



Committee and date
Central Planning Committee
28 April 2016

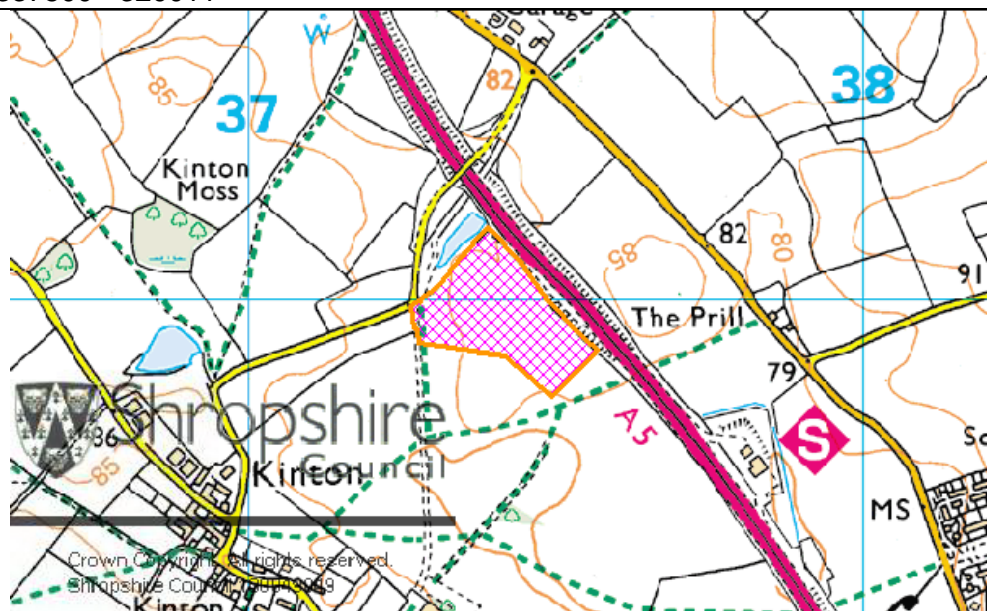
Development Management Report

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Summary of Application

Application Number: 15/05462/EIA	Parish:	Great Ness
Proposal: Erection of four poultry rearing buildings, biomass building, ten feed bins and other ancillary buildings, landscaping including ground modelling and tree planting, construction of a surface water attenuation feature and new access		
Site Address: Land Adjacent To The A5 Kinton Shrewsbury SY4 1AZ		
Applicant: Mr Edward Warner		
Case Officer: Kelvin Hall	email: planningdmc@shropshire.gov.uk	

Grid Ref: 337500 - 320011



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

REPORT

1.0 THE PROPOSAL

- 1.1 The planning application seeks permission for the erection of four poultry rearing buildings, biomass building, ten feed bins and other ancillary buildings. Each poultry building would accommodate 50,000 birds, with a combined total of 200,000 bird places. Each shed would measure approximately 109 metres x 27 metres with a height of 2.68 metres to eaves and 4.98 metres to ridge. Each shed would include a fan canopy and baffle area to the rear.
- 1.2 The biomass boiler building would measure 30 metres long x 12 metres wide, and 5.4 metres to eaves and 6.5 metres to ridge. It would be constructed of concrete composite panel walls with box profile metal sheeting above with a profile metal sheet roof.
- 1.3 The feed bins would be of cylindrical design with a conical top and bottom. Their diameter would be 3.35 metres, and height would be 9.22 metres. Other development proposed includes six gas tanks within a safety compound, a water tower 6 metres high and 3 metres diameter, and starter crumb feed bin 7.67 metres high and 2.57 metres wide. A surface water attenuation pond would be provide at the western side of the site.
- 1.4 Proposed landscaping would include tree planting around the perimeter of the site, the formation of a landscaped bund on the western side of the site, and hedgerow planting along the western and southern sides of the site.
- 1.5 Production process: Prior to the crop cycle the sheds would be pre-warmed to 31^oc in preparation for chick delivery from the hatchery, and bedding litter would be spread on the building floors. Chicks would be 'thinned' when they reach around five weeks old. This would involve the catching and transport of a proportion of chicks over a two day period. When the birds are around six weeks old the remainder would be caught and removed from the site. Bird catching and removal would take place during the day time and night time over two days. At the end of the growing period the used litter would be taken away in covered vehicles and stored in fields off-site prior to spreading on agricultural land. Wash down and disinfection would then take place ready for the next crop. The wash water would be collected in underground tanks before being spread to agricultural land. The biomass boiler would provide heat for the poultry sheds, using wood chip/pellets, home grown straw or miscanthus as fuel.
- 1.6 As detailed in section 6.1.1 below, the planning application is accompanied by an Environmental Impact Assessment (EIA), and this includes a detailed set of reports assessing the potential impacts of the development.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site comprises the northern part of an arable field located approximately 500 metres to the north-east of the village of Kinton. The application site covers an area of approximately 3.75 hectares. The north-east side of the site is bounded by a tree covered embankment, which falls away to the A5(T) further to the north-east. To the north-west of the site is a drainage pond associated with the A5(T), which is surrounding by trees and other vegetation. Land to the west and south is in agricultural

use. Part of the site has been excavated to a level approximately 2-2.5 metres below the level of the adjacent field to the west.

2.2 Access from the site to the public highway to the north would be gained via a short section of a private access road (in the ownership of the applicants) to the west which provides access to the Kinton Business Park. This links to the public highway at a point approximately 40 metres to the north. The nearest residential properties are located on the opposite side of the A5(T). These include two dwellings at The Prill, approximately 280 metres to the east, and three further dwellings to the north, approximately 300 metres away. Kinton Business Park lies approximately 390 metres to the south-west, and includes a mix of light industrial units and offices. The nearest residential properties in the village are located approximately 400 metres away. The A5(T) Nesscliffe Services area is located approximately 190 metres to the south-east, on the opposite side of the carriageway to the application site. There are a number of public rights of way in the area. The nearest of these runs north-south adjacent to part of the western boundary of the site, and southwest-northeast, approximately 70 metres from the southern boundary of the site.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

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

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

4.1.1 **Great Ness and Little Ness Parish Council** Objects, for the following reasons.

1. Impact on Residents. This site was previously examined as an alternative site to the Great Ness Poultry Farm, in the applicant's submission to Shropshire Council in 2010, for the establishment of their poultry farm in Rodefern Lane Great Ness. They stated in that application that the site at Kinton was unsuitable as a chicken farm development because "significant numbers of receptors" would be affected by that type of development at that location and, "junction safety and accessibility was poor" for that site. In the Parish council's view these reasons for rejection of the site are more relevant now than in 2010, in particular because of the planned housing development within Nesscliffe village which will bring more significant receptors closer to the development. Shropshire Council have allowed the development of an additional 65 residential houses which will be situated closer to the proposed Chicken farm subjecting those residents to odour pollution, increased light pollution and noise due to the 24 hour working duration of a large scale industrial poultry unit as proposed with this application. Planners should take into account complaints that have been made and recorded against the Great Ness Poultry site for odour pollution when deciding on this application.

