

Development Management Report

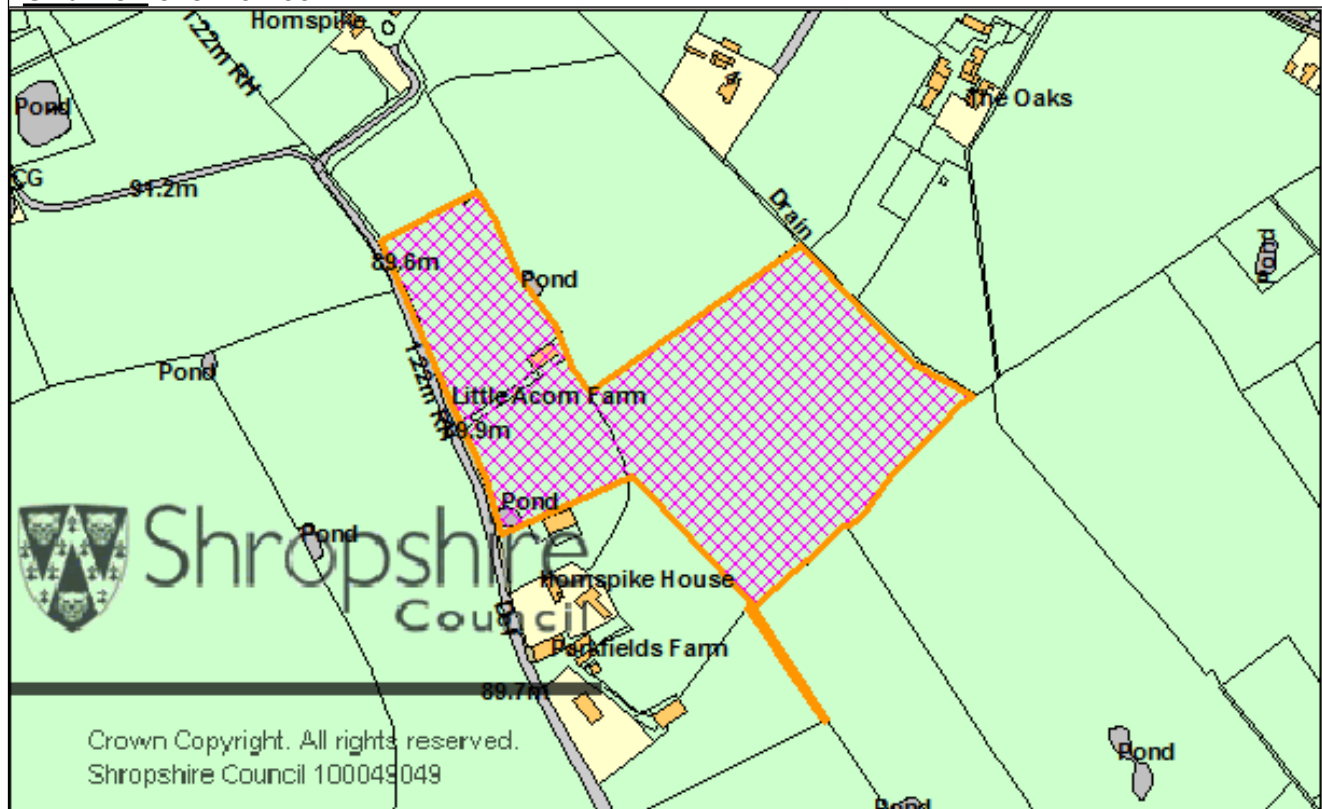
Responsible Officer: Tim Rogers

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Summary of Application

Application Number: 14/00834/FUL	Parish: Whixall
Proposal: Erection of two agricultural sheds; siting of temporary agricultural workers dwelling; extension to access track	
Site Address: Little Acorn Farm Dobsons Bridge Whixall Whitchurch Shropshire	
Applicant: Mr & Mrs M Caulfield	
Case Officer: Jane Preece	email: planningdmne@shropshire.gov.uk

Grid Ref: 348129 - 334211



Recommendation:- That planning permission be granted, subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of two agricultural sheds; the siting of a temporary agricultural workers dwelling and an extension to an access track at Little Acorn Farm, Dobsons Bridge.
- 1.2 The proposed sheds are to be positioned adjacent to an existing building on the site. They will measure 36.57 m long x 15.24 m wide by 3.65 m high to the eaves and 4.6 m high to the apex. They will be finished externally with concrete panelling with timber boarding above and fibre cement roof sheets.
- 1.3 The buildings will be used to facilitate a new calf rearing enterprise. The applicants intend to rear batches of 120 calves in each shed, rearing on the calves from around 2 weeks old to approximately 12 weeks old. There would be seven batches a year, ie 840 calves per year. The calves would be supplied under contract by a national company (Blade Farming). Blade Farming would retain ownership of the stock and would provide feed and medicine.
- 1.4 The temporary dwelling is to be provided in the form of a static caravan. The static caravan is already on site in breach of a previously issued enforcement notice, upheld on appeal in September 2013. The applicants propose to relocate the unauthorised static caravan to a position next to the proposed calf sheds.
- 1.5 The extension to the access track will be formed off the existing access track serving the site. It will service the area between the new buildings and provide a turning area. It will be surfaced with MOT/stone.
- 1.6 Foul drainage from the temporary dwelling will be disposed of to a bio sewage treatment plant, with treated effluent being discharged into a high level mound soakaway. The drainage mound will be located to west of the new buildings.
- 1.7 Surface water from the temporary dwelling and buildings will be collected in rainwater harvesting tanks, with overflows discharging to drainage ditches.
- 1.8 An underground tank will be installed to collect dirty water used from cleaning the buildings before new calf batches. The tanks will be emptied regularly to NVZ guidelines. Soiled bedding from the calf sheds will be stored on the applicants' land and ready for spreading.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The proposed site is located along a narrow country lane approximately two kilometres to the north east of Northwood settlement and to the south of Whixall Moss and east of Wem Moss. The site is open countryside with agricultural fields in all directions, whilst the nearest residential property is Hornspike House which is approximately 80 metres

to the south. Hornspike House is a grade II listed farmhouse. Mature hedgerows and some trees are located around the boundaries of the fields.

