

Development Management Report

Responsible Officer: Tim Rogers

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Summary of Application

Application Number: 15/04859/EIA	Parish:	Montford
Proposal: Erection of four poultry sheds, biomass building, office, photovoltaic panels, feed bins and associated plant, hardstanding and access		
Site Address: Ensdon Farm Holyhead Road Montford Shrewsbury SY4 1EJ		
Applicant: C.E.B.Draper & Sons Ltd		
Case Officer: Kelvin Hall	email: planningdmc@shropshire.gov.uk	

Grid Ref: 341810 - 317038



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Recommendation: That Members delegate authority to the Planning Manager to grant planning permission for the proposed development subject to the conditions as set out in Appendix 2 and subject to satisfactory resolution of issues raised by Highways England regarding A5 junction improvements

REPORT

1.0 THE PROPOSAL

- 1.1 The planning application seeks permission for the erection of four poultry rearing buildings, a biomass boiler building, an office, eight 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 115 metres x 27 metres with a height of 2.5 metres to eaves and 4.8 metres to ridge. Each shed would include a fan canopy and baffle area to the rear, and roof extraction outlets protruding to a height of 5.6 metres. A small control room would be attached to each shed, measuring 3 metres x 3 metres.
- 1.2 The biomass boiler building would be sited between the two central sheds and would measure 40 metres long x 10 metres wide, and 6 metres to eaves and 6.9 metres to ridge. It would be constructed of concrete composite panel walls with box profile metal sheeting above with a profile metal sheet roof. The feed bins would be of cylindrical design with a conical top and bottom. Their diameter would be 2.5 metres, and height would be 7.5 metres. The colour of the proposed buildings and feed bins is proposed to be a dark receding colour to be aged. Other development proposed includes six gas tanks within a safety compound, and a water tower 6 metres high and 3 metres diameter. Surface water attenuation would be provided by an existing pond situated to the north-west of the site.
- 1.3 The original planning application proposed the installation of ground-mounted solar panels covering an area of 0.36 hectares on land to the north-west of the proposed poultry buildings. The planning application has now been revised to omit this element of the proposed development.
- 1.4 A hedgerow with hedgerow trees would be planted around the perimeter of the site. Additional hedgerow trees would be planted in other hedgerows to the north and east.
- 1.5 Production process: Prior to the crop cycle the sheds would be pre-warmed to 31⁰c in preparation for chick delivery from the hatchery, and bedding litter would be spread on the building floors. Chicks would be delivered from the hatchery and placed in the sheds. The birds 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 or home grown straw.
- 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 is located at Ensdon Farm, approximately 1.8km to the north-west of Montford Bridge. The application covers an area of approximately 3.4 hectares and spans parts of two agricultural fields. To the west of the site are the agricultural buildings and farmhouse forming part of Ensdon Farm. To the north-west is a pond with perimeter trees. Other land surrounding the site comprises agricultural fields.
- 2.2 Access to the site would be gained via a new access track, approximately 170 metres in length, which would connect to an unclassified public highway to the north of the site. This links directly to the A5 trunk road to the west. The nearest residential property to the proposed poultry sheds is the applicant's farmhouse, Ensdon House, approximately 170 metres to the west. The nearest other residential properties are the nine dwellings at Claybury Crescent, approximately 290 metres to the north-west.
- 2.3 Ensdon House is a Grade II listed building, and the traditional farm buildings adjacent to it are considered to be curtilage listed. The nearest public right of way runs in a generally north-south orientation approximately 250 metres to the east 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 **Montford Parish Council** No objections. The proposal would have no serious adverse effects on neighbours or the location.
- 4.1.2 **Environment Agency** No objections.

Environmental Permitting Regulations: Intensive pig and poultry sites are regulated by us under the Environmental Permitting (England and Wales) Regulations (EPR) 2010. Farms that exceed capacity thresholds >40,000 birds require an Environmental Permit (EP) to operate. For completeness, the total number of bird places proposed would exceed the capacity thresholds and require an EP to operate. For information, we issued an EP to C.E.B Draper & Son Limited in July 2015, to rear up to 320,000 broilers.

Under the EPR the EP and any future variations cover the following key areas of potential harm:

- Management – including general management, accident management, energy efficiency, efficient use of raw materials, waste recovery and security;
- Operations – including permitted activities and operating techniques (including the use of poultry feed, housing design and management, slurry spreading and manure management planning);
- Emissions – to water, air and land including to groundwater and diffuse emissions, transfers off site, odour, noise and vibration, monitoring;
- Information – including records, reporting and notifications.

Development Proposals: Key environmental issues that are covered in the EP include

odour, noise, ammonia, bio-aerosols and dust. These relate to any emissions that are generated from within the EP installation boundary, including biomass boilers.

