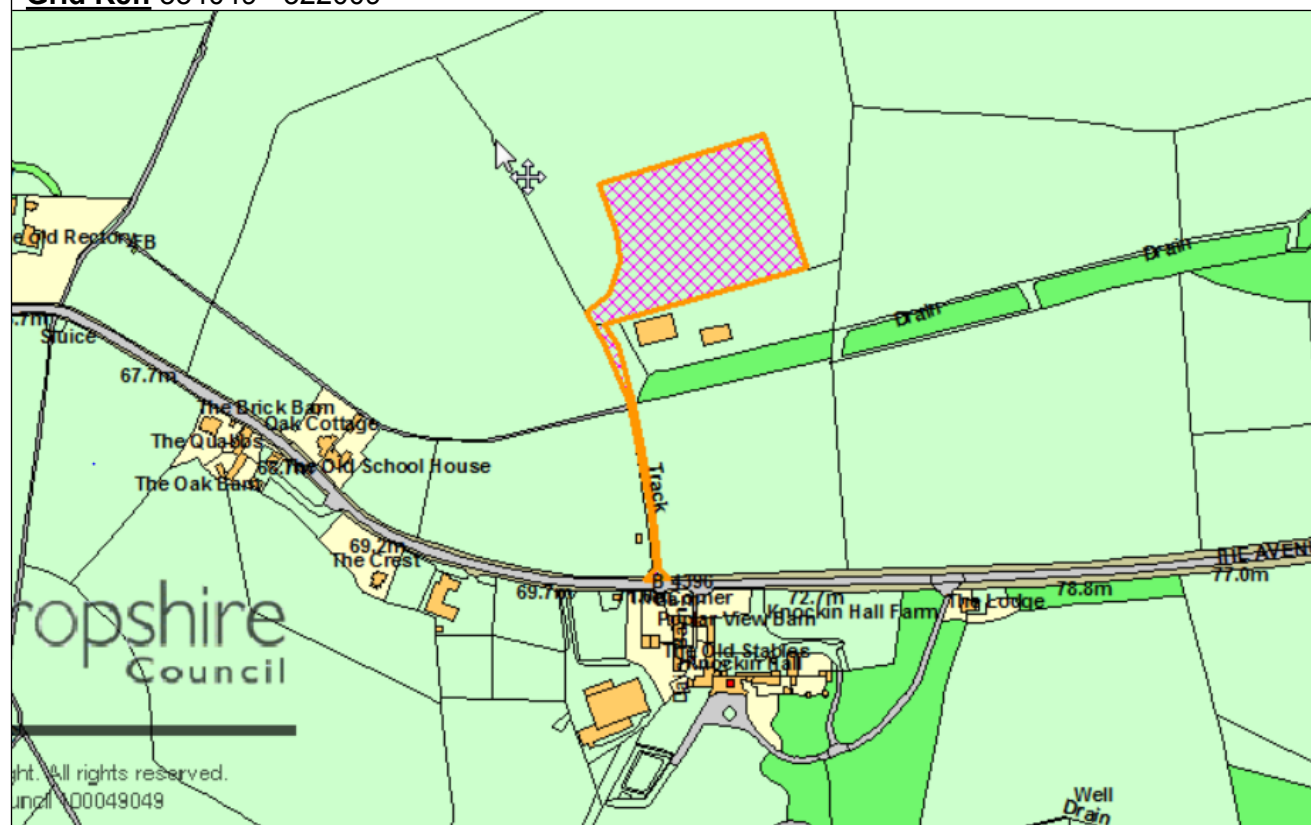
Public

**Development Management Report**

Responsible Officer: Tim Rogers

Email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619**Summary of Application**

<b><u>Application Number:</u></b> 16/00015/EIA	<b><u>Parish:</u></b>	Knockin
<b><u>Proposal:</u></b> Construction of two poultry sheds and feed bins, ancillary works, access improvements, erection of biomass building and associated landscaping		
<b><u>Site Address:</u></b> Land To North Of Knockin Hall Farm The Avenue Knockin Shropshire SY10 8HQ		
<b><u>Applicant:</u></b> G R Moseley & Son		
<b><u>Case Officer:</u></b> Philip Mullineux		<b><u>email:</u></b> <a href="mailto:planningdmnw@shropshire.gov.uk">planningdmnw@shropshire.gov.uk</a>

**Grid Ref:** 334049 - 322009

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**Recommendation: Delegated authority to the Head of Planning Services to grant planning permission for the proposed development subject to the conditions as set out in Appendix 1 and any modifications to these conditions if considered necessary by the Head of Planning Services.**

## **REPORT**

### **1.0 THE PROPOSAL**

- 1.1 The application is made in 'full' and proposes construction of two poultry sheds, five feed bins, ancillary works, access improvements, erection of biomass building and associated landscaping on land at Knockin Hall Farm, Knockin, Oswestry, Shropshire.
- 1.2 The application is accompanied by an Environment Statement, which includes sections on highways and transportation assessment, amenity impact, ecology, noise, heritage impact, landscape and visual impact, odour impact, arboriculture assessment, and flood and drainage assessment. Also supporting the application is a Design and Access Statement, planning policy statement, site location plan, block plan, and set of proposed elevation and floor plans. Also accompanying the application are details with regards to the proposed diversion of a public footpath that passes through the site.
- 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 85,000 broiler birds, this application proposes housing for up to 100,000 birds on site. As such the application was advertised by the Council as development accompanied by an Environmental Statement.