- 2.2 The site falls within the parish of Whixall and is close to the parish boundary of Wem Rural.
- 2.3 A small holding has already been established on the land since 2012. The applicants have 6 hectares of land and some authorised development to support a small existing farming enterprise of mixed livestock. The proposed calf rearing enterprise is a new venture.
- 2.4 Authorised development at the site comprises an existing agricultural building (measuring 9.4 m wide x 18.5 m long with an eaves height of 3.5 m and a ridge height of 5.10 and a polytunnel (measuring 6m x 9m). The existing building and polytunnel was the subject of a prior notification in 2011 (ref: 11/04076/AGR). The building was required to provide a secure store for the storage of hay bales, feed and machinery in association with the rare breeds and the polytunnel for growing vegetables.
- 2.5 The site is accessed off the highway and across the field by an access track also authorised by virtue of a prior notification issued in 2011 (reference 11/04077/AGR).
- 2.6 A further prior notification for an agricultural storage building has also recently been considered by the Authority (ref: 03208/AGR). In August 2015 a decision was issued confirming prior approval was not required for a building measuring 27m x 5 m with a height of 2.7 m to the eaves and 3.9 m to the ridge at the site.
- 2.7 Unauthorised development at the site comprises the existing static caravan, which is the subject of an enforcement notice served on 30th January 2013. The enforcement notice took effect on 4th March 2013 and required the static caravan to be removed within 6 months of the notice - unless an appeal was made against beforehand. The applicants did appeal but the Enforcement Notice appeal was upheld on 17 September 2013. The applicant's proceeded to submit this current application in early 2014 and the enforcement matter is therefore held in abeyance until this application is decided.
- 3.0 **REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION**
- 3.1 Contrary views between the Parish Council and officers, plus the Chair and Vice Chair of the Northern Planning Committee in consultation with the Principal Planning Officer consider the application raises material planning considerations that warrant a committee decision.
- 4.0 **Community Representations**
- 4.1 **Consultee Comments**
- 4.1.2 **SC Highways – Original comments**: The property forms an access towards the end of the unclassified no through road, Hornspike Lane. Please refer to the Highway Authority's Standing Advice.

Re-consultation comments: No objection to the granting of consent.

The additional information whilst has not been presented on a first principles basis directly linking the number of animals controlled by the size of the proposed rearing

sheds has expanded upon the numbers and types of vehicular movements, given more background to the cyclical nature of the operation and background to the business agreement.

The approach road is a rural unclassified no through serving other land holdings. The Highway Authority is of the view that the proposed vehicular movements associated with the development will have some effect on other traffic using the no through road, but it is not considered that these associated movements will have such a material effect to sustain a highway objection to the proposal as submitted.

- 4.1.3 **SC Drainage** – Original comments: No objection. The drainage details, plan and calculations could be conditioned if planning permission were to be granted. Recommend conditions accordingly.

Re-consultation comments: The drainage details, plan and calculations could be conditioned if planning permission were to be granted. Recommend conditions and informative.

Further re-consultation comments: The proposed surface and foul water drainage are acceptable.

- 4.1.4 **Shropshire Fire and Rescue** – No objection. The sheds appear to be open sided.

- 4.1.5 **SC Ecology** – Original comments: Natural England must be consulted on this application.

A Habitats Regulation Assessment must be carried out. In order to do this the full information on the proposed septic tank including percolation tests for the drainage fields should be submitted as well as details of the proposed soakaways for surface water drainage.

A great crested newt survey must be submitted with the application to the methodology set out below.

In the absence of additional information recommend refusal since it is not possible to conclude that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010).

Re-consultation comments: Mark Latham has conducted an ecological assessment of the proposed development site. There are no trees with bat roost potential to be removed, no great crested newts were recorded during presence/absence survey work in 2015, and due to the potential of badgers to be moving across the site a suitable badger method statement has been proposed. Subject to imposing recommended conditions, no additional survey work will be required to support this application.

However, additional information is required relating to drainage. In the absence of this additional information recommend refusal since it is not possible to conclude that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010).

Further re-consultation comments: Natural England must be re-consulted on this

application with a copy of the attached Habitats Regulations Assessment matrix. A drainage condition is recommended in addition to the conditions and informatives recommended in previous ecology comments.

Protected sites

The application site is in the vicinity of the Fenn's, Whixall, Bettisfield, and Wem SSSI and SAC and Ramsar European sites. It also falls within the surface water catchment for the site.

Further information on drainage has now been submitted. A sewage treatment plant with high level mounded soakaway is proposed to serve the temporary dwelling. An underground dirty water tank is proposed for the calf rearing barns, which will be emptied under Nitrate Vulnerable Zone guidelines. A Habitats Regulations Assessment has been completed using the submitted drainage details, which concludes that with the following condition there will be no impact on the integrity of the designated site.

Condition - Prior to first occupation of the development hereby approved the foul and surface water drainage details as set out in the email dated 5th January 2016 shall be installed in compliance with The Building Regulations 2002 unless otherwise agreed in writing with the Local Planning Authority.

Reason: to prevent pollution of watercourses and designated sites.

A Habitats Regulations Assessment matrix is attached with this response. Natural England must be re-consulted on the application with a copy of the HRA. 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. Planning permission can only legally be granted where it can be concluded that the application will not have any adverse effects on the integrity of any European Designated site.

4.1.6 **Natural England** – Original comments:

Internationally and nationally designated sites

The application site is in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Fenn's, Whixall, Bettisfield, Wem & Cadney Mosses Special Area of Conservation (SAC) which is a European site. The site is also listed as part of the Midlands Meres and Mosses Phase 2 Ramsar site¹ and also notified at a national level as Fenn's, Whixall, Bettisfield, Wem & Cadney Mosses Site of Special Scientific Interest (SSSI). Please see the subsequent sections of this letter for our advice relating to SSSI features.

International Sites - Further information required

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

Natural England advises that there is currently not enough information to determine whether the likelihood of significant effects can be ruled out. We recommend you obtain the following information to help undertake a Habitats Regulations Assessment: Detailed drainage information relating to foul and surface water drainage. This should include details of any outflows, location and size of any soakaways and information to ensure that the soil at the location is capable of absorbing water rather than flowing overland towards the designated site.

SSSI - Objection

This application is in close proximity to Fenn's, Whixall, Bettisfield, Wem & Cadney Mosses Site of Special Scientific Interest (SSSI). Natural England objects to this development on the grounds that the application, as submitted, is likely to damage or destroy the interest features for which t Fenn's, Whixall, Bettisfield, Wem & Cadney Mosses SSSI has been notified. Our concerns are set out below.

The development proposed includes provision of a septic tank. However no detail has been provided as to what kind of outflow the tank will have. If the outflow is to watercourse the application should indicate which watercourse. Pollution of watercourses in this location could have an adverse effect on the SSSI if the watercourse enters the SSSI through nutrient enrichment.

Should the application change, or if the applicant submits further information relating to the impact of this proposal on the SSSI aimed at reducing the damage likely to be caused, Natural England will be happy to consider it, and amend our position as appropriate.

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.

Protected Species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species.

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. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that '*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*'. Section 40(3) of the same Act also states that '*conserving biodiversity includes, in relation to a living organism or type of*

habitat, restoring or enhancing a population or habitat'.