2. Visual Impact. This application increases the number of large industrial scale Poultry producing developments in an area of natural beauty and although the applicant puts forward screening suggestions to mitigate the large complex from view it will still have a detrimental visual impact on the landscape in particular when viewed from such vantage points as Nesscliffe hill, a view point that is enjoyed by many visitors to the area.

3. Cumulative effect on the community. This development if allowed will be the fifth large industrial chicken establishment within a two kilometre radius surrounding all of the villages in the Nesscliffe Parish Council area and the planners are asked to look at the cumulative effect this additional development will have on the area. (It is understood that the applicant's environment licence is made out for double the number of poultry units and feed bins that is outlined in this application and this should be taken into account when considering the application.)

4. Pollution, Waste Management. The applicant's submission, in our view, does not give serious thought to the issue of waste management. In particular, the amount of land that they have available, to them, to spread this additional chicken manure which have heavy metal content, veterinary medicines and may contaminate the soils with inorganic and organic chemicals both during the construction period and during the operating life of the development. And due to the increase in the number of Poultry units in this area will increase significantly the affect this will have on the local environment both for odour pollution and soil pollution. Already there is evidence that the long term storage of chicken manure presents problems, with the increasing use an unprotected hard-standing in Wilcot, from which run-off is entering the open drains on the adjacent road. The inclusion of the Biomass installation will not negate the need for the applicant to spread manure on the land.

5. Working Hours. There appears to be a conflict between the working hours of the existing business park and the proposed chicken farm. When the business park was approved in 2003, planners ensured that the residents of Kinton were not unduly inconvenienced by the various pollutants, light, noise and smell that would emanate from the business park limiting the hours of operation to daytime working on weekdays only. This application which is adjacent to the business park, will be operating 24/7, with all of the same pollutants but of a much greater magnitude.

4.1.2 **Environment Agency** No objections.

Environmental Permitting Regulations: The proposed development will accommodate approximately 200,000, 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.

The farm has an EP in place to accommodate the proposed bird numbers (Permit Reference: EPR/YP3031WK). Based on our current position, we would not make detailed comments on these emissions as part of the current planning application process. It will be the responsibility of the applicant to undertake the relevant risk assessments and propose suitable mitigation to inform whether these emissions can be adequately managed. For example, management plans may contain details of appropriate ventilation, abatement equipment etc. Should the site operator fail to meet the conditions of a permit we will take action in-line with our published Enforcement and Sanctions guidance. For the avoidance of doubt we would not control any issues arising from activities outside of the permit installation boundary. Your Public Protection team may advise you further on these matters.

Flood Risk: The site is located in Flood Zone 1 (low probability) based on our indicative Flood Zone Map. Whilst development may be appropriate in Flood Zone 1 a Flood Risk Assessment (FRA) is required for 'development proposals on sites comprising one hectare or above where there is the potential to increase flood risk elsewhere through the addition of hard surfaces and the effect of the new development on surface water run-off'. Under the Flood and Water Management Act (2010) the Lead Local Flood Authority (LLFA) should be consulted on the proposals and act as the lead for surface water drainage matters in this instance. We would also refer you to our West Area Flood Risk Standing Advice – 'FRA Guidance Note 1: development greater than 1ha in Flood Zone 1' for further information.

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

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

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

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

4.1.3 **Historic England** Does not wish to comment in detail.

The proposed poultry rearing buildings on land adjacent to the A5 at Kinton are within the setting of the Scheduled Ancient Monument of Nesscliffe Hill Camp (National Heritage List for England UID: 1020285) and the historic core of Kinton. The latter, although not designated as a Conservation Area, contains a number of listed buildings, curtilage listed buildings and non-designated built heritage assets which characterise the settlement. The area also has the potential for non-designated archaeology.

The use of visually recessive finishes on buildings and the implementation of the proposed landscape scheme would reduce the impact on Nesscliffe Hill Camp and the built heritage of Kinton. 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 is 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.

4.1.4 **Natural England** No response received.

4.1.5 **SC Public Protection** No objections.

Comments 30/3/2016

Having considered the location I do not consider it likely that there will be any impact from any existing noise sources including those associated with the nearby MoD base, on the site applying for consent. I am of the opinion, based on experience of poultry farms and their internal noise environment, that existing noise will not have any adverse impact on the proposed development. Noise will be below the Lowest Observed Adverse Affect Level (LOAEL) cited in the Noise Policy Statement for England. Although the Noise Policy Statement for England clearly considers noise in relation to human impact the term LOAEL is a useful phrase to express the likelihood of noise impact. As a result it is not considered proportionate to request a noise assessment and it is not considered appropriate, relevant or reasonable to place any condition in relation to noise given what is considered to be a low likelihood for any adverse impact.

Comments 10/3/2016

In respect of odour I do not consider there will be a significant detrimental impact on the amenity of the area as a result of the proposed development. As a result I have no further comment on this front.

I generally agree with the applicant's comments made in response to the MoD objection. The MoD comments refer to an impact from noise of current activities on the proposed poultry. As the poultry will be housed internally in a well insulated building there is no likely significant impact on the poultry expected from external noise despite proximity to the A5 road noise and the MoD site which the MoD have stated is a significant noise source in the area which could increase in future.

It should be noted that the NPPF, Noise Policy Statement for England, British standards in relation to noise and World Health Organisation documentation refer to relevant receptors, sensitive receptors and human receptors. Poultry are not covered by any of these decisions and therefore are not relevant to this discussion.

There are several poultry units in close proximity to noise sources including aircraft bases and flight paths in Shropshire. No evidence reported suggests and welfare impact on the poultry. In respect of animal welfare I do not consider it suitable in this instance to consider this element at the planning stage. Welfare of animals is covered by specific legislation. Furthermore third party auditors and enhanced welfare schemes will dictate improvements if required in future. However, despite this I have no reason to believe that poultry welfare will be impacted by external noise levels in this instance.

In conclusion I have no objections to this application and no conditions to recommend as there is no likely significant impact in terms of noise or odour. Additionally the

Environment Agency will issue and regulate the installation under an environmental permit which will add additional safeguards to protect the surrounding area from noise and odour

Comments 20/1/2016

The proposal is for the site to have capacity for up to 200,000 birds. As a result an environmental permit issued and regulated by the Environment Agency is required. Having considered the distance from the proposed sheds to nearest residential dwellings I do not consider it likely that there will be any significant detrimental impact from the development on the surrounding area. In relation to ammonia I do not have any concerns regarding the concentrations to be emitted and the impact on human health.

4.1.6 SC Highways Development Control No objections subject to conditions.

It is noted that access for this development is proposed to be located on the existing private access road to the Kinton Business Park which is considered to be acceptable for this proposed development. The Business park access to the public highway (C1058) is also considered acceptable in highway safety terms.

Notwithstanding the above the adjacent public highway between the site access and the bridge over the A5 (T) is only of single carriageway width, which would not be suitable for two way HGV movement. Typically the likely increase in heavy vehicular movements associated with this development, it is considered that this restricted width of road could present issues with the safe and free flow of traffic accessing and egressing this site. Particularly as there is already a reasonably high demand for traffic movement to the business and this proposal potentially increases the chance of conflicting HGV movements on this short stretch of road. In the circumstances it is considered appropriate for this development to provide appropriate road improvements, in the form of localised widening between the existing access and the bridge approach to the north of the site.