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

- 2.1 The site which covers an area of approx. 1.57 hectares is located on land on the opposite side of the B4396 highway to the farmstead known as Knockin Hall Farm and forms part of a field laid down to grass and this field is located to the rear of some modern farm buildings which are accessed via an existing track some 200 metres in distance from the B4396. The land is classed as grade 3 agricultural land. The site forms part of a traditional family farming enterprise covering an area of 122 hectares, (300 acres), the main farming enterprises being livestock rearing with cattle and sheep with some arable production.
- 2.2 The site is surrounded by agricultural land in the control of the applicants and nearest dwellings to the site are approx. 230 metres to the south, on the opposite side of the nearby B4396 highway. The village of Knockin is located approx. 530 metres from the site.
- 2.3 The poultry houses will each measure 24.69 metres x 97.90 metres. The total floor area for each shed will be 2,417.15 m<sup>2</sup>. Eaves and ridge height will be 2.65 metres and 4.85 metres respectively. Each of the new houses will have the

potential to accommodate 50,000 “standard” broilers. Also proposed are five feed silos will have a capacity of 30 tonnes and measure 6.6 metres in height and 2.8 metres in diameter. A further feed bin and water tank will be situated on the yard area. The proposed biomass boiler building and associated woodchip storage area is located to the rear of the buildings, (when viewing from the direction of the nearby public highway onto which access from the site will be obtained). It is also proposed/suggested to install solar panels to the roof of one of the broiler buildings southern elevation. Whilst much smaller in footprint the overall height of the biomass boiler and wood chip building is higher than the proposed poultry units.

- 2.4 Information submitted in support of the application indicates that the broilers will be brought onto site as day old chicks. The 42 day growth period will enable 7 crop cycles per annum with an average six day turn around per crop, in order to clean out and prepare for the next crop of birds to be reared on site. Stocking on site will be in accordance with the welfare of broiler chickens as covered by the Welfare of Farmed Animals, (England) (Amendment) Regulations 2010. This sets limits on stocking densities to include a maximum of 38kg/square metre.

### **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 Consultee Comments**

- 4.1.1 **Parish Council** – Knockin Parish Council have responded to the application indicating they have resolved to support the planning application as the Parish Council considers that the proposed units will have a minimal impact on residents of the parish. However should the application be approved the Parish Council would like a condition placed on the applicant that they must ensure that the development is properly screened from adjacent properties including The Old School House.

- 4.1.2 **The Environment Agency** raises no objections. The response indicates:

Environmental Permitting Regulations: The proposed development comprises 100,000 birds, which is above the threshold (40,000) for regulation of poultry farming under the Environmental Permitting (England and Wales) Regulations (EPR) 2010. The EP controls day to day general management, including operations, maintenance and pollution incidents. In addition, through the determination of the EP, issues such as relevant emissions and monitoring to water, air and land, as well as fugitive emissions, including odour, noise and operation will be addressed.

An application for a EP has been submitted. An ammonia screening was carried out by the Environment Agency on the 10 November 2015. The result was that the proposal screened out from requiring ammonia modelling. Based on our current position, we would not make detailed comments on these emissions as part of the current planning application process. It will be the responsibility of the applicant to undertake the relevant risk assessments and propose suitable mitigation to inform

whether these emissions can be adequately managed. For example, management plans may contain details of appropriate ventilation, abatement equipment etc. Should the site operator fail to meet the conditions of a permit we will take action in-line with our published Enforcement and Sanctions guidance.

The submitted noise and odour modelling documents are comprehensive and predict that the proposed development is unlikely to have a significant environmental impact on sensitive receptors located nearby.

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 Under the Flood and Water Management Act (2010) the Lead Local Flood Authority (LLFA) should be consulted on the proposals and act 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.

The drainage plan is comprehensive and meets the best Available Technique. The site should not impact on the quality of nearby watercourses.

#### 4.1.3 **Natural England** raises no objections.

#### 4.1.4 **Historic England** raises no objections. Their response indicating:

The proposed poultry shed development is approximately 350 meters west and within the setting of Knockin Castle Scheduled Ancient Monument (National Heritage List for England UID: 1019304) and within 150 metres of Knockin Conservation Area, which includes a number of listed buildings, curtilage listed buildings and non-designated built heritage assets which characterise the settlement.

The use of visually recessive finishes on buildings and the implementation of the proposed landscape scheme would reduce the impact on the setting of Knockin Castle and Knockin Conservation Area. Thus, if the proposal is granted permission, we recommend that the prior approval of all building materials by Shropshire Council's Conservation Officers and the full implementation and maintenance of the landscape scheme should be required by condition.