Re-consultation comments:

Internationally and nationally designated sites

The application site is in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Fenn's, Whixall, Bettisfield, Wem & Cadney Mosses Special Area of Conservation (SAC) which is a European site. The site is also listed as part of the Midlands Meres and Mosses Phase 2 Ramsar site¹ and also notified at a national level as Fenn's, Whixall, Bettisfield, Wem & Cadney Mosses Site of Special Scientific Interest (SSSI).

Habitats Regulations Assessment - Further information / clarification required

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an appropriate assessment of the proposal, in accordance with Regulation 61 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard for Natural England's advice.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for any adverse effects, it is the advice of Natural England that **it is not possible** to ascertain that the proposal will not result in adverse effects on site integrity. Natural England advises that the assessment currently does not provide enough information and/or certainty to justify the assessment conclusion and that your authority should not grant planning permission at this stage. Further assessment and consideration of mitigation options is required, and Natural England provides the following advice on the additional assessment work required.

We note the applicant's foul drainage assessment form which states that the area for the proposed soakaway is very wet and that therefore infiltration methods are not appropriate and that a raised drainage mound will be installed. From the information submitted it does not appear that there is any assessment to provide certainty that this is an acceptable solution and will prevent treated effluent reaching the designated site at times of high water. The Appropriate Assessment refers to the acceptability of the proposals to Shropshire Council's drainage team but from their public comments it does not appear that an assessment has been undertaken, rather conditions have been requested. It may be possible to differ details to a condition however there should be a measure of certainty that the issue can be resolved later. We would seek clarification about the capacity of the mound and its ability to deal with long periods of high water.

Additionally, the applicant proposes to install underground storage tanks for foul water from the cattle rearing sheds, it is not clear if the development site is wet because of surface water flooding or a high water table. Details of this and the type and nature of the tanks should be submitted and an outline of the likely installation method and should refer to the hydrology in the area.

The assessment refers to the tanks being emptied in line with the Nitrate Vulnerable

Zone Guidelines. What this entails should be included within the planning information to allow them to be considered and enforced upon if necessary.

The Assessment refers to overflow of roof water to adjacent drainage ditches, this is likely to be clean so we would concur that this element is acceptable even if there is a pathway to the designated site

Notwithstanding the above, we note the following statement in the HRA ... “With this condition attached there is no risk of foul or polluted water entering the designated site and therefore the integrity test is passed.”

As part of the Habitats Regulations Assessment process, if mitigation removes the pathway to between the development site and the designated site, the Likely Significant Effect (LSE) is removed, the integrity test refers to an assessment of the remaining impacts after mitigation. It would be useful if the wording in this part of the assessment is clarified.

If you are satisfied that the pathway is removed and there is therefore no LSE, there is no further requirement to consult Natural England, if not then the above clarifications should be addressed. We would be happy to help refine your HRA should it be necessary.

Further re-consultation comments: Internationally and nationally designated sites The application site in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the ‘Habitats Regulations’). The application site is in close proximity to the Fenn's, Whixall, Bettisfield, Wem & Cadney Mosses Special Area of Conservation (SAC) which is a European site. The site is also listed as part of the Midlands Meres and Mosses Phase 2 Ramsar site¹ and also notified at a national level as Fenn's, Whixall, Bettisfield, Wem & Cadney Mosses Site of Special Scientific Interest (SSSI).

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

Habitats Regulations Assessment (HRA)

Natural England previously sought further information with regard to the drainage proposed for this development and clarification around the wording within your HRA. Having received further information and clarification Natural England is able to amend its position.

Your assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination due to mitigation measures built into the proposal. This conclusion has been drawn having regard for the measures built into the proposal that seek to avoid all potential impacts which should be secured as appropriate in any permission granted. On the basis of information provided, Natural England concurs with this view.

- 4.1.7 **Shropshire Wildlife Trust** – Original comments: Object. Appears to have been no ecological assessment of the site, the immediately surrounding area, or of impacts on

nearby designated sites.

In order to make an informed planning decision and to ensure that the requirements of the Habitats Regulations are met further information is required. We would recommend that an extended Phase 1 survey is undertaken; this should give particular attention to possible impacts on species such as great crested newts, water vole, etc.

As the site drains directly towards Fenn's, Whixall, Bettisfield, Wem & Cadney Mosses (NNR, RAMSAR, SAC and SSSI) a Habitats Regulation Assessment should be undertaken and greater detail provided on both surface and foul drainage as well as potential impacts from manure storage and spreading.

Re-consultation comments: No comments received.

4.2 Public Comments

- 4.2.1 **Whixall Parish Council – Original comments received 16.04.2014:** The Parish Council feel that the application is totally unacceptable and out of keeping in the proposed location. Previously this land was sold as pasture with no agricultural buildings on site; furthermore, we are not aware this land has an agricultural holding number.

With regard to the calf rearing sheds-

- It is felt that there is inadequate provision for dealing with waste products and foul and surface water.
- It is not felt that the proposed business will be sustainable.
- The site is only accessible down a single track country lane with a ditch down one side and, in places, down both sides. The road is no more than approximately 10 feet wide approaching the gateway of the site. The Parish Council acknowledge the access considerations described in the applicants' Design and Access Statement but disagree with its assertions and feel that this single carriageway cannot support the extra traffic associated with this application; feed lorries, cattle lorries and other vehicles will have a detrimental effect on the road surface and the ditches either side. It is also a no through road.

With regard to the temporary dwelling-

- As it is felt that the calf rearing sheds are an unsuitable proposal there is, therefore, no need for a temporary dwelling.
- It is strongly felt that the site is not suitable for a permanent dwelling and on that basis it is not appropriate to site a temporary dwelling.

Re-consultation comment received: 15.01.2015 The Parish Council's previous comments in objection to this application still stand. The Parish Council have considered the additional/ new information associated with the application and wish to state their concern that the high yield operations proposed will have a serious impact on the level and type of traffic and feel that this has been understated in the application.

The council also has serious concern about the waste disposal and drainage outfall from the domestic septic tank, due to the high water table and the close proximity to The Moss this could cause potential contamination of this SSSI site.

Re-consultation comment received: 16.03.2015 Whixall Parish Council's previous comments made on the application still stand and councillors remain unconvinced that traffic, drainage and viability of the business have been correctly established nor justify a temporary dwelling.

Furthermore, there are concerns about foul water from the septic tank being discharged into the ditch at the side of the road which, it is believed, does not flow all year round, therefore will lay stagnant in summer months producing a foul smell and would possibly pollute the adjacent SSSI.

Re-consultation comment received: 12.11.2015 Whixall Parish Council wish to state that their position has not changed in light of the new information (ecology report) available in connection to this application, in fact, it reinforces concerns about the impact on adjacent sites.

Furthermore, the Parish Council has concerns about the impact of the current use of Little Acorn farm on the adjacent sites.

Re-consultation comment received: 22.01.2016 With reference to previous comments- Whixall Parish Council's stance is 'object' not 'neutral'.