The remaining route to the principal road network is considered adequate to support this development proposal.

Recommended conditions set out in Appendix 2

4.1.7 SC Drainage The proposed surface water drainage strategy in the FRA using French drains and swale/ pond is technically acceptable. Full drainage details, percolation tests and the sizing of the French drains and swale/ pond should be submitted for approval. The disposal of the dirty water as described in the FRA is acceptable and the details should be plotted on the Drainage Plan. These matters can be dealt with by planning condition.

4.1.8 SC Ecologist Recommends conditions and informatives.

Bats: In order to enhance the site for bats a condition should be imposed to require the provision of bat boxes and to require the submission of a lighting plan for approval (see Appendix 2).

Badger: A main badger sett is located to the north west of the site and is likely to be of local value. There will be no use of machinery within 20m of the proposed badger setts. Any machinery to be used within 20-30m of the badger sett will be light excavation or using a reaching arm. Badger activity must be checked before works commence to ascertain if there has been any change. Bunds, banks and soil mounds created must be sealed/compacted as soon as possible and advisable barrier mesh fencing will be installed around the base of the bunds or other soil mounds created during construction to avoid badgers burrowing into these features. A condition should be imposed to require that work is undertaken in accordance with the Ecological Assessment (see Appendix 2).

Great Crested Newts: A nearby attenuation pool was surveyed for great crested newts. Absence was confirmed.

Ecological Enhancements: New native hedgerows with the inclusion of native hedgerow trees will be planted along the eastern and south-western boundaries. Additional planting on the north-eastern boundary of the A5 will also be implemented to further screen the development. The proposed planning case documentation also includes creation of a swale, and buffer strip/beetle bank. A condition is recommended in order to secure ecological enhancements (see Appendix 2).

Habitat Regulation Assessment & Impact on Designated Sites: The proposed application is for 200,000 bird places. The Environment Agency (EA) Ammonia Screening Assessment has been based on a total of 400,000 bird places.

SC Ecology has requested the ammonia screening assessment output from EA. 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 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.

4.1.9 **SC Conservation** Recommends conditions.

This application proposes four large poultry sheds, feed bins, a biomass building and related ancillary works on lands north-east of the historic settlement of Kinton. Kinton is not designated as a Conservation Area but the historic core of the settlement which is linear in nature features a number of designated heritage assets along with curtilage

listed out-buildings and individual and groups of non-designated heritage assets which make up and characterise the settlement. Our historic mapping indicates that there are no known heritage assets within the boundaries of the proposed scheme.

In considering this proposal, due regard to the following local and national policies, guidance and legislation has been taken: CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, the National Planning Policy Framework (NPPF) and the Planning Practice Guidance.

A formal Heritage Assessment has been prepared by Casterling Archaeology and this is included in the larger Environmental Statement submitted with the application. The Report identifies designated and non-designated heritage assets including built heritage and archaeological matters within the area surrounding the proposed development site, and assesses the potential impact of the development on these assets. The Report is also meant to guide a mitigation strategy to minimise impact on these heritage assets and resources. In terms of built heritage assets and visual impact on the settlement of Kinton specifically we acknowledge the findings of the Report and note that the impact has been assessed as 'low adverse to negligible' based on the mitigation measures, including excavation and landscaping, proposed to be included in this development.

To fully mitigate potential impact on heritage assets we recommend that conditions requiring the prior approval of all building materials (including decorative finishes) should be included in the Decision Notice to minimise any visual obtrusiveness of the development, and that conditions should also be applied requiring that the landscape retention and planting scheme is fully implemented and maintained as part of the proposal. The Archaeology half of our Team and Historic England may have additional comments on these issues which should be addressed.

Should the application be recommended for approval, conditions requiring approval of full details of all external materials and finishes on all buildings and ancillary features proposed within the development site, as well as a landscape retention, implementation and maintenance scheme, need to be included in the Decision Notice.

4.1.10 **SC Archaeology** Recommends a condition.

The proposed development comprises a four unit poultry farm with associated biomass building, feed bins, other ancillary buildings, new access and landscaping, and would be situated adjacent to the A5 dual carriageway. It would be located c.1.1km north-west, and within the setting, of the Scheduled Monument of Nesscliffe Hill Camp (NHLE ref. 1020285). The Shropshire Historic Environment Record (HER) also contains records of two cropmark sites in close proximity to the site: a pit alignment c. 80m to the east (HER PRN 02388) and a possible double ditched rectilinear enclosure immediately to the south-east (HER PRN 02433). Both were evaluated prior to the construction of the dual carriageway. The pit alignment proved to be an irregularly cut linear ditch of uneven depth of possible prehistoric date, whilst no evidence of the enclosure was found. There are a number of other cropmark sites within the wider vicinity, including two further potential pit alignments c. 900m to the north-west (HER PRN 04031) and c. 500m to the north-east (HER PRN 04212) respectively; a potential ring-ditch c. 275m to the north-east (HER PRN 04211); and a range of cropmark enclosures to the south (HER PRNs 04210 & 02112). The north-eastern part of the

proposed development site has previously been excavated down to the natural sands, removing any archaeological interest that may once have existed. The remainder is currently subject to arable cultivation but is otherwise undisturbed. Given the above, this area is considered to have low archaeological potential.

The submitted heritage assessment includes an archaeological desk based assessment and an assessment of the impact on the setting of the Scheduled Monument and other designated heritage assets. It is considered that this satisfies the requirements set out in Paragraph 128 of the NPPF, and Policy MD13 of the SAMDev component of the Local Plan, with regard to the archaeological interest of the site itself and impacts on the setting of the Scheduled Monument. In their consultation responses both the Conservation Officer and Historic England have advised that conditions be included as part of planning permission, for prior approval of all building materials (including decorative finishes) and to ensure the full implementation and maintenance of the landscape scheme, to mitigate the impact on the setting of the Scheduled Monument.

In view of the recommendations contained in Chapter 6 of the Environmental Statement, and in line with Paragraph 141 of the NPPF, it is further recommended that a programme of archaeological work be made a condition of any planning permission for the proposed development. This should comprise an archaeological watching briefly during initial soils stripping operations on the currently undisturbed section of the site. See recommended condition in Appendix 2.

4.1.11 **SC Rights of Way** Public Footpath 9 Great Ness runs within the western boundary of the site identified. The legally recorded line of the footpath is shown on the attached plan. It is noted that the path is recognised within the application. It will not be directly affected by the proposals but it should be taken into consideration by the applicant.

4.1.12 **Ministry of Defence – Defence Infrastructure Organisation** Objects.

[The MoD has submitted a detailed objection. This is summarised below. The full letters can be viewed on the online planning register.]