The advice of Shropshire Council's Conservation Officer and Archaeological Adviser should be sought and implemented in full.

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again. However, if you would like further advice, please contact us to explain your request.

#### 4.1.5 **SC Archaeology** raises no objections the response indicating:

The proposed development site is located within c. 350m east, and within the setting, of the Scheduled Monument of Knockin Castle: a motte and bailey castle immediately east of St Mary's Church (NHLE ref. 1019304). The proposed development is located within a field that was called Coney Green (HER PRN 03722) at the time of the Tithe Award Map for Knockin Parish of 1839. There is also a complex of cropmark features, which includes a ring ditch of likely Early Bronze Age date (HER PRN 02170), within the field immediately to the west of the proposed site, together with a significant number of other cropmark sites of likely prehistoric date within a 600m radius of it. However, the results of an archaeological geophysical survey have been submitted as an appendix to the Environmental Statement which does not identified any anomalies of likely archaeological interest on the proposed development site. On this basis, the archaeological potential of the proposed development site is considered to be low.

The Senior Conservation and Design Officer for the north area will provide comments on matters relating to any impacts on the settings of the Knockin Conservation Area and Listed Buildings. The following comments are therefore confined to archaeological matters. Chapter 8 of the Environmental Statement covers matters relating to the historic environment and is supplemented at Appendix 5 by a Heritage Impact Assessment by Richard K Morriss and a Geophysical Survey report by Archaeological Services Durham University. It is therefore confirmed that the Environmental Statement satisfies the requirements set out in Paragraph 128 of the NPPF and policy MD13 of the emergent SAMDev

component of the Local Plan with regard to the archaeological interest of the proposed development site itself and the impact on the setting of the Scheduled Monument.

Both the Heritage Impact Assessment and the Visual Assessment (Appendix 4 of the Environmental Statement) indicate that the proposed development site will be screened from the Scheduled Monument, which is itself also partially covered by mature mixed woodland, by the intervening landform and tree cover. As a consequence, Heritage Impact Assessment concludes that the proposed development will have no impact on the setting or significance of Knockin Castle.

In their consultation response of 28 January 2016 Historic England raises no objection to the proposed development. They do, however, recommend that suitable conditions regarding landscaping and prior approval of materials and finishes are included. Appropriate conditions are therefore recommended below. In view of recommendations contained in the Heritage Impact Assessment and in line with Paragraph 141 of the NPPF, it is advised that a programme of archaeological work be made a condition of any planning permission for this part of the proposed development. This should comprise an archaeological watching briefly during initial soils stripping and ground reduction operations.

**4.1.6 SC Conservation Manager (Built Environment)** raises no objections, the concluding:

‘It is considered that the level of development shown in the application should not cause unacceptable harm to the Designated, non-designated heritage assets and their settings, but that further future development may depending on the additional infrastructure amendments which it then may attract.

No objection is made, but in concurrence with Historic England’s comments, the materials and finishes of the proposed buildings, structures, solar panels, access alterations and landscaping should be such that further limit the impact on the collection of heritage assets around the site. Sensitive and appropriate landscaping scheme and its future management and retention, to ensure that the level of screening is not lost, will be necessary. This relates to the existing woodland immediately to the south of the site, the hedgerows to the west, one running north south and the other east west give further visual separation between the site and the heritage assets.’

Suggested Conditions:

- Materials for use on the buildings and access arrangements.
- Additional landscaping to help mitigate the visual impact of the buildings within the wider setting of heritage assets and within the wider landscape. This should include a management plan to ensure maintenance of the screening measures put in place for this application and those existing too.
- Solar panels should be matt black with black frame to panels.

**4.1.7 SC Land Drainage** raises no objections. The response indicates:

The proposed surface water drainage in the Flood Risk and Drainage Assessment is acceptable. If planning permission will to be granted, a drainage condition

should be attached to ensure that the approved drainage schemes are implemented before the site is used. The proposed surface water drainage schemes shall be installed in accordance with the approved drainage plan and details prior to the first use of any of the buildings hereby approved.

**4.1.8 SC Public Rights Of Way Manager** raises no objections commenting:

This team are in receipt of an application to legally divert Knockin Public Footpath 7, which will be directly affected by the proposed development. The agent has been advised that the extent of the diversion will likely need to be reconsidered, following responses from consultees on the current field edge proposals. I await a response on how they intend to proceed

**4.1.9 SC Public Protection** raises no objections. The response indicates:

Having considered the noise and odour assessments I do not consider it likely that a significant detrimental impact is likely as a result of this development subject to vehicle movements at night taking place as stated in the noise assessment (no more than 2 HGV movements in an hours within night time hours of 23:00 - 07:00). a result I have no objection to the proposed development.

**4.1.10 SC Fire Services** has responded indicating 'no comment'.

**4.1.11 SC Planning Ecologist** raises no objections. The response recommends the attachment of the following conditions and informative' to any approval notice issued.