Re-consultation comment received: 14.01.2016 Whixall Parish Council feel that the waste disposal system for the animals seems acceptable. However, the council does not wish to comment on drainage proposals for the caravan because it does not believe that the caravan should be on site. Furthermore, Whixall Parish Council is concerned that the caravan has been on site for 3 years without permission and in breach of an enforcement order.

4.2.2 **Wem Rural Parish Council – Original comments:** Wem Rural Parish Council had been consulted by Shropshire Council regarding this application due to close proximity of the site to the Parish Boundary. At the meeting of Wem Rural Parish Council held on 1 April 2014 it was resolved to object to the application. The Council considered the proposed enterprise was not appropriate on this site.

Re-consultation comments: No comments received.

4.2.3 **Contributors/neighbours –** Representations of objection have been received from two local residencies. The main objections relate to:

- There are already agricultural sheds that could be used for calf rearing. Why are additional barns required.
- As there is no calving on site and feeding is automated do not see the need to live on site.
- Not convinced business is viable and dwelling justified, particularly due to investment costs. Business plan is vague with unsubstantiated or missing figures.
- There is already a mobile home on site, which was due to be removed by March 17th 2014 under an enforcement order. Are in breach of this enforcement order.
- Request is for temporary workers accommodation. What would prevent them from using it permanently. Seem to be living there permanently already.

- Are other suitable houses available locally.
- More buildings will make the area more of an eyesore. Development is already a visible blot on the landscape.
- Unsuitable access and traffic generation. Site is down a single track lane, already deteriorating and proposal will deteriorate it further.
- Do not see need for extension to access track.
- Question how will foul drainage be disposed of and land will absorb water run-off. The suitability of the site for a septic tank should be investigated due to poor drainage locally and the high water table. Land is susceptible to flooding. A 6 person sewerage treatment plant and mound is not required for the proposed 1 to 2 man operation.
- Waste management. Do not have enough land to dispose of animal waste/ non-sustainable management/disposal scheme. Risk of pollution.
- Site is close to a listed building.
- Site is close to the Wildlife Trust site at Wem Moss. Loss of wildlife habitat.
- Whilst we object to the proposal, if the planning authority chooses to approve it, we ask that:
 - Conditions be attached to the permission stipulating that any dwellings or buildings are for the proposed agricultural use (calf rearing) only and are to be removed if the proposed use (calf rearing) ceases.
 - A Section 106 or other appropriate agreement or condition be imposed to improve the lane surface before any additional agricultural traffic uses it and to ensure that it is maintained in future.

4.3 The full content of all consultee responses and public comments/objections are available to view on line.

5.0 THE MAIN ISSUES

- Principle of development
- Siting and visual impact
- Drainage and waste
- Highways
- Ecology

6.0 OFFICER APPRAISAL

6.1 Background

6.1.1 Enforcement: There is a static caravan on site the subject of an Enforcement Notice (upheld on appeal) that should have been removed by September 2013. The applicant's intention is to relocate the static caravan to provide the temporary dwelling proposed under this current application. As such any enforcement proceedings have been held in abeyance until this planning application is decided.

6.1.2 The design and access statement states that the '*... static caravan was moved onto the site during the winter of 2012/2013 for use as welfare unit*' and then later '*... utilised by the applicants as temporary accommodation whilst engaged in building and engineering works in connection with the permitted development permissions.*' Currently, officers

understand that the static caravan is in full residential occupation.

- 6.1.3 The application/proposal: The applicant's (Mr & Mrs Caulfield) have 6 hectares of land, an additional (adjoining) 1.5 hectares having been purchased since the application was originally submitted. There is existing agricultural development on the land in the form of the authorised agricultural storage building and polytunnel describe in section 1 above. The applicant's currently operate a mixed livestock farming enterprise from the land and buildings, comprising rare breed cattle, pigs and sheep and also have poultry reared for meat and eggs. The produce is sold at occasional local markets, via the internet and to friends and family. Presently, both Mr & Mrs Caulfield are otherwise employed and the enterprise does not generate a fulltime requirement. Existing stocking level details submitted with the application include: six suckler cows; four weaned calves; three breeding ewes; two breeding sows and a boar; 30 finishing pigs and 100 free range poultry. The land has a holding number which is required for the keeping of livestock.
- 6.1.4 The calf rearing enterprise is a new venture, which would run alongside the existing agricultural activities. The proposal is to erect two new agricultural buildings to rear calves on contract from Blade Farming and to re-locate the existing (unauthorised) static caravan to provide a temporary agricultural workers dwelling in connection with the agricultural enterprise. The applicant's calculate the enterprise would warrant approximately 1.4 full time workers and would justify on-site accommodation . If approved, the intention is for Mr Caulfield to work full-time on the holding, with Mrs Caulfield providing some part-time assistance and both of whom would live on-site.

6.2 **Principle of development**

- 6.2.1 Under present development plan policy, the site is located in an area defined as countryside.
- 6.2.2 The National Planning Policy Framework: The NPPF generally supports the principle of economic and agricultural development in the countryside. In respect of new dwellings the NPPF indicates that new isolated occupational dwellings in the countryside should be avoided unless there is an "essential need for a rural worker to live permanently at or near their place of work in the countryside" (paragraph 55, NPPF). Applicants will be required to demonstrate that a dwelling at the business is essential by showing a functional need for the occupier to be present at business for the majority of the time ("time" being 24 hours a day, 7 days a week). ...'
- 6.2.3 Core Strategy CS5 – Countryside and Greenbelt: Under Core Strategy policy CS5, development proposals on appropriate sites relating to agricultural development and new dwellings to house essential agricultural workers are considered acceptable in principle – subject to satisfying general development control criteria and environmental expectations and compliance with national planning policies and the Council's adopted Supplementary Planning Document (SPD) on the Type and Affordability of Housing.
- 6.2.5 SPD on The Type and Affordability of Housing: This adopted policy document sets out detailed requirements relating to agricultural workers dwellings; business case requirements; occupancy and size restrictions. At para. 3.3 the SPD also states that:

'Strategic Objective 7 of the Core Strategy aims to support rural enterprise and diversification of the rural economy. In accordance with this objective, where a

business case is shown, the Council will support applications for temporary dwellings. This accords with Policy CS13 of the Core Strategy (Economic Development, Enterprise and Employment). At the end of the temporary period a reassessment of the functional need would be required.'

6.2.6 SAMDev MD7a – Managing Housing Development in the Countryside: Policy MD7a (2) states that:

'Dwellings to house essential rural workers will be permitted if:-

- a. there are no other existing suitable and available affordable dwellings or other buildings which could meet the need, including any recently sold or otherwise removed from the ownership of the rural business; and,*
- b. in the case of a primary dwelling to serve a business without existing permanent residential accommodation, relevant financial and functional tests are met and it is demonstrated that the business is viable in the long term and that that the cost of the dwelling can be funded by the business. If a new dwelling is permitted and subsequently no longer required as an essential rural workers' dwelling, a financial contribution to the provision of affordable housing will be required, calculated in accordance with the current prevailing target rate and related to the floorspace of the dwelling; ...*

... Such dwellings will be subject to occupancy conditions. Any existing dwellings associated with the rural business may also be subject to occupancy restrictions, where appropriate. ...'