Based on our current position, we would not make detailed comments on these emissions as part of the planning application process.

As part of the EP application it is 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 an EP 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 EP installation boundary. Your Council's Public Protection team may advise you further on these matters.

Water Management: The Water Framework Directive (WFD) waterbody in closest proximity to the proposed development site is the 'River Severn – confluence of Bele Brook to confluence of Sundorne Brook' (Waterbody Reference GB109054049142), which is classified as a 'moderate' waterbody. Any development should not cause any deterioration in water quality or hamper efforts to improve waterbody status to 'good' by 2027. Clean Surface water can be collected for re-use, disposed of via soakaway or discharged directly to controlled waters. Dirty Water e.g. derived from shed washings, is normally collected in dirty water tanks via impermeable surfaces. Any tanks proposed should comply with the Water Resources (control of pollution, sludge, slurry and agricultural fuel oil) Regulations 2010 (SSAFO). Yard areas and drainage channels around sheds are normally concreted.

Shed roofs that have roof ventilation extraction fans present, may result in the build up of dust which is washed off from rainfall, forming lightly contaminated water. The EP will normally require the treatment of roof water, via swales or created wetland from units with roof mounted ventilation, to minimise risk of pollution and enhance water quality. For information we have produced a Rural Sustainable Drainage System Guidance Document, which can be accessed via: <http://publications.environment-agency.gov.uk/PDF/SCHO0612BUWH-E-E.pdf>

Flood Risk (Surface Water): Based on our 'indicative' Flood Map for Planning (Rivers and Sea), the proposed development site is located within Flood Zone 1 which comprises of land assessed as having a less than 1 in 1000 annual probability of river flooding (<0.1%). Reference should be made to our Area 'FRA Guidance Note 1 - for development over 1ha in Flood Zone 1' and we recommend that you consult with your Council's Flood and Water Management team (Lead Local Flood Authority) in relation to the following: The increase in hardstanding area could result in an increase in surface water run-off. Evidence should be included with the planning application (Environmental Statement) to show that surface water is not increased when compared to existing run-off rates. This should be done by using Sustainable Drainage Systems (SuDS) to attenuate to at least Greenfield runoff, including confirmation of attenuation to the 100 year plus climate change storm event and where possible achieving betterment in the surface water runoff regime.

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. It is used to reduce the risk of the manure leaching or washing into groundwater or surface water. The permitted farm would be required to analyse the manure twice a year and the field soil (once every five years) to ensure that the amount of manure which will be applied does not exceed the specific crop requirements i.e. as an operational consideration. Any Plan submitted would be required to accord with the Code of Good Agricultural Policy (COGAP) and the Nitrate Vulnerable Zones (NVZ) Action Programme where applicable. The manure/litter is classed as a by-product of the poultry farm and is a valuable crop fertiliser on arable fields.

Separate to the above EP consideration, we also regulate the application of organic manures and fertilisers to fields under the Nitrate Pollution Prevention Regulations. We can confirm that Ensdon Farm is located within a NVZ.

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:

<http://www.environment-agency.gov.uk/business/444251/444731/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 **Natural England** The application site is within or in close proximity to an internationally designated site and therefore has the potential to affect its interest features. These sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to Fenemere SSSI which is a component site of the Midlands Meres and Mosses Phase 1 Ramsar site* and Hencott Pool SSSI a component of the Midlands Meres and Mosses Phase 2 Ramsar Site. and also Shrawardine Pool a Site of Special Scientific Interest (SSSI).

*Listed or proposed Wetlands of International Importance under the Ramsar Convention (Ramsar) sites are protected as a matter of Government policy. Paragraph 118 of the National Planning Policy Framework applies the same protection measures as those in place for European sites.

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

In advising your authority on the requirements relating to Habitats Regulations Assessment, it is Natural England's advice that the proposal is not necessary for the management of the international site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any international site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. Natural England advises that there is currently not enough information to determine whether the likelihood of significant effects can be ruled out.

The Environmental Statement correctly states that a HRA will be required and that the likely environmental pathway is through air pollution. However the chapter goes on to state that this will not be dealt with by that chapter of the Environmental Statement. The ES states that the potential for air pollution is to be considered as part of a different chapter of the Environmental Statement though it does not appear to have been provided to us. The ES screens out impacts on designated nature conservation sites due to the ammonia screening as part of the Environmental Permit considerations undertaken by the Environment Agency (EA). You may be able to refer to the EA's considerations to inform your HRA but it does not appear that the permit of ammonia screening has been included with the planning application as yet.

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

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

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document) in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at [Wildlife and Countryside link](#).

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

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

Biodiversity enhancements: This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if

it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that '*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*'. Section 40(3) of the same Act also states that '*conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat*'.