**Bats**

The proposed and recommended additional tree planting around the boundaries of the field will ultimately improve connectivity for foraging/commuting bats. Bat boxes erected on mature trees around the field boundaries or on the edges of the shelter belt would also greatly improve roosting opportunities on and around the site. Recommends conditions.

**Nesting Birds**

Recommends a condition and informative to enhance the site for nesting birds.

**Badgers**

Informatives should be on the decision notice.

**Reptiles**

Any storage of piles of materials and excavated earth on the site should be kept to a minimum and away from the field boundaries to deter reptiles from using them for temporary cover but as all suitable reptile habitat will be retained, protected and enhanced it is considered there will no negative impacts on reptiles as a result of the proposals. Recommends informatives.

**Designated Sites**

The proposed application is for 100,000 bird places. SC Ecology has requested the ammonia screening assessment output from the Environment Agency. The Habitats Regulations enables Shropshire Council, under Regulation 61, to rely on

the 'evidence and reasoning' of another competent authority when completing their assessment (providing they agree with them). Shropshire Council can therefore use the modelling that the EA has provided to complete their HRA.

European sites in 10km, SSSI's within 5km and Local Sites within 2km have screened out below the critical load thresholds. The EA have concluded that detailed modelling is not required to support this application.

SC Ecology is satisfied that the proposed application is unlikely to have a significant effect on the internationally/nationally/local important interest features of the sites assessed, alone or in combination with other plans or projects. A Habitat Regulation Assessment matrix is attached with this response. The HRA matrix must be included in the Planning Officer's report for the application and must be discussed and minuted at any committee at which the planning application is presented.

Natural England must be formally consulted on Shropshire Council's HRA and the potential impact that the proposal may have on Nationally Designated Sites. Comments must be received and taken into consideration prior to a planning decision being granted.

4.1.12 **SC Highways Manager:** No response received.

#### 4.2 **Public Comments**

4.2.1 One letter of comment has been received from a member of the public who lives in close proximity to the site. The letter states no objections to the proposed development. However consideration is required to additional tree and hedgerow planting in relationship to the proposed development. Concerns are also raised with regards to night time security lighting on site and traffic movements and particularly during the night time in relationship to noise.

4.2.2 A letter of comment has also been received on behalf of Oswestry and District Civic Society. The letter raises no objections in principle, but requests consideration to the following:

- Further screening at the site and in particular on the western side, as the proposed development is considered large in scale.
- Consideration to long term management of the site in relationship to further plantings as well as existing on site.
- Consideration to the recreational needs of the public and in particular in relationship to the nearby public footpath.
- Adequate consideration to amenity issues and management, such as odour produced on site.
- Energy use on site and conservation and the installation of solar PV is welcomed.

4.2.3 A letter of comment has also been received on behalf of The Ramblers. The letter indicates that the proposed development will be seen from a public footpath and that the applicants must realise that unless the proposed line for the footpath diversion is sensibly fenced off, walkers will cross the grass field by the shortest available route once construction work is complete.



## **5.0 THE MAIN ISSUES**

- Environmental Impact Assessment
- Principle of development
- Siting, scale and design of structure
- Visual impact and landscaping
- Public and residential amenity
- Ecology
- Drainage
- Public highway access.
- Historic environment and archaeology issues.

## **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. As such the current proposal is EIA development. The planning application is accompanied by an Environmental Statement, as required by the 2011 Regulations.

6.1.2 The Environmental Statement in support of the application makes reference to a sequential site selection, (alternative locations), as set out in chapter 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 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 a poultry unit development in this location as a diversification to the existing agricultural business it is to be associated with 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 design of structures and landscape and visual impact.**

- 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 The application site is located to the rear of a range of existing agricultural buildings in the control of the applicants, otherwise the site is immediately surrounded by farmland in the control of the applicants. With consideration to the location and surrounding land topography, the principle of the buildings in relationship to scale and design is considered acceptable subject to consideration with regards to external colour of all development on site.
- 6.3.3 The application is accompanied by a landscape and visual impact assessment as part of the Environmental Statement and this concludes that *'the landscape and viewpoint assessment has only identified limited views of the site from certain locations. This has been used to inform the landscaping recommendations. The views are restricted by the topography of the area and the site itself, and existing landscape features including the existing buildings and tree belt immediately to the south. Views from public roads are limited by roadside hedges and structures and there are limited views from public footpaths apart from the path running directly past the site. There buildings should not be visible from Knockin or nearby residential properties apart from to the north-east although these views are more distant and can mitigated by appropriate landscaping. The setting of the local heritage assets will not be significantly affected by the proposed development as there are very limited views from these towards the application site'*.
- 6.3.4 The surrounding landscape is characterised by fields with hedgerow boundaries, which are rather open and thin in places, there is also small copses of native woodland, and a particular feature to the site is the row of 'Popular trees' that