6.2.7 SAMDev MD7b – General Management of Development in the Countryside: Policy MD7b (3) states that further to considerations set out by CS5 '*Planning applications for agricultural development will be permitted where it can be demonstrated that the development is:*

- (a) Of a size/scale and type which is consistent with its required agricultural purpose and the nature of the agricultural enterprise or business that it is intended to serve;*
- (b) Well designed and located in line with CS6 and MD2 and where possible, sited so that it is functionally and physically closely related to existing farm buildings; and*
- (c) There will be no unacceptable impacts on environmental quality and existing residential amenity.'*

6.2.8 Having regard to the above suite of national and local planning policies it is acknowledged that there is policy support, in principle, for the erection of new agricultural buildings and agricultural workers dwellings - subject to satisfying other general development control criteria and policy expectations.

6.2.9 With regard to the proposed sheds it is accepted that there are no suitable buildings on the site to serve the new enterprise. Further, it is considered that the new buildings are appropriately sited adjacent to existing farm development and of an acceptable scale and design to suite their intended agricultural purpose for calf rearing. Veterinary support provided by the applicant indicates that the use of two sheds will also allow animals of different ages to be housed in separate air spaces and thus reduce the risk of disease outbreaks. On this basis there is no policy objection to the new buildings in principle.

6.2.10 With regard to new agricultural dwellings there are some particular tests that need to be

met in order for the principle to be accepted, ie functional and financial tests. Bearing this in mind, the application has been referred to Reading Agricultural Consultants (RAC) for appraisal on behalf of the Council.

- 6.2.11 Functional need: There are two clear elements to establishing the functional need. Firstly, the location of the site in relation to the enterprise and secondly the labour requirement. In this context RAC conclude that *'there would be an essential need to live on-site to provide close care and attention to a large number of young calves'*. To expand, in terms of location the temporary dwelling will be sited within sight and sound of the proposed new buildings and directly abutting the existing farm building. RAC accepts that *'the calf rearing operation will require a resident on-site worker and living off-site would not be suitable.'* Turning to matter of labour requirement, RAC further accepts that the proposed enterprise would generate a full-time labour requirement. Based on amended calculations RAC calculate that there would be a requirement for 1.1 full-time workers.
- 6.2.12 On their own, the existing farming activities at the site would not warrant an on-site dwelling. In the initial appraisal RAC did express some concern on the matter of assurance that the proposed calf rearing enterprise will actually be undertaken and continued with. This concern was prompted from the Blade Farming sample contract provided, as it is blank and for a one year term only. Here the applicant's have responded that (i) they cannot sign up to the contract until they have planning permission for the buildings and further that (ii) the application is supported by *'a letter from the calf rearing manager giving further assurances as to the long term sustainability of such a partnership with a company that is expanding its own calf rearing business all the time. This is an enterprise we want to succeed, that we are intending investing a lot of money in, apart from the actual buildings there will be dedicated calf equipment such as computerized milk machine systems, in the belief that the enterprise will provide good returns on that investment in terms of paying for the set up costs and securing full time employment for Mr Caulfield.'* Officers consider this demonstrates the applicant's firm intent to set up and run the enterprise. It is worth reiterating at this point that the applicant's are applying for a 3 year temporary dwelling which will provide a test period.
- 6.2.13 Financial viability: In respect of finance RAC's initial appraisal concluded: *'the budgeted business profitability would not meet the wage requirements for the amount of labour seemingly necessary to operate the unit and thus there are concerns about the financial sustainability of the proposed business.'* This conclusion was based on an initial labour requirement calculated by RAC to equate to 2.8 full-time workers. In light of additional information consequently provided by the applicant, RAC calculated a revised labour requirement equal to 1.1 full-time workers. RAC acknowledged that this reduction significantly influences the amount of profit required for the proposed business to be financially viable. However, RAC raised further queries regarding the applicant's income and costings figures. Again the applicant responded with additional information. Having considered the additional details RAC have since provided confirmation that the proposal for the dwelling is a sound proposition. At this point it is again worth reiterating that the application is for a temporary dwelling, for a three year period. This would provide a period of testing with regards to financial viability and consequently sustainability, and to ensure the commitment of the applicant's to the venture.

- 6.2.14 In view of the above officers are satisfied that the proposal for a temporary agricultural workers dwelling meets with policy requirements in terms of functional and financial tests at this conjecture. Accordingly, officers are of the opinion that the application can be supported, subject to a 3 year temporary condition and the usual agricultural worker occupation restriction. Whilst the Parish Council and neighbours maintain objections on financial viability grounds, officers would highlight that the applicant has provided financial information of a confidential nature and therefore this confidential information has not been made available publically. The financial information has been fully assessed by RAC on the Council's behalf and the case found to be sound in relationship to a proposal for a temporary dwelling, in order to allow the applicants sufficient time to demonstrate whether the business is financially viable or not.
- 6.2.15 In respect of new agricultural workers it is also a policy requirement that applicant's enter into a S106 agreement to secure the default of the dwelling to affordable housing should the agricultural need ceases to exist in the future. As this application is for a temporary dwelling it is not considered necessary to enter into such an agreement, although it would be become a necessary consideration, if the applicant was consequently to apply for a permanent dwelling.

6.3 **Siting and Visual Impact**

- 6.3.1 The NPPF refers to protecting and enhancing the quality and character of the wider countryside and to requirements for development to be in keeping and scale with its location and sensitive to the character of the countryside. Policy CS5 indicates that agricultural related development would be acceptable in principle. Policies CS6 and CS17 require development to protect and conserve the natural and built environment and to be appropriate in scale, density, pattern and design taking into account the local context and character. SAMDev policies MD2 and MD13 build on these requirements and seek to avoid significant harm to visual amenity.
- 6.3.2 In terms of siting and visual impact it is not considered that the proposed buildings will cause any significant harm to the locality. They are of a functional size, design and appearance which reflects modern agricultural buildings in the countryside and will be sited adjacent to the existing building on the site. Therefore, having regard to their siting, scale, design and limited height (ie 4.6 m high to the ridge) it is not considered they will appear unduly obtrusive in the landscape. Furthermore, their visual impact can be mitigated against with appropriate landscaping, secured through a planning condition attached to any approval issued.
- 6.3.3 Turning to the matter of the static caravan, whilst it is accepted that the caravan is not sympathetic too or in keeping with this rural environment, this has to be balanced against the temporary nature and need for the development and the fact that it will be viewed not in isolation but against the backdrop of the surrounding farm complex (as existing and as proposed). A planning condition should be imposed limiting the consent for the static caravan to 3 years and requiring its removal by the end of the temporary period, should members be mindful to support the application. Local Planning Authorities do not generally permit successive consents to extend the temporary period and should not grant consents for temporary dwellings in a location where a permanent dwelling would not be permitted. It is considered by officers that the location is appropriate, with consideration to information provided in support of the application at this stage.