Background

- The application site is located approximately 840 metres from the eastern boundary of the Army's Nesscliffe Training Area (NTA). The NTA is used extensively throughout the year by the MoD's Defence Helicopter Flying School (DHFS) which conducts helicopter training in support of front-line activity
- The NTA is an intensively operated MoD site. Much of the helicopter training activity currently takes place between 09:00 and 17:00 hours (daylight permitting) Monday to Friday albeit weekend and night flying (for Night Vision Device training) also occurs at periodic intervals
- The NTA is generally used up to 4 no. times a day Monday to Friday (09:00 to 17:00 hours) with phased night flying lasting a period of 5 no. weeks
- The Defence Infrastructure Organisation cannot disclose the particular details of the helicopter training activity undertaken by the Military at NTA for national security reasons
- The training activity undertaken at NTA generally involves the following: Daily circuits of 300 ft and 500 ft specific to all areas of NTA; approaches and departures to field sites and clearings

- Due to the narrow shape of the NTA, helicopters will not generally be able to remain within the NTA when conducting training exercises, however aircrew try to avoid overflying houses and other sensitive receptors in the surrounding area wherever possible
- The MoD supports the basic principle of agricultural related development in the local area
- MoD's concerns include the potential noise levels that would be experienced at the application site as a result of the training activities undertaken at NTA and the associated impact on the poultry that would inhabit the proposed poultry rearing buildings (and the application site in general), and the potential impact of the proposed development on the training activities undertaken at NTA, as well as other concerns including down draught and lighting concerns

Noise

- the proposed development would represent the introduction of a sensitive receptor to the prevailing acoustic environment in the immediate locality of NTA; the training activity undertaken at NTA will likely constitute a source of noise disturbance to the local area; these activities produce a significant amount of low frequency noise which can be particularly disturbing
- there is a 25.0m Small Arms Range at NTA which will also likely constitute a source of noise disturbance to the local area. This Range, used by military personnel to improve firing accuracy, is not subject to planning control with regard to restrictions which limit the nature of operations undertaken on the site including: the nature of weapons operated, days/hours of operation, noise limit restrictions, etc.
- reference is made to relevant parts of the NPPF and the National Policy Statement for England
- animal welfare falls within the remit of DEFRA, protected by The Animal Welfare Act 2006, which is supplemented by the Welfare of Farmed Animals (England) Regulations 2007 (as amended)
- All animals, including farmed poultry, must be looked after in ways that meet their welfare needs, ensuring that they do not experience any unnecessary distress or suffering
- An owner, e.g. a farmer, is legally responsible for his animals' welfare and has a duty to provide for their needs under the Animal Welfare Act 2006
- With regard to poultry management, it is advisable that the level of sound experienced by poultry is minimised and that poultry should be protected from constant or sudden noise
- Noise impact associated with the proposed development has been scoped out of the EIA
- the impact of the training activities undertaken at NTA do not appear to have been taken into consideration by the Applicant; this is inappropriate
- in the absence of this, the Local Planning Authority are not in a position in which to objectively assess the impact of noise associated with the proposed development, and the impact of noise from the MoD site
- the Applicant should submit a Noise Impact Assessment to include appropriate noise monitoring surveys and appropriate noise modelling, and include an assessment of noise generated outside the site that might enter any building on site; noise generated inside the site or a building on site that could affect people outside the site/building; and the effect of the proposed development on the existing ambient noise outside the site

- should the Local Planning Authority decide to grant planning permission for this agricultural development on the application site, within close proximity to NTA, the MoD will bear no responsibility for any complaints or claims from the Applicant/Developer in respect of matters of noise and will refer the complainants to Shropshire Council.

Down Draught

- by virtue of the nature of helicopter training activity undertaken at NTA, the proposed development could face severe down draught problems. Non-fixed objects within the application site could potentially become airborne, and cause potential missiles in a severe down draught scenario, particularly at times of high winds. As a result, this could well present potential health and safety concerns of personnel and animals within the application site.

Lighting Proposals

- the application fails to include any information in connection with external lighting proposals; this could have potential to restrict the MoD's night time flying programme
- should permission be granted, a condition should be imposed requiring the submission of external lighting for approval, in consultation with the MoD.

Comments 29/3/16 – in relation to the noise information submitted by the applicant's agent

- the applicant has provided details of the insulation of the building but has failed to submit any evidence which would demonstrate knowledge of the noise levels experienced at the application site in the first instance;
- the applicant's comments that the insulation would provide excellent noise insulation and that external noise sources would be all but muted out, is premature and particularly misleading
- the applicant has not provided detailed information on insulation in order to outline its efficacy in respect of noise insulation
- the applicant has not provided any evidence that the noise generated by the 50,000 birds and plant/machinery would screen out external noise sources
- guidance referred to by the MoD does not state that it is for humans only
- noise from external sources would fall outside of the scope of the Environmental Permit
- the MoD would like to seek the registration, by agreement with the Applicant, of an easement to cause noise on/over the application site. This would prevent the Applicant bringing forward damage claims against the MoD in future

Comments 29/3/16 – in relation to the Public Protection Officer's comments

- The Public Protection Officer's comments are particularly surprising given the circumstances
- The Officer does not appear to have addressed the MoD's consultation response and the reasons for their objection
- The Officer appears to side with the applicant
- in the absence of information on the noise levels at the application site, the extent to which noise will perhaps be a problem and whether or not this can be satisfactorily mitigated is unknown
- the Officer cannot make an informed opinion in respect of this planning

application

- the planning policies outlined in the MoD's objection are applicable to poultry related developments
- the Officer has failed to submit a detailed assessment of the proposed development, which would substantiate the recommendation that no objections are raised

4.1.13 **Shropshire Fire Service** Advice provided (see Informatives).

4.2 **Public comments**

4.2.1 The application has been advertised by site notice and in the local press. In addition, 28 residential properties and businesses in the local area have been directly notified.

4.2.2 Two objections have been received, on the following grounds:

- Smell from piles of chicken manure in various locations from two other chicken farms is intolerable; flies indescribable; additional chicken farm will add to this
- Extra noise, smell and lorry pollution
- Area is being taken over by chicken sheds and biomass building
- Too close to housing
- New houses are likely to be built close to this location
- Close proximity to Nesscliffe, a natural beauty spot
- Risk of bird flu H5N1

4.2.3 In addition a letter, signed by 24 residents of Kinton, has been received. This states that it is not a formal objection, and that it contains constructive comments and suggestions. The matters raised are summarised as follows:

- In general, further poultry units in Great Ness and Little Ness parish are opposed
- Potential health hazard should there be an outbreak of avian flue or fowl pest; are already 3 very large intensive poultry units within an area of 4-5 square miles; these, and current proposal, would result in approx. 6.2 million birds/year in this area; additional units near the Parish boundaries
- Parish of Great Ness and Little Ness has an over intensity of this type of agriculture
- Any positive economic benefit does not make a substantial impact on the local community
- Noted that the applicant has received an Environmental Permit for 8 poultry units and 20 feed bins; would be strongly against any future application to build additional sheds or feed bins or other development of the site
- Plans have been well thought through
- Landscaping is welcomed; banking could be created so that it completely screens the sheds from view from Kinton
- Proposed trees are saplings; at least one third of the trees should be at least 6 metres tall; would provide a mix of young trees that are strong and more mature trees to give instant cover; evergreens should be included for all round cover; should be additional tree cover around building 4; landscaping should be maintained
- Traffic signs should be erected at both sides of the village to prevent HGVs passing through, except for access; HGVs still come through village contrary to restrictions on Business Park
- Traffic sign should be erected at access road to Business Park saying no right of way

- If the Business Park weighbridge is required, this should be moved to the site
- Waste should not be stored on site or near the village; if spread on fields, should be ploughed in within 48 hours as per the law, to prevent smell and flies
- Lighting should be directed downwards
- Should be no possibility of a future change of use to allow further industrialisation
- Query what is meant by 'other ancillary buildings' and 'surface water attenuation feature'