separates views into the site from the adjacent public highway. Adjacent to the site is a range of agricultural buildings and these are located between the site and the adjacent popular trees and the public highway. There are within the surrounding area dwellings outside of the control of the applicant, however these are not immediately adjacent to the site, and whilst it is acknowledged that 'broiler units' can have a significant impact on the character of the surrounding landscape, in this particular instance with consideration to the overall scale of the proposed development, location and impact on the landscape's character and its visual amenity, it is considered that the development including the feed silos as proposed can be integrated into the surrounding landscape satisfactorily with further landscape mitigation in the form of tree and in particular hedgerow planting, some of which is considered necessary in order to strengthen existing hedgerows on land in the applicants control. As such it is considered necessary to attach a condition to any approval notice issued in order to ensure adequate 'native plantings' landscaping is carried out in order to mitigate the development in to the surrounding landscape to an acceptable level, which will also overall contribute towards enhancing the overall rural character of the area. It is noted that whilst not objecting to the principle of the development, this is an issue raised by the Local Parish Council and an occupant of a nearby dwelling. It is also considered necessary to attached to any approval notice issued a condition with regards to floor levels.

- 6.3.5 With consideration to the above-mentioned, the overall economic benefits to the business concerned, production of local food and further landscape mitigation as discussed, the development is considered acceptable in relationship to siting, scale and landscape and visual impact and as such on balance in accordance with the overall aims and objectives of the NPPF, Policies CS5, CS6 and CS17 of the Shropshire Core Strategy and relevant policies of the SAMDev.

**6.4 Public and residential amenity**

- 6.4.1 The odour Impact assessment submitted as part of the Environmental Statement in support of the application indicates that the nearest residential receptors are located approximately to the south of the site off the B4396 at The Ave (Knockin Hall, and The Lodge) at a stand-off of approximately 200m, and to the west of the Site within the centre of Knockin at a stand-off of approximately 580m.
- 6.4.2 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.'
- 6.4.3 The applicants will need to obtain from the Environment Agency an Environmental Permit in order to operate the proposed development from the site. This will control issues in relationship to odour, on site noise etc which are issues that can have an impact on residential amenity. The Environment Agency's response to the application, raises no objections indicating that the applicants have applied for an Environmental Permit in order to operate from the site and this will cover issues such as on site noise, emissions and waste generated on site and their management, the permit will also covers issues of concern in relationship to

surrounding residential amenity. An odour management plan will also form part of the Environmental Permit. The response also refers to planning advice as set out in the NPPF.

- 6.4.4 Management operations are as outlined in the EA response. Also as noted earlier in this report Natural England and the Council's Public Protection Manager do not raise any objections. It is also noted that no objections have been received from the Local Parish Council or members of the public in relationship to this matter. It is considered that information submitted in support of the application, as part of the Environmental Statement, is acceptable in relationship to residential amenity and public protection, and the environmental permit issued and regulated by the Environment Agency will control these elements. The development in relationship to residential amenity issues in relationship to relevant policies is considered satisfactory.
- 6.4.5 The permit issued and monitored by the Environment Agency only covers on site activities and therefore manure movements off the farming unit concerned will not be covered by the permit and as such it is recommended that a condition is attached to any approval notice issued in order to ensure that any manure removed off site is done so in sealed and covered containers/trailers. With consideration to distances to dwellings outside the control of the applicants, (approx. 200 metres), it is also recommended that a condition is attached to any approval notice issued restricting feed delivery times. It is noted that the Public Protection Manager, whilst not raising any objections to the proposal, comments that night time vehicles movements to and from the site should be restricted. With consideration to roadside properties within the vicinity of the site it is considered necessary with regards to feed deliveries which are usually noisy during unloading into feed silos. However the properties are located alongside a 'B Class' public highway over which there is no control over vehicle movements and as such it is not considered necessary to control all vehicle movements such as transportation of birds from the site, a chore usually carried out during night-time for operational and bird welfare reasons. It is recommended that an informative note is attached to any approval notice issued in order to remind the applicants of their duty to show consideration to night time noise in relationship to overall vehicle movements.
- 6.4.6 Manure disposal and storage. Detail in support of the application indicates that the manure will be exported off the farm in sealed and covered trailers. The response from the Environment Agency discusses this aspect of the proposal indicating that under the environmental permitting regime 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 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 that the proposed business will require in order to operate, will address issues 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 as indicated above, 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 On balance the proposal is considered acceptable in relationship to surrounding residential amenity issues, the applicants will require an environmental permit for the operations as proposed from the EA. As such the proposal on balance is considered to be in accordance with relevant policies of the Shropshire Core Strategy, the Council's SAMDev and the National Planning Policy Framework on issues in relationship to residential amenity and public protection.

6.5 **Ecological issues.**

- 6.5.1 The application is accompanied by an ecological assessment and the conclusions to the reports are considered satisfactory. A Habitat Regulations Assessment has been carried out and this is attached to the report as appendix 2 for reference purposes.

- 6.5.2 Natural England and SC Ecology raise no objections and the latter recommend the attachment of conditions to any approval notice issued with regards to wildlife protection, external lighting in relationship to bats, nesting provision and on site landscaping. Also recommended are the attachment of informatives' in order to remind the applicants/developer with regards to the provisions of the Wildlife and Countryside Act 1981, and badger protection.