6.3.4 An objector has raised a concern over the potential impact of the development on a nearby listed building. Hornspike House is the building concerned. It is grade II listed farmhouse, located to the south of the site and separated by fields. Having regard to the context and setting of the listed building and the general character of the area, and the requirements in relationship to the historic environment as set out in the NPPF and local plan policies, officers are of the opinion that the proposal will have no significant harm on the character and setting of the listed building.

6.4 **Drainage and Waste**

6.4.1 The NPPF and CS18 require that development should integrate measures for sustainable water management to reduce flood risk and avoid an adverse impact on water quality. Drainage has been raised as a particular issue by the Parish Council, neighbours, the Council's Ecology Officer and Natural England having regard to the characteristics of the local water environment and the proximity of the site to Whixall Moss etc.

6.4.2 The manner with which foul drainage from the temporary dwelling and surface water from the dwelling and buildings is to be dealt with has been modified from the original intention. In response to drainage issues raised the drainage arrangements now proposed by the applicant's are as follows:

'For the temporary dwelling:

Installation of a 6 person Bio sewage treatment plant, including 3000 litre primary tank, pump chamber and pump, with the treated effluent being discharged into high level mound soak away.

Installation of a high level mound soak away.

*****Above-ground mound soakaway systems have been designed to compensate for clay and impervious soils and high water table ground that cannot utilise a standard underground soakaway drainfield. The mound is constructed using layers of sand, gravel and topsoil.***

The mound works by taking the effluent from the sewerage treatment plant using a pump to the drain-pipes in the absorption bed of the mound. The effluent then drains through graded layers of sand/gravels to neutralise the pollutants before draining both vertically and laterally within the mound.**

The mound will be situated at the rear of the second calf shed which will have the additional benefit of helping to shield the barn from view.

Installation of rainwater harvesting barrels for collection of water from roof of temporary dwelling.

The overflow will discharge any excess rainwater into the adjacent road drainage ditch (approximately 400m from the nearest boundary of Wem Moss).

For the calf rearing barns:

Installation of a 15000 litre underground dirty water tank for collection of water used for cleaning of barns prior to new batches of calves.

This tank will be emptied regularly under NVZ guidelines.

Installation of two 6500 litre rain water harvesters which will provide drinking water for calves and water for use when cleaning out barns between batches of

calves.

The size of the tanks have been estimated by taking into account the size of the roof area of the building and the anticipated rainfall for this part of England. Overflows from the rainwater harvesters will discharge any excess rainwater into the adjacent drainage ditch (approximately 500m from the nearest boundary of Whixall Moss).

All tanks will be underground and installed on concrete bases and surrounded in a lean mix concrete.

These proposals will mean that, apart from any possible excess of rainwater from the harvesting system which will be directed to ditches, all dirty water or effluent will be contained either within tanks or filtered above ground in the drainage mound. This will ensure there is no negative environmental impact on our own land or any surrounding fields or sensitive areas.'

- 6.4.3 The revised drainage arrangements have been subjected to re-consultation. The Council's Drainage and Ecology Officers, together with Natural England are all now satisfied that the revised drainage arrangements are acceptable. Subject to the development being carried out in accordance with these revised details, then the proposals is considered capable of complying with drainage policies.
- 6.4.4 Turning to the matter of waste disposal from the new buildings, then objectors and RAC have raised concerns over the potential to comply with Nitrate Vulnerable Zones (NVZ) regulations given the limited size of the applicant's holding.
- 6.4.5 As set out above the applicant has clarified that an underground tank will be installed to collect dirty water used from cleaning the buildings before new calf batches. The tanks will be emptied regularly to NVZ guidelines. Soiled bedding from the calf sheds will be stored on the applicants' land and ready for spreading. The applicant is fully aware of the fact that either extra land is required or an outlet for the spreading of the excess manure/straw above their limits within the NVZ. To cover this they will either rent additional land or get a third part to remove and use the excess manure/straw. In respect of the latter option they '*...have been assured by a local farmer that they will have no problem getting a third part to remove and use the excess manure/straw.*' Additionally they have confirmed that '*...the NVZ regulations will be met in respect of leaving a gap of 2 years between different sites on our land being used for the storage of the dirty straw in field heaps as well as the other siting criteria.*'
- 6.4.6 In view of the above, RAC are satisfied that the situation with regards to manure disposal appears to have been addressed but ultimately this would need to be considered by the Environment Agency through robust examination of the case. The Parish Council have also commented that the waste disposal system appears acceptable.
- 6.4.7 For planning purposes officers are therefore satisfied that the applicant's have demonstrated that adequate measures will be in place for dealing with waste disposal from the new sheds. Full compliance with the NVZ Regulations is separate legislation enforced by the Environment Agency and it is not the role of the LPA to duplicate other legislative controls.

6.5 Highways

- 6.5.1 The site is served by an existing access track and access onto the adjoining highway which already allows for adequate access by for delivery vehicles, tractors and trailers. No further improvements are proposed to the access entrance and there is adequate space for on-site turning and parking. The access track is to be extended on-site to provide for servicing to and between the proposed buildings. The adjoining highway is a rural unclassified no through road serving other land holdings.
- 6.5.2 Objections have been raised by the Parish Council and neighbours on highway grounds and that the approach is unsuitable for use by the type and number of traffic movements that will be generated by the proposal.
- 6.5.3 Traffic information provided by the applicant sets out that:
- ... *'Feed, fuel and bedding is already delivered to the site and this enterprise will just require larger amounts of produce each time not more frequent deliveries and should still be around 1 per month. This will equate to approximately 50 vehicle movements per year, ie 1 per week plus occasional visits from vets and other trades.'*
 - *'... the calves will be delivered into the unit in batches of up to 30 calves (120 calves in total – 4 vehicle movements of 30 calves or up to 8 vehicle movements of 15 or more calves) and will be taken from the unit approximately 10 weeks later in batches of 30 calves (4 vehicle movements). This will happen 3.5 times per year. This equates to between 28 and 42 vehicle movements per year ie less than one per week.'*
 - *'... no excessively large vehicles will be used. The calves will normally be delivered ... by car and trailer or small livestock lorry and the older calves are taken away in a similar fashion to the finishing unit.'*
 - ... and otherwise that the highway is a maintained highway and utilised already used by farm vehicles, traffic and large vehicles such as refuse lorries whereby *'... we genuinely do not feel that the type and size of vehicle to be used in our enterprise or the frequency that these vehicles will travel along the land will have any significant impact on the road surface, other road users or the occupiers of neighbouring properties.'*
- 6.5.4 The Highway Authority has considered the application proposals and the information provided by the applicant. The Highway Officer is of the view that the whilst the vehicular movements associated with the proposed development will have some effect on other traffic using the no through road, it is not considered that these associated movements will have such a material effect to sustain a highway objection to the proposal as submitted. In the opinion of officers this view remains unchanged further taking into account the need to empty the dirty water tanks which have since been detailed in the application.
- 6.5.5 If approved, an objector requests that a Section 106 or other appropriate agreement or condition be imposed to improve the lane surface before any additional agricultural traffic uses it and to ensure that it is maintained in future. The Highway Officer has considered the application and has not specified such a requirement. Having regard to the Highway Officers comments, the scale and nature of the application proposals in