4.2.4 Four general comments – neither objecting nor supporting - have been received:

- Conditions limiting the impact of the development on the local area, including traffic routing and landscaping should be adhered to
- Applicant has another chicken unit at Great Ness, and should get that operation in order before starting another; the ammonia levels are not under control
- Traffic should not be allowed to go through the village
- Raised grass covered banks and trees should be provided to reduce views from Nesscliffe Hill
- Applicant previously said they could not develop here when trying to get Great Ness application permitted
- Should be road markings to make it clear that traffic must stop before entering Kinton Lane
- Should be planning condition to require removal of buildings and restoration of site if the use ceases
- Landscaping should include larger, more established trees, and more screening around buildings and along the new hedgerow, to maintain the countryside feel
- Business park entrance road should be widened to allow for two way traffic flow so that access to the park is unobstructed by traffic from the poultry site

5.0 THE MAIN ISSUES

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

6.0 OFFICER APPRAISAL

6.1 Environmental Impact Assessment

- #### 6.1.1
- The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 specify that Environmental Impact Assessment (EIA) is mandatory for proposed development involving the intensive rearing of poultry where the number of birds is 85,000 or more. The proposed development would provide 200,000 bird places, and as such it is EIA development. The planning application is accompanied by an Environmental Statement, as required by the 2011 Regulations.

6.2 Planning policy context; principle of development

- #### 6.2.1
- Planning applications are required to be determined in accordance with the Development Plan unless material considerations indicate otherwise. Material

considerations include the National Planning Policy Framework (NPPF), and this advises that the purpose of the planning system is to contribute to achieving sustainable development (para. 6) and establishes a presumption in favour of sustainable development (para. 14). One of its core planning principles is to proactively drive and support sustainable economic development (para. 17). Sustainable development has three dimensions – social, environment, and economic. In terms of the latter the NPPF states that significant weight should be placed on the need to support economic growth through the planning system (para. 19). The NPPF also promotes a strong and prosperous rural economy, supports the sustainable growth and expansion of all types of business and enterprise in rural areas, and promotes the development of agricultural businesses (para. 28). The NPPF states that the planning system should contribute to and enhance the natural and local environment (para. 109) and ensure that the effects (including cumulative effects) of pollution on health, the natural environment or general amenity should be taken into account (para. 120).

- 6.2.2 The proposed development is located in an area of countryside, and Core Strategy Policy CS5 states that development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to specified proposals including: agricultural related development. It states that proposals for large scale new development will be required to demonstrate that there are no unacceptable adverse environmental impacts. Whilst the Core Strategy aims to provide general support for the land based sector, it states that larger scale agricultural related development including poultry units, can have significant impacts and will not be appropriate in all rural locations (para. 4.74). Policy CS13 seeks the delivery of sustainable economic growth and prosperous communities. In rural areas it says that particular emphasis will be place on recognising the continued importance of farming for food production and supporting rural enterprise and diversification of the economy, in particular areas of economic activity associated with industry such as agriculture.
- 6.2.3 The application states that the economic benefits of the proposed development include the investment and diversification of an existing farming business. The application states that the proposed development would require the equivalent of 2 additional full time workers. Other employment would include feed delivery and poultry collection drivers, and cleaning and manure removal teams.
- 6.2.4 The above policies indicate that there is national and local policy support for development of agricultural businesses which can provide employment to support the rural economy and improve the viability of the applicant's existing farming business. In principle therefore it is considered that the provision of a poultry unit development in this location can be supported. However policies also recognise that poultry units can have significant impacts, and seek to protect local amenity and environmental assets. These matters are assessed below.

6.3 Siting, scale and design; impact on landscape character

- 6.3.1 Core Strategy policy CS6 seeks to ensure that development is appropriate in scale and design taking into account local context and character, having regard to landscape character assessments and ecological strategies where appropriate. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of

Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan policy MD7b states that applications for agricultural development should be of a size/scale which is consistent with its required agricultural purpose, and where possible are sited so that it is functionally and physically closely related to existing farm buildings.

- 6.3.2 In relation to siting matters Officers accept the need for developments of this kind to be located a satisfactory distance from sensitive receptors such as residential properties. Given the location of the farm buildings within the village of Kinton it is accepted in this case that a location separate from these buildings is appropriate.
- 6.3.3 A Landscape and Visual Impact Assessment (LVIA) has been undertaken as part of the Environmental Statement. This has assessed the landscape in the area of the application site as of low/medium quality. It is noted that the site is not located within an area designated for landscape value. The proposed poultry buildings would be set at a level some 1.5-2.5 metres below surrounding ground levels. Excavated material would be used to raise ground levels such that only the top 1.5 metres of the poultry sheds would rise above surrounding ground levels. There is relatively good tree cover to the north-east and north-west of the site. Open views are available from the south-west, including from the public right of way. However the proposed tree and hedgerow planting along the south-western boundary, and additional tree planting within the site including atop a screening mound, would assist in assimilating the development into its surroundings.
- 6.3.4 Impact on landscape character: In terms of the effects of the proposal on landscape components the LVIA notes that the proposal would result in the loss of approximately 3.7 hectares of farmland from arable production. However there would be no loss of any specific landscape features such as existing trees and hedgerows. The proposal would result in an increase in approximately 340 metres of new hedgerow planting, 19 new hedgerow trees, 0.3 hectares of woodland planting and 0.4 hectares of wildflower grassland. Officers concur with the LVIA that the significance of this in the landscape would be minor beneficial. Given the height and area of the proposed development, and the existing and proposed tree and hedgerows, the LVIA suggests that the development would have a minor adverse significance on landscape character. Officers accept these findings of the LVIA. The Parish Council has raised concerns over potential cumulative impacts. In relation to potential emissions these are considered in para. 6.7.3 below. In relation to landscape impacts it is not considered that the proposal would be visible from other poultry farms, or that this proposal would have an adverse impact when considered cumulatively with other similar developments in the local area.
- 6.3.5 Visual effects: Views of the development from the public rights of way to the south and west of the site would generally be limited due to the reduced finished floor levels of the buildings, the proposed ground modelling and the new hedgerow and tree planting once established. The higher parts of the development would be visible from parts of these paths however, albeit that these would be seen against a backdrop of existing vegetation along the A5 bypass and to the north of the site.
- 6.3.6 Some views of the higher parts of the development from public rights of way to the north-west of the site, approximately 360 metres away, and from The Cliffe, approximately 1.9km away would be possible. However given the distances involved, it

is not expected that such views would be significant. Similarly, some views of parts of the development may be possible from The Cliffe. Views from the A5(T) would generally be limited due to the tree covered roadside embankment. Any views possible would be fleeting due to the likely speeds of vehicles along this road.

6.3.7 In terms of views from residential properties in Kinton the LVIA suggests that most of the proposed development would not be visible due to the height of the development, the ground modelling and landscaping. It suggests that the proposal would have a low/medium adverse effect on these properties. The comments of residents that additional and enhanced landscaping should be provided to improve screening are noted. The landscape concept submitted as part of the application includes tree and hedgerow planting and a landscaped mound on the western side of the site, and in principle Officers consider that this is acceptable. However detailed matters can be agreed as part of a landscaping scheme which can be dealt with by planning condition, and enhancements can be sought where appropriate.