- 6.5.3 On ecological issues the proposal is considered acceptable and in accordance with Policy CS17: Environmental Networks of the Shropshire Core Strategy and other relevant local plan policies as well as the National Planning Policy Framework and the SAMDev.

6.6 **Drainage**

- 6.6.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk and avoid an adverse impact on water quality and quantity.
- 6.6.2 A flood risk assessment as part of the Environmental Statement was submitted in support of the application and its conclusions are considered acceptable. It is noted that the Environment Agency raises no objections to the proposed development. The site is located within flood zone one, (least risk). The response refers to the flood risk assessment submitted in support of the application (water resources report), and defers to the Council's Land Drainage Manager for further consideration on flood and drainage issues.
- 6.6.3 The Council's Land Drainage Manager has responded to the application raising no objections indicating that the drainage proposals in the Drainage and Flood Risk Assessment submitted in support of the application are considered acceptable. The response recommending the attachment of a condition to any approval notice

issued with regards to drainage schemes being carried out as indicated in detail submitted in support of the application.

- 6.6.4 On flooding and drainage issues the proposal is considered acceptable and in accordance with Policy CS18 of the Shropshire Core Strategy, the SAMDev and the NPPF.

**6.7 Public Highway access**

- 6.7.1 The site is accessed via a short farm track in the applicant's sole control directly off the B4396. Access to the strategic road network is accessed along the B4396 to Llynclys Crossroads where vehicles can join the A483 and thereafter the A5 Trunk Road at Mile End Roundabout. Information in support of the application indicating suitable access arrangements to the site from the adjacent B4396 highway, by means of the upgrade of an existing field access which includes consideration to acceptable visibility splays. Cumulative impacts with other land uses within the immediate surrounding area are also considered acceptable, during construction on site and the operation of the business once established.
- 6.7.2 The Transport Assessment submitted as part of the Environmental Statement indicates that the site is located on a high standard highway network, which is considered to have adequate capacity for the likely small increase in traffic generated by the proposal. The assessment has given consideration to the level of the proposed traffic movements likely generated by the development against the likely traffic on the B4396 and the wider highway network. The development itself proposes a small increase in vehicle movements. The increase in vehicle movements of 44 out of 48 days of the cycle will have no impact on the local highway as the increase will likely be less than 1 per day against the existing movements along the local highway network. It is perhaps the peak events that will have the greatest impact on the local road network as during the bird removal and manure clearance there will be up to 13 movements per day – however bird collections occur when the highway is used least intensively. The majority of bird removal therefore occurs when the likely baseline movements are lower on the network and there is very little doubt that they could be safely and conveniently catered for on the highway. This assessment as a worst case assesses a scenario which includes all tractors and trailers manure movements during the day. This peak event would be suitably accommodated on the existing road networks. The manure removal, being dispersed locally on nearby farms and land owned by the applicant will not have a significant impact. The application proposes improvements to the existing field and farm barn access to which it is proposed to be used for public highway access to the development and improvements as proposed are considered acceptable. To the west of the entrance to the site, alongside the field boundary with the highway, is a mature tree, whilst this is situated within the visibility splay distance to the west, overall with consideration to visibility and land topography, and layout of the access approach to the public highway, retention of this tree is acceptable as it does contribute positively to the overall setting and character of the wider landscape.
- 6.7.3 It is considered that public highway access to the site is acceptable whether vehicles travel from the site in either a westerly or easterly direction alongside the adjacent B4396 to which the access to the site will be connected to. No significant impacts are expected regarding pedestrians, cyclists or public transport

- 6.7.4 As a result of the proposal there will clearly be a small increase in traffic. Based on the analysis provided in the applicants assessment, there does not appear to be any significant transport related reasons to warrant refusal to the application and this includes consideration to the on site biomass boiler which forms part of the application. It is noted that the Council's Highways Manager has not responded to the application and as such an update will be presented to Committee on highway matters.
- 6.7.5 It is concluded that the vehicle movements generated by the development can be accommodated on the existing highway network and that there will be limited impact of no significance in relationship to the existing public highways. As such the conclusions of the Highways Statement submitted in support of the application are shared by Officers who on balance consider the proposed development to be in accordance with Policies CS5 and CS6 of the Shropshire Core Strategy, the SAMDev and the NPPF in relationship to highway and transportation matters.
- 6.8 **Historic environment considerations**
- 6.8.1 Shropshire Core Strategy Policy CS17 requires that developments protect and enhance the diversity, high quality and local character of Shropshire's historic environment. 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, special regard has to be given to the desirability of preserving Listed Buildings or their setting or any features of special architectural or historic interest which it possesses and preserving or enhancing the character or appearance of the Conservation Area as required by section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.8.2 The application is accompanied by an Heritage Impact Assessment as part of the Environmental Statement and this concludes that the impact on designated and non-designated heritage assets within or adjacent to the proposed development site, or the settings of such assets, through the proposed development will range from none to negligible. On the available evidence, the archaeological potential of the site is also considered to be fairly low – it seems to have been an open field for centuries and there are no obvious traces of earthworks that could be associated with the former possible use of the site as a warren. However, given the amount of entries in the Shropshire HER for the parish a degree of caution is needed in coming to such an assessment. The National Planning Policy Framework, as a general rule, recommends approval of development unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'. On the available evidence there appear to be, in heritage terms, no such adverse impacts.
- 6.8.3 The nearest listed buildings to the site are the grade II listed Knockin Hall and Knockin Hall Farmhouse and associated farm buildings many of which have been converted to residential use. The nearby St. Mary's Church in Knockin is also grade 2 listed. The village of Knockin also has a designated Conservation Area.
- 6.8.4 It is considered that information submitted in support of the application, in relationship to impacts on heritage assets, is acceptable. English Heritage in their