combination with the fact that the adjoining highway is a publically maintained highway used by other traffic, including agricultural vehicles, it considered such a request is unduly onerous and unnecessary. In the circumstances it would not meet the tests pertaining to the use of conditions and S106 requirements.

6.6 Ecology

6.6.1 The application site is in the vicinity of the Fenn's, Whixall, Bettisfield, and Wem SSSI and SAC and Ramsar European sites. It also falls within the surface water catchment for the site. Core Strategy Policies CS6 and CS17 state that all development should protect the natural environment whilst enhancing environmental assets. This requirement is built upon in SAMDev policy MD12. The Council's Ecology Officer and Natural England have been consulted on the application. As detailed in consultee comment section above both the Ecology Officer and Natural England originally objected to the application on the basis that insufficient information had been provided in the form an ecological assessment and drainage information to demonstrate that the proposal will not adversely impact on protected sites and/or protected species/ecology.

6.6.2 In response to these objections supplementary information has been submitted. This includes an Ecology Assessment conducted by Mark Latham and detailed drainage information. Both the Council's Ecology and Natural England have been re-consulted on the information and both are now satisfied that the development can proceed without adversely impacting on protected sites and species and ecology, subject to recommended conditions. The conditions are listed in Appendix 1.

6.6.3 In accordance with the recommendation of the Council's Ecology Officer a Habitats Regulations Assessment (HRA) matrix is attached to this report, please refer to Annex A. The HRA matrix must be discussed and minuted at the committee meeting at which the planning application is presented. Planning permission can only legally be granted where it can be concluded that the application will not have any adverse effects on the integrity of any European Designated site. NB: Please note that the Planning Officer has modified the wording of the drainage condition recommended by the Ecology Officer in Annex A to that given in Appendix 1 because the LPA is not responsible for compliance with Building Regulations, ie from:

Prior to first occupation of the development hereby approved the foul and surface water drainage details as set out in the email dated 5th January 2016 shall be installed in compliance with The Building Regulations 2002.

Reason: To prevent pollution of watercourses and designated sites.

To:

Prior to first occupation of the development hereby approved and notwithstanding the details shown on the approved block plan, the foul and surface water drainage details as set out in the applicant's email dated 5th January 2016 and accompanying attachments shall be installed in full accordance with these approved details.

Reason: To ensure the satisfactory drainage of the site; to prevent flood risk and to prevent the pollution of watercourses and designated sites.

It is considered that this does not alter the thrust of the condition.

6.6.4 In view of all the above, it is now possible to conclude that the development proposal is

capable of complying with Core Strategy policies CS6 and CS17, SAMDev Plan policy MD12 and Section 11 of the National Planning Policy Framework in relation to the requirement to conserve, protect and enhance the natural environment and safeguard protected sites and species.

7.0 **CONCLUSION**

7.1 In summary, officers are of the opinion that the agricultural buildings for the calf rearing venture are acceptable in principle and further that the applicant has sufficiently justified and demonstrated a functional need for the temporary dwelling in association with what appears to be a potentially financially viable agricultural enterprise, all in accordance with national and local planning policies controlling development in the countryside. Officers are further satisfied that proposals are of an appropriate siting, scale and design that will not adversely impact on the character and appearance of the locality; are capable of being serviced by acceptable drainage and access arrangements that will not increase flood risk or lead to unacceptable highway conditions and further that sufficient ecology and drainage information has been provided to conclude that the proposals will not adversely harm protected sites and species and ecology– all subject to compliance with planning conditions. Accordingly, the proposal is considered to comply with Shropshire Core Strategy policies CS5, CS6, CS13, CS17 and CS18; SAMDev policies MD2, MD7a, MD7b, MD12 and MD13; the Council's SPD on the Type and Affordability of Housing and the NPPF.

7.2 In allowing this application, the proposal has the potential to resolve the outstanding enforcement issue at the site in respect of the unauthorised status of the existing static caravan. However, to ensure the investment in and commitment to the calf rearing enterprise, it is considered necessary to impose a condition requiring the erection and completion of the new buildings prior to occupation of the static caravan in the re-located position.

7.3 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.

8.0 **Risk Assessment and Opportunities Appraisal**

8.1 **Risk Management**

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

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

by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework

Core Strategy and SAMDev Policies:

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS13 - Economic Development, Enterprise and Employment

Economic Development, Enterprise and Employment

CS17 - Environmental Networks

CS18 - Sustainable Water Management
 MD2 - Sustainable Design
 MD7A - Managing Housing Development in the Countryside
 MD7B - General Management of Development in the Countryside
 MD12 - Natural Environment
 MD13 - Historic Environment
 SPD Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

11/04076/AGR Erection of agricultural storage building and polytunnel PNAGR 22nd September 2011
 11/04077/AGR Formation of access track for agricultural purposes PNAGR 21st September 2011
 15/03208/AGR Proposed building for storage PNR 12th August 2015

Appeal

13/02023/ENF Appeal against enforcement notice DISMIS 17th September 2013

11. Additional Information

View details online:

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member Cllr Pauline Dee Cllr Chris Mellings
Appendices Appendix A – Habitat Regulation Assessment (HRA) Screening Matrix Appendix B - Conditions

Appendix A**Habitat Regulation Assessment (HRA) Screening Matrix
& Appropriate Assessment Statement**

Application name and reference number:

14/00834/FUL

Little Acorn Farm, Dobsons Bridge, Whixall, Shropshire - Erection of two agricultural sheds; siting of temporary agricultural workers dwelling; extension to access track

Date of completion for the HRA screening matrix:

22nd February 2016 Revision 2

HRA screening matrix completed by:

Alison Slade
 Planning Ecologist
 Shropshire Council
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Table 1: Details of project or plan