6.3.8 Overall the findings of the LVIA are that adverse landscape effects and adverse visual effects from the development would not be significant. Whilst the proposal would be visible within the landscape from some viewpoints Officers consider that, with the mitigation measures put forward, it would not result in an unacceptable impact on the local landscape or on the visual amenity of the area. As such the proposal is therefore in line with Core Strategy policy CS6.

6.4 Residential and local amenity considerations

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

6.4.2 Noise: The application site is located 280 metres from the nearest residential properties. This distance, and the existing noise from the A5(T) and the physical barrier of the associated embankment, would be expected to provide significant attenuation of noise which may be generated by the proposed development. The Environmental Statement advises that noise impact is one of the issues that has been scoped out of the assessment. This is on the basis that the applicant considers that this issue is of less potential importance in relation to this particular development proposal.

6.4.3 Nevertheless a detailed objection has been received from the Ministry of Defence (MoD) – Defence Infrastructure Organisation on the grounds of the potential impact that the proposal would have on the MoD's training activities in the area. The MoD advise that the application site is located approximately 840 metres from the eastern boundary of the Army's Nesscliffe Training Area (NTA), which is used extensively for helicopter flying throughout the year in support of front-line activity. The MoD advise that helicopters are generally no able to remain within the confines of the NTA when conducting training exercises. The MoD has significant concerns including the potential noise levels that would be experienced at the application site as a result of training activities. The MoD also note that there is a Small Arms Range at the NTA and raise concern over the impact of noise from this on the proposed development.

- 6.4.4 The MoD advise that, in the absence of the consideration of noise impact as part of the Environmental Statement, the local planning authority is not in a position in which to objectively assess the impact of noise from the MoD site. The MoD has requested that a Noise Impact Assessment is submitted.
- 6.4.5 The applicant's agent has provided a response to the MoD's concerns, including:
- The proposed poultry buildings have extremely high insulation levels which is primarily designed for heat retention but also provides excellent noise insulation. The walls will be constructed with 200mm of "rockwool" insulation. The roof is constructed with 300mm of "rockwool" insulation. External noises are all but muted out.
 - Noise levels within the poultry buildings are significant with the movement and calling of approximately 50,000 birds in each building, and additional noise from the extractor fans and feed blower. The proposed development is also very close to the A5 trunk road which would provide a significant background noise
 - Absence of incidents relating to bird welfare from the applicants' other poultry units in the area where there is significant overhead flying;
 - Absence of evidence that overhead flying causes bird welfare issues;
 - Any hovering over the poultry buildings in such close proximity to the A5, would in any event cause a dangerous distraction to passing vehicles.
 - The applicant has formally offered to indemnify the MoD against any claim that they may make for bird losses attributable to their operations and we await the MoD's reply to this offer.
- 6.4.6 In response the MoD consider that further evidence should be submitted to substantiate the comments made by the applicant.
- 6.4.7 Para. 109 of the NPPF states that the planning system should contribute to and enhance the local environment by preventing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of noise pollution. Officers recognise that a noise assessment has not been undertaken as part of the Environmental Impact Assessment, and that such an assessment would provide evidence as to whether the poultry would be likely to be adversely affected by the noise climate of the area. However Officers do not consider that it would be reasonable or proportionate to request that the applicant carries out a noise assessment. The reason for this is that it is not considered likely that the proposed development would be adversely affected by unacceptable levels of noise pollution. This is based upon the likely noise attenuation that would be provided by the proposed poultry sheds; the likely internal noise climate of the sheds; the existing noise climate of the area which includes the relatively busy A5(T); the absence of issues identified as a result of other operational poultry developments in the area; and the advice of the Council's Public Protection Officer.
- 6.4.8 Down draughts: The MoD have also raised concern that the proposed development could face severe down draught problems as a result of overflights of helicopters over the application site. They advise that non-fixed objects within the application site could potentially become airborne and cause potential missiles in a severe down draught. The applicant has been advised of this concern, and has advised that modern poultry units have an extremely sterile setting and that feed is delivered in lorries and blown directly into the feed hoppers hence there are no plastic bags lying around

- 6.4.9 Lighting: The MoD have expressed concern that the application does not include any information on external lighting proposals, and states that such lighting may restrict the MoD's night time flying programme. In response, the applicant has advised that the external lighting is minimal and only used during the emptying of the buildings at night. The lights are low wattage (100w) halide lights pointing down with a metal cowl over to reduce light spill. The lighting from the traffic on the A5 will far outweigh any light spillage from the development. Nevertheless in view of the MoD's concerns, it is considered that any permission granted should be subject to a condition requiring that external lighting is subject to prior approval.
- 6.4.10 Odour: The separation distance between the proposed poultry buildings and residential properties would reduce the likelihood of adverse odour impacts in the local area. It is noted that the Environment Agency has issued an Environmental Permit for the poultry development. The Agency has advised that, through the determination of the Permit, issues relating to odour will be addressed. The request from residents that controls are imposed on the spreading of poultry manure from the site are noted however this element of the proposal is not something that forms part of the current application. The Council's Public Protection Officer does not consider that the proposal would have a detrimental impact on the area due to odour emissions.
- 6.4.11 Hours of operation: The Parish Council's comments regarding the apparent conflict with the working hours of the business park and the proposed poultry unit are noted. The proposed poultry rearing development would effectively operate 24 hours a day given the nature of the activity. However, other than during times when bird collection takes place it is anticipated that night-time operations would be minimal and would not adversely affect local amenity.
- 6.4.12 Overall it is considered that the proposal has been designed to ensure that the facility can be operated without adversely affecting local amenity due to noise, odour or other impacts. In addition satisfactory safeguards would be provided as part of the Environmental Permit to address any specific issues. The proposal is therefore in line with Core Strategy Policy CS6.
- 6.5 **Historic environment considerations**
- 6.5.1 Core Strategy Policy CS17 requires that developments protect and enhance the diversity, high quality and local character of Shropshire's historic environment. SAMDev Plan Policy MD13 requires that heritage assets are conserved, sympathetically enhanced and restored by ensuring that the social or economic benefits of a development can be demonstrated to clearly outweigh any adverse effects on the significance of a heritage asset, or its setting.
- 6.5.2 The Heritage Assessment undertaken as part of the Environmental Impact Assessment has assessed the potential impact of the development on heritage assets located within a 1km radius of the site. It identifies that the dominant heritage asset to be taken into consideration is the Scheduled Monument of Nesscliffe Hill Camp, approximately 930 metres to the east. The Heritage Assessment concludes that, taking into account the existing A5 bypass, the proposed excavation within the site and the implementation of landscaping proposals, the potential visual impact of the development on the Scheduled Monument would be low adverse in the short-term and negligible in the long-term. The

Assessment considers that potential views from Listed buildings within Kinton would be filtered by the intervening hedgerows and vegetation, and that the impact on these heritage assets would be low adverse to negligible. The Assessment concludes that there would be negligible impact on views from other designated and undesignated heritage assets in the area.