response to the application have commented that the development is approximately 350 metres west and within the setting of Knockin Castle Scheduled Ancient Monument (National Heritage List for England UID: 1019304) and within 150 metres of Knockin Conservation Area, which includes a number of listed buildings, curtilage listed buildings and non-designated built heritage assets which characterise the settlement. The response from English Heritage raises no objections but recommends consideration to conditions to be attached to any approval notice issued with regards to external construction and landscaping in order to mitigate the development into the surrounding countryside. The Council's Conservation Manager shares similar conclusions recommending conditions with regards to landscape mitigation, and external colour of development on site to be attached to any approval notice issued.

6.8.5 It is noted that the County Archaeology Manager raises no objections to the proposal, and consideration has been given in relationship to the Scheduled Monument of Knockin Castle. With consideration to the Archaeology Manager's response and in relation to Paragraph 141 of the NPPF, it is recommended that a condition is attached to any approval notice issued in order to ensure the implementation of a programme of archaeological work in accordance with a written scheme of investigation prior to the commencement of works on site.

6.8.6 With consideration to the above-mentioned in relationship to the historic environment, the proposed development is considered acceptable with conditions attached to any approval notice as discussed above and in the section of this report on landscape and visual impact. As such on balance in relationship to the historic environment the proposal considered to be in accordance with Core Strategy Policy CS17, Policy MD13 of the SAMDev and the NPPF in relationship to historic and archaeology matters of interest.

## **7.0 CONCLUSION**

7.1 The proposal is for two intensive broiler units, five feed silo's and yard area, biomass boiler and wood chip storage area and access improvements in order to house up to 100,000 broilers on site.

7.2 It is acknowledged that the development as proposed is significant in scale and will have an impact on the landscape, however it is considered on balance with consideration to the location, size and scale and cumulative impacts, that this will not be an adverse effect and 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', strengthening of existing hedgerows and consideration to the external colour of all the development on site, to be acceptable in principle. Impacts on designated and non designated heritage assets is also considered acceptable with landscape mitigation as discussed. Public highway access matters are considered acceptable, as the site is ideally located in relationship to satisfactory and adequate access to the surrounding public highway network. Residential amenity and privacy issues in general are considered acceptable, with conditions attached to any approval notice issued as discussed in this report.

7.3 The development raises no adverse concerns from any of the statutory consultees to the application, or from the local Parish Council. The applicants will need to



obtain from the Environment Agency an environmental permit in order for the site to operate and this will control issues on site, in relationship to odour, noise and residential amenity etc.

7.4 The findings and conclusions as indicated in the Environmental Statement submitted in support of the application are considered on balance 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 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 - written representations, a hearing or inquiry.

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

9.1 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.

## **10.0 Relevant Planning Policies**

### **10.1 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)
- 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 Site Allocations and Development Management (SAMDev) document:**

Relevant policies include:

- MD2 (Sustainable Design)
- MD7b (General Management of Development in the Countryside)
- MD12 (Natural Environment)
- MD13 (Historic Environment).
- MD14 (Waste Management Facilities)

### **10.4 relevant planning history:**

OS/02/12358/LBC Conversion of redundant farm building range to form four dwellings GRANT  
15th April 2003

OS/97/10010/LBC Alterations and refurbish 2 no existing staff bedrooms to be brought into full main house use GRANT 15th December 1997  
13/03772/FUL Erection of a single plot affordable 2 bed detached dwelling including detached double garage GRANT 12th September 2014

## 11. Additional Information

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 Arthur Walpole

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

Reason: The development site is known to have archaeological interest.

4. Prior to any development on site detail will be submitted to the Local Planning Authority and approved in writing with regards to a scheme of landscaping and these works shall be carried out as approved and refer to the application site and land as outlined in blue on the plan submitted in support of the application. The submitted scheme shall include:

- a) Planting plans, including new native hedgerows, tree copses, wildlife habitat and features (e.g. bird and bat boxes)
- 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 and enhance these from damage during and after construction works
- d) Implementation timetables
- e) Management plan
- f) Any species failing in the first five years will be replaced with a similar species and size.