Name of plan or project	Little Acorn Farm, Dobsons Bridge, Whixall - Erection of two agricultural sheds; siting of temporary agricultural workers dwelling; extension to access track
Name and description of Natura 2000 site	<p>Fenn's Whixall, Bettisfield, Wem and Cadney Mosses SAC and Ramsar site, part of the Midland Meres and Mosses Phase 2. SAC primary reason for selection is for Active raised bog. Other SAC qualifying feature is degraded raised bogs still capable of natural regeneration.</p> <p>Ramsar criterion:</p> <p>Criterion 1a. A particularly good example of a natural or near natural wetland, characteristic of this biogeographical region, The site comprises the full range of habitats from open water to raised bog.</p> <p>Criterion 2a. Supports a number of rare plants associated with wetlands, including the nationally scarce cowbane <i>Cicuta virosa</i>, elongated sedge <i>Carex elongate</i> and bog rosemary <i>Andromeda polifolia</i>. Also present are the nationally scarce bryophytes <i>Dicranum undulatum</i>, <i>Dicranum affine</i> and <i>Sphagnum pulchrum</i>.</p> <p>Criterion 2a. Containing an assemblage of invertebrates, including several rare wetland species. There are 16 species of Red Data Book insect listed for the site</p>

	including the following endangered species: the moth <i>Glyphipteryx lathamella</i> , the caddisfly <i>Hagenella clathrata</i> and the sawfly <i>Trichiosoma vitellinae</i> .
Description of the plan or project	Erection of two agricultural sheds; siting of two bedroom temporary agricultural workers dwelling; extension to access track Pathways for an impact on the protected sites exist from surface and foul water drainage.
Is the project or plan directly connected with or necessary to the management of the site (provide details)?	No
Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?	No

Statement

Bettisfield, Wem and Cadney Mosses SSSI are a minimum of 365 metres from the application site and the site is within the mapped surface water catchment of the Ramsar/SAC. The Llangollen Canal forms a barrier to surface water movement between the site and Fenns and Whixall Mosses SSSI. Natural England objected to the application on the 21st October 2014 because of insufficient information originally submitted on the impacts on the designated sites.

Additional information on foul and surface water drainage has now been submitted to allow an Appropriate Assessment to be carried out.

A six person sewage treatment plant is proposed to serve the two bedroom temporary agricultural workers dwelling. As the site has heavy clay soils becomes very wet following prolonged rain a high level mounded soakaway is proposed. An underground dirty water tank is proposed for the calf rearing barns, which will be emptied under Nitrate Vulnerable Zone guidelines.

Roof water from the dwelling will be collected in rainwater harvesting barrels with any excess discharged to the adjacent road drainage ditch. For the calf rearing barns a 15000 litre underground dirty water tank will collect water used for cleaning the barns between batches of calves. Rain water from the barns will be directed into two 6500 litre rain water harvesters for animal drinking and cleaning water, with any overflow discharging into the adjacent drainage ditch.

Shropshire Council drainage confirmed the drainage proposals are acceptable on the 6th January 2016.

The following condition is recommended to ensure the drainage proposals including the mounded soakaway are constructed to an acceptable standard.

Condition

Prior to first occupation of the development hereby approved the foul and surface water drainage details as set out in the email dated 5th January 2016 shall be installed in compliance with The Building Regulations 2002.

Reason: to prevent pollution of watercourses and designated sites.

With this condition attached there is no risk of foul or polluted water entering the designated site and therefore there is no likely significant effect on any European site.

The Significance test

The proposed works in application 14/00834/FUL Little Acorn Farm, Dobsons Bridge, Whixall, Shropshire - Erection of two agricultural sheds; siting of temporary agricultural workers dwelling; extension to access track will not have a likely significant effect on the Midland Meres and Mires Phase 2 Ramsar site due to a pathway for an effect. An Appropriate Assessment is not required.

The Integrity test

The proposed works in application 14/00834/FUL Little Acorn Farm, Dobsons Bridge, Whixall, Shropshire - Erection of two agricultural sheds; siting of temporary agricultural workers dwelling; extension to access track will not have an impact on the integrity of the Midland Meres and Mires Phase 2 Ramsar site provided a drainage condition is imposed as recommended above.

Conclusions

There is no legal barrier under the Habitat Regulation Assessment process to planning permission being granted 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.

APPENDIX B**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 static caravan hereby permitted as part of this consent shall be for a limited period being the period of 3 years from the date of this permission. At the end of this period the occupation of the static caravan shall cease and the static caravan shall be permanently removed from the site within three months of the three year period ending.

Reason: To accord with adopted planning policy for rural housing provision and because this caravan is unsuitable to form part of the permanent development of the area and to enable the Local Planning Authority to give further consideration to the functional and viable need for an agricultural workers dwelling on the site at the expiration of this permission having regard to the circumstances existing at that time.

3. 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.

4. The external materials, including hard surfacing, shall be as specified in the submitted application.

Reason: To ensure the satisfactory appearance of the development.

5. Work shall be carried out strictly in accordance with the Ecological Survey report conducted by MJL Ecology (12th October 2015) submitted in support of the application.

Reason: To ensure the protection of Badgers, Reptiles and Amphibians & Bats.

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

6. Prior to first occupation of the development hereby approved and notwithstanding the details shown on the approved block plan, the foul and surface water drainage details as set out in the applicant's email dated 5th January 2016 and accompanying attachments shall be installed in full accordance with these approved details.

Reason: To ensure the satisfactory drainage of the site; to prevent flood risk and to prevent the pollution of watercourses and designated sites.

7. The agricultural buildings hereby permitted shall be erected and completed to accommodate the new calf rearing enterprise prior to the residential occupation of the temporary agricultural workers dwelling (static caravan) also hereby permitted in the location shown on the approved plans and required to serve this agricultural enterprise and shall be used for no other use.

Reason: To ensure the investment in and commitment to the calf rearing enterprise and upon which the need for the temporary agricultural workers dwelling is demonstrated.

8. The development hereby approved shall not be first brought into use until a scheme of landscaping proposals has been submitted to and approved by the Local Planning Authority and these works shall be carried out as approved. The submitted scheme shall include means of enclosure and planting plans for traditional native species, noting species, planting sizes and proposed numbers/densities where appropriate.

Reason: To mitigate visual impact and in the interests of safeguarding the character and setting of the rural locality.

9. All landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standard 4428:1989. The landscaping and planting works shall be carried out by the end of the first available planting season upon completion of the proposed development or in accordance with the timetable agreed with the Local Planning Authority. Any plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved scheme.

10. A total of 1 woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be erected on the site prior to first occupation of the buildings hereby permitted.

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

11. 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.

12. A total of 1 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site prior to first use of the building(s) 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

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

13. The occupation of the temporary dwelling hereby approved shall be limited to a person or person(s) solely or mainly employed in the calf rearing enterprise at Little Acorn Farm and any partners or dependents thereof.

Reason: Permission has only been granted on a temporary basis to serve a demonstrated need in association with a new calf rearing enterprise and sufficient to override the general presumption against new residential development in this area.