6.5.3 No significant concerns have been raised by either Historic England, the Council's Historic Conservation Officer, or the County Archaeologist. Conditions requiring the prior approval of external materials and finishes on the buildings, and a landscaping scheme can be imposed, as recommended by the Historic Environment Officer.

6.6 **Traffic, access and rights of way considerations**

6.6.1 The application states that total HGV movements during each cycle would amount to 79 (158 movements). Movements would fluctuate during the cycle. For example on 27 days of the crop cycle there would be no HGV movements to/from the site, and that on a further 10 days of the cycle there would be an average of 1 HGV visit each day. The majority of HGV movements would be those associated with bird collections. These activities would take place over two 2-day periods during each cycle, between 0200 and 0900 hours. Typically there would be up to two HGV movements per hour during these times. The application states that there is no possibility of these vehicles meeting each other on the public highway as the loaded vehicle would not be released from the site until the next vehicle has arrived.

6.6.2 The Council's Highways Officer has advised that the proposed access to the site via the access road to the business park, and the access from this onto the public highway, are both acceptable for the proposed development. The applicant has confirmed that they are willing to undertake localised widening works of the public highway to the north of the site, to reduce the risk of vehicle conflicts at this short section of the road, as recommended by the Highways Officer. These improvements can be secured by planning condition.

6.6.3 It is considered that the site is relatively well located in relation to the principal road network, and that it would not be advantageous for HGVs to travel to/from the site via Kinton village. Nevertheless a traffic routing plan that sets out measures to ensure that HGVs avoid the village can be agreed through an appropriate condition. In view of this it is not considered that it would be reasonable to also require the erection of signs at both ends of Kinton village, to prevent HGVs from travelling through, as requested by residents. However in principle the applicant has agreed to providing appropriate signage at the site entrance should this be considered necessary.

6.6.4 Subject to the highway improvement and routing conditions it is not considered that the proposal would result in unacceptable highway impacts in the local area.

6.7 **Ecological consideration**

6.7.1 Core Strategy Policy CS17 seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan Policies MD2 and MD12 require that developments enhance, incorporate or recreate natural assets. Para. 118 of the NPPF states that local planning authorities should aim to conserve and enhance biodiversity.

- 6.7.2 Ecological assessment undertaken as part of the planning application includes an Extended Phase 1 habitat survey and a presence/absence survey for Great Crested Newt. A number of precautionary measures have been proposed to avoid impact on a badger sett within the vicinity of the site, and a condition can be imposed to require their implementation. A condition can be imposed to require that a lighting plan is submitted for approval to minimise impacts on bats in the area. It is considered that the landscaping proposals put forward would provide significant ecological enhancements to the local area, including tree and hedgerow planting, a wildflower grassland area.
- 6.7.3 Ammonia is released from intensive poultry sheds through the breakdown of uric acid which arises from bird excretion. Based upon the results of an ammonia screening assessment the Environment Agency has concluded that detailed modelling of ammonia impacts is not required. The screening assessment reported that emissions of ammonia or ammonia deposition from the farm would not be in excess of the relevant environmental threshold at any particular designated site and that there would be no cumulative effect with any existing farms. The Council's Ecologist has confirmed that the proposed development is unlikely to have a significant effect on the designated sites assessed. The Habitat Regulation Assessment matrix is attached as Appendix 1.
- 6.7.4 No further specific ecological issues have been identified. On the basis of the available evidence it is considered that the proposed development would protect and enhance the natural environment, and is therefore in line with Core Strategy policy CS17 and SAMDev Plan policy MD2 and MD12.
- 6.8 Impact on water resources**
- 6.6.1 Core Strategy Policy CS18 seeks to reduce flood risk and avoid adverse impact on water quality and quantity.
- 6.6.2 Surface water drainage: The site is located within Flood Zone 1, indicating that the risk of surface water flooding is low. The submitted Flood Risk Assessment states that on site surface water would be collected by French drains which would convey the water to a proposed attenuation pond located at the western side of the site. The Council's Drainage Officer has confirmed that this is acceptable in principle, and that detailed measures can be dealt with by planning condition. An appropriate condition is included in Appendix 2.
- 6.6.3 Foul drainage: Dirty water would be generated as part of the process of washing out the floors of the poultry sheds at the end of each cycle. Wash down water would be directed to underground collection tanks located near to the site entrance. The Drainage Officer has confirmed that this is acceptable in principle. Details can be agreed as part of a planning condition. The Environmental Permit would provide detailed control over pollution prevention measures incorporated within the design of the development.
- 7.0 CONCLUSION**
- 7.1 The proposal to construct a poultry rearing development including four poultry sheds and other buildings at Kinton would be an appropriate agricultural development in the rural area, and would provide employment and investment in the rural economy. Whilst the development would be visible within the landscape from some viewpoints it is

considered that the design of the site including landscaping mitigation would ensure that it would not result in an unacceptable impact on the local landscape or on the visual amenity of the area. The proposal would be sited a sufficient distance from sensitive receptors to avoid adverse impact due to noise or odour, and it is not considered likely that the birds within the buildings would be adversely affected by helicopter training activities in the general area. Additional controls over potential pollution would be provided as part of the Environmental Permit for the operation which has been issued by the Environment Agency. The proposal does not raise significant issues in relation to ecological matters, and would provide ecological enhancements in the local area. A satisfactory surface water drainage scheme can be agreed through appropriate planning conditions. Localised widening of a short section of public highway can be required to avoid potential conflicts on the highway. No significant issues have been raised in respect of potential impact upon heritage assets. Overall it is considered that the proposal can be accepted in relation to Development Plan and national policies, and other material considerations, and that the grant of planning permission subject to the conditions set out in Appendix 2 can be recommended.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

10.1 Relevant Planning Policies

10.1.1 Shropshire Core Strategy

- Policy CS5 (Countryside and Green Belt)
- Policy CS6 (Sustainable Design and Development Principles)
- Policy CS13 (Economic Development, Enterprise and Employment)
- Policy CS17 (Environmental Networks)
- Policy CS18 (Sustainable Water Management)

10.1.2 SAMDev Plan

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

10.2 Central Government Guidance:

10.2.1 National Planning Policy Framework (NPPF)

10.3 Relevant Planning History: None.

11. Additional Information

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

The application ref. 15/05462/EIA and supporting information and consultation responses.

Cabinet Member (Portfolio Holder):

Cllr M. Price

Local Member:

Cllr David Roberts (Loton)

Appendices:

APPENDIX 1 – Habitat Regulations Assessment – Screening Matrix

APPENDIX 2 - Conditions

Appendix 1 - Habitat Regulation Assessment (HRA) Screening Matrix

Application name and reference number:

15/05462/EIA
Land Adjacent To The A5
Kinton
Shrewsbury
SY4 1AZ
Erection of four poultry rearing buildings, biomass building, ten feed bins and other ancillary buildings, landscaping including ground modelling and tree planting, construction of a surface water attenuation feature and new access.