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

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. Prior to the commencement of development, a detailed plan showing the levels of the existing site, the proposed slab levels of the buildings approved and a datum point outside of the site shall be submitted to and be approved in writing by the Local Planning Authority and the development will be carried out in accordance with the approved plans.

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

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

7. Manure will be removed off the application site, (as outlined on the site plan submitted in support of the application), in sealed and covered trailers.

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

11. No timber to be used in relationship to the biomass boiler on site will be stored outside of the biomass boiler building.

Reason: In consideration of the visual and amenity impact.

## **APPENDIX 2 – HRA**

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

Application name and reference number:

16/00015/EIA

Land To North Of Knockin Hall Farm

The Avenue

Knockin

Shropshire

SY10 8HQ

Construction of two poultry sheds and feed bins, ancillary works, access improvements, erection of biomass building and associated landscaping.

Date of completion for the HRA screening matrix:

25<sup>th</sup> January 2016

HRA screening matrix completed by:

Nicola Stone

Planning Ecologist

01743-258512

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

Name of plan or project	16/00015/EIA Land To North Of Knockin Hall Farm The Avenue Knockin Shropshire SY10 8HQ Construction of two poultry sheds and feed bins, ancillary works, access improvements, erection of biomass building and associated landscaping.
Name and description of Natura 2000 site	<p><b>European Designated Sites within 10km:</b></p> <p>SAC    Montgomery Canal The Montgomery Canal SAC is a partially restored but largely unused waterway. It runs for approximately 36 kilometres from near Berbechan (three kilometres north-east of Newtown) to the English border at Llanymynech. It supports the largest, most extensive population of floating water-plantain <i>Luronium natans</i> in lowland Britain.</p> <p>Annex II species that are a primary reason for selection of this site:</p> <ul style="list-style-type: none"> <li>Floating Water Plantain <i>Luronium natans</i></li> </ul> <p>Ramsar Midland Meres and Mosses (Phase 2) Morton Pool &amp; Pasture The chief interest of Morton Pool Midland Meres and Mosses Ramsar Phase 2 (3.72ha) is the fen and carr vegetation around it. Uncommon plant species in this habitat include bird cherry <i>Prunus padus</i>, alder buckthorn <i>Frangula alnus</i> and marsh fern <i>Thelypteris thelypteroides</i>. It is included in the Ramsar Phase for its Open Water, Swamp, Wet Pasture and Carr habitats with the plant species <i>Thelypteris palustris</i>.</p> <p><b>NB</b> For completeness the SSSI's within 5km and local sites within 2km are listed below:</p> <p><b>SSSI's within 5km</b> SSSI    Crofts Mill Pasture SSSI    Lin Can Moss SSSI    Montgomery Canal, Aston Locks - Keeper's Bridge</p> <p><b>Local Sites within 2km</b> LWS    Knockin Heath</p>
Description of the plan or project	Construction of two poultry sheds and feed bins, ancillary works, access improvements, erection of biomass building and associated landscaping.
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	N/A

assessed could affect the site (provide details)?	
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### Statement

SC Ecology has contacted the Environment Agency in order to receive a copy of their Ammonia Screening Assessment. Kevin Heede has provided this via email dated 22<sup>nd</sup> January 2016.

The relevant thresholds have been agreed between Natural England and Environment Agency for use with the Environment Agency detailed emissions model:

- Emissions of ammonia under 4% of the critical level for a European Designated Site (within 10km)
- Emissions of ammonia under 20% of the critical level for a SSSI (within 5km)
- Emissions of ammonia under 50% of the critical level for a local wildlife site or ancient replanted woodland (within 2km)

Any emission under these thresholds is not considered 'significant' by Environment Agency and Natural England and is considered to have no in-combination effects.

All designated sites have screened out below the critical level of ammonia. The EA has stated that detailed modelling is not required to support this application.

### The Significance test

Based on the Ammonia Screening output which has been provided by the Environment Agency, and using the modelling and thresholds agreed by Environment Agency and Natural England, there is no likely significant effect of the proposed activity under planning application reference *16/00015/EIA at Land To North Of Knockin Hall Farm, The Avenue, Knockin, Shropshire SY10 8HQ for the Construction of two poultry sheds and feed bins, ancillary works, access improvements, erection of biomass building and associated landscaping* on European Designated Sites within 10km.

### The Integrity test

There is no likely effect on the integrity of European Designated Sites within 10km from planning application *16/00015/EIA at Land To North Of Knockin Hall Farm, The Avenue, Knockin, Shropshire SY10 8HQ for the Construction of two poultry sheds and feed bins, ancillary works, access improvements, erection of biomass building and associated landscaping*.

### Conclusions

The Habitat Regulation Assessment screening process has concluded, supported by the evidence from Environment Agency, that there is no likely significant effect and no likely effect on integrity of the European Designated from planning application reference *16/00015/EIA* on any European Designated Site in 10km.

An Appropriate Assessment is not required and there is no legal barrier under the Habitat Regulation Assessment Process to planning permission being issued in this case.

### 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’ which must both be satisfied before a competent authority (such as a Local Planning Authority) may legally grant a permission.

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.**

#### **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.