Date of completion for the HRA screening matrix:

12th 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	15/05462/EIA Land Adjacent To The A5 Kinton Shrewsbury SY4 1AZ Erection of four poultry rearing buildings, biomass building, ten feed bins and other ancillary buildings, landscaping including ground modelling and tree planting, construction of a surface water attenuation feature and new access.
Name and description of Natura 2000 site	<p>European Designated Sites within 10km:</p> <p>MIDLAND MERES & MOSSES - PHASE 1</p> <p>Fenemere Fenemere Midland Meres and Mosses Ramsar Phase 1 (16.34ha) is a particularly rich and interesting mere with eutrophic water. Fenemere is also important for its rich aquatic invertebrate fauna. It is included within the Ramsar Phase for its open water, swamp, fen, wet pasture and Carr habitats with the species <i>Cicuta virosa</i> and <i>Thelypteris palustris</i></p> <p>MIDLAND MERES & MOSSES - PHASE 2</p> <p>Morton Pool & Pasture The chief interest of Morton Pool Midland Meres and Mosses Ramsar Phase 2 (3.72ha) is the fen and carr vegetation</p>

	<p>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>NB For completeness the SSSI's within 5km and local sites within 2km are listed below:</p> <p>SSSI's within 5km SHRAWARDINE POOL LIN CAN MOSS</p> <p>Local Sites within 2km LIN CAN COPPICE ARMY CAMP GRASSLAND KNOCKIN HEATH NESSCLIFFE, GREAT NESS CRANBERRY MOSS THE CLIFFE NESSCLIFFE HILL WOOD BULLMOOR</p>
Description of the plan or project	Erection of four poultry rearing buildings, biomass building, ten feed bins and other ancillary buildings, landscaping including ground modelling and tree planting, construction of a surface water attenuation feature and new access.
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)?	<p>N/A Lin Can Moss - SSSI</p> <p>The Environment agency has assessed the potential impact of the proposed poultry application in combination with other poultry applications in 5km to assess the combined impact on Lin Can Moss SSSI. All values for existing poultry units within 5km screen out below the <20% critical level Ammonia output therefore insignificant, and the total in combination effect of all farms within 5km = <50% . DETAILED MODELLING IS NOT REQUIRED.</p>

Statement

The proposed poultry site has received an Environmental Permit issued by the Environment Agency on the 11th December 2015.

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 12th 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 50% of the critical level for a SSSI (within 5km when assessed in combination with other permitted sites 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 and an environmental permit has been granted.

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 *15/05462/EIA at Land Adjacent To The A5, Kinton, Shrewsbury SY4 1AZ for the erection of four poultry rearing buildings, biomass building, ten feed bins and other ancillary buildings, landscaping including ground modelling and tree planting, construction of a surface water attenuation feature and new access on European Designated Sites within 10km.*

The Integrity test

There is no likely effect on the integrity of European Designated Site within 10km from planning application *15/05462/EIA at Land Adjacent To The A5, Kinton, Shrewsbury SY4 1AZ for the erection of four poultry rearing buildings, biomass building, ten feed bins and other ancillary buildings, landscaping including ground modelling and tree planting, construction of a surface water attenuation feature and new access.*

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 *15/05462/EIA at Land Adjacent To The A5, Kinton, Shrewsbury SY4 1AZ for the erection of four poultry rearing buildings, biomass building, ten feed bins and other ancillary buildings, landscaping including ground modelling and tree planting, construction of a surface water attenuation feature and new access 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.

APPENDIX 2 - 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 shall take place until a scheme of foul drainage, and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (which ever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.
4. No development hereby permitted shall take place until details of the external materials and colour treatment of all plant and buildings have been submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details, and retained as such for the lifetime of the development.
5. No development shall take place until details of the road widening on the C1058 has been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the development/use hereby approved is occupied/brought into use.

Reason: To ensure that the development will not prejudice the free flow of traffic and conditions of safety on the highway nor cause inconvenience to other highway users.
6. Before any other operations are commenced, the proposed vehicular access and road widening (C1058), shall be provided and constructed to an approved standard before the development is begun and thereafter maintained.

Reason: To ensure that the development should not prejudice the free flow of traffic and conditions of safety on the highway nor cause inconvenience to other highway users.
7. No development approved by this permission shall commence until the applicant 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 Local Planning Authority prior to the commencement of works.

Reason: The site is known to hold archaeological interest.

8. No birds shall occupy the buildings hereby permitted until a traffic routing plan has been submitted to and approved in writing by the local planning authority. The submitted plan shall set out measures proposed to ensure that HGVs travelling to and from the site avoid travelling through Kinton, including signage if appropriate; details of how the approved route would be enforced; and details of measures to be taken should drivers not adhere to the approved route. The approved traffic routing plan shall be adhered to at all times.

Reason: To ensure an appropriate route to/from the site in the interests of highway safety and local amenity.

9. Prior to the commencement of development a landscape plan shall be submitted to and approved by the local planning authority. The plan shall include:
 - a) Planting plans, including wildlife habitat and features (e.g. bird and bat boxes, hedgerow planting, tree planting, beetle bank/buffer strip)
 - b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment)
 - c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate. Native species used to be of local provenance (Shropshire or surrounding counties).
 - d) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works
 - e) Implementation timetables

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

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

10. Prior to the erection of any external lighting on the site a lighting plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet Bats and Lighting in the UK

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

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

11. A total of 4 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site prior to first use of the building hereby permitted as shown on a site plan. 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.

12. Work shall be carried out strictly in accordance with the Ecological Assessment conducted by Churton Ecology (October 2015).

Reason: To protect features of recognised nature conservation importance.

Informatives

1. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 187.
2. In determining this application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:

National Planning Policy Framework

National Planning Practice Guidance

Shropshire Core Strategy and saved Local Plan policies:

Policy CS5 (Countryside and Green Belt)

Policy CS6 (Sustainable Design and Development Principles)

Policy CS13 (Economic Development, Enterprise and Employment)

Policy CS17 (Environmental Networks)

Policy CS18 (Sustainable Water Management)

SAMDev Plan policies:

Policy MD2 (Sustainable Design)

Policy MD8 (Infrastructure Provision)

Policy MD12 (Natural Environment)

Policy MD13 (Historic Environment)

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

Section 278 Agreement

No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into.

Please contact: Highways Development Control, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND to progress the agreement.

No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 278 of the Highways Act 1980 entered into

<http://www.shropshire.gov.uk/hwmaint.nsf/open/7BED571FFB856AC6802574E4002996AB>

Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

- o construct any means of access over the publicly maintained highway (footway or verge) or
- o carry out any works within the publicly maintained highway, or
- o authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or
- o undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details

<https://www.shropshire.gov.uk/street-works/street-works-application-forms/>

Please note: Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required

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

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

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

On the site to which this consent applies the storage of all building materials, rubble, bricks and soil must either be on pallets or in skips or other suitable containers to prevent their use as refuges by wildlife.

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

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

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

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

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

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

5. Rights of way advice:

The right of way must remain open and available at all times and the public must be allowed to use the way without hindrance both during development and afterwards. Vehicular movements (i.e. works vehicles and private vehicles) must be arranged to ensure the safety of the public on the right of way at all times.

Building materials, debris, etc must not be stored or deposited on the right of way.

There must be no reduction of the width of the right of way.

The alignment of the right of way must not be altered.

The surface of the right of way must not be altered without prior consultation with this office; nor must it be damaged.

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

6. Shropshire Fire Service advice

As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Service's "Fire Safety Guidance for Commercial and Domestic Planning Applications" which can be found using the following link: <http://www.shropshirefire.gov.uk/planning-applications>