4.1.4 **SC Ecologist** Recommends conditions and informatives.

Habitats Regulations Assessment: This application is for four poultry sheds, to accommodate 85,000+ broiler chickens.

This site has had pre-application advice from the Environment Agency (reference EPR/QP3538WP/A001) for 320,000 broiler places. This document, which includes an ammonia screening assessment, has been provided to SC Ecology.

The Environment Agency (EA) has based their pre-application advice on 320,000 broiler places. In line with the information that the applicant has provided in support of their pre-application, the EA has stated that the applicant does not need to submit detailed modelling with their permit application. This is because the impact of ammonia deposition from the proposed development has screened out below the critical level threshold that the EA has set for designated sites.

The proposed application has obtained an Environmental Permit from the EA. Shropshire Council, under Regulation 61 of the Habitats Regulations, can rely on the 'evidence and reasoning' of another competent authority. SC Ecology has therefore used the Environmental Permit and the supporting evidence which was used to secure the permit to complete the assessment of air pollution impacts for European Designated Sites within 10km, National Designated Sites within 5km, and Local Wildlife Sites/Ancient Woodlands within 2km.

SC Ecology is satisfied that the proposed application is unlikely to have a significant effect on the internationally important interest features of any European or Nationally Designated Sites, 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 will be formally consulted on this planning application and the Local Planning Authority must have regard to their representations when making a planning decision. Planning permission can only legally be granted where it can be concluded that the application will not have any likely significant effects on the integrity of any European or Nationally Designated Site.

Habitats and species: An ecological assessment was carried out on this site in February 2015 and this was followed by great crested newt surveys in May.

Habitats: The majority of this site is arable field, with some improved grassland in the

west of the site and a few arable weeds.

The northern boundary is formed by a species-poor, managed hedgerow.

An access track 'will run across improved grassland fields and will cross three hedgerows before exiting onto the lane to the west' of the site. All of these hedgerows are species-poor.

Just to the west of the site is a pool, surrounded by trees, scrub and ruderal vegetation.

338m of new hedgerow (including standard trees) and species-rich rough grassland will be planted on the site. This will increase the ecological value of the site.

Great crested newts: 'The site generally supports poor terrestrial habitat [for great crested newts]; however, the hedgerows and the nearby pool surround may be of higher potential value.'

A Habitat Suitability Index assessment was carried out on the pool. This calculated the pool as having 'Poor' suitability to support great crested newts. However, due to the close proximity of the pool, great crested newt presence/absence surveys were carried out on.

No great crested newts were recorded during the surveys but common toads (and their tadpoles) were recorded.

'Several other pools are located in the surrounds but all are well over 500m to the north and east. A circular old silo pit/tower resembles a small pool on the aerial photograph. Another area in the yard is a concrete silage pit which fills with run-off from the yard, but the water is polluted and lacking any vegetation.'

Site materials should be stored off the ground, e.g. on pallets or in skips, to prevent them being used as refuges by amphibians. Trenches should be covered over overnight or contain a ramp so that any animals which become trapped have a means of escape.

Bats: None of the trees bordering the site are suitable to support roosting bats. Bats are likely to use the hedgerow and the adjacent pool and 'woodland' habitats for foraging and commuting. New lighting on the site should be sensitive to bats and avoid illumination of the hedgerows and poolside vegetation. The Bat Conservation Trust's guidance on lighting should be followed.

Birds: The hedgerow and vegetation surrounding the pool provide potential nesting bird habitat. Buzzard, dunnoek, mallard, pheasant, robin, wood pigeon and wren were observed during the survey and a skylark 'was heard at some distance from the site [during] the initial survey'.

Removal of the sections of hedgerow should take place between October and February to avoid harming nesting birds. If this is not possible then a pre-commencement check for active nests will be needed and if any nests are present then removal cannot take place until the young birds have fledged.

The new hedgerow planting will provide additional nesting, foraging and roosting opportunities for birds.

Other species: No evidence of any other protected or priority species was observed on the site and no other impacts are anticipated.

Lighting: It is recommended that a condition is imposed on the decision notice requiring that a lighting plan is submitted for approval prior to the erection of any external lighting (see Appendix 2).

4.1.5 **Historic England** Do not wish to comment in detail. Do not consider that the application will affect designated heritage assets. The area, however, is known to contain a number of undesignated heritage assets, including the course of a Roman Road that is thought to follow the course of the A5, along which Roman settlement is more likely to have been established than elsewhere. It is recommended, therefore, that the County Historic Environment team is consulted so that they can advise upon an appropriate approach in line with the NPPF paragraph 128. The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

4.1.6 **SC Archaeology** Recommends a condition.

The proposed development consists of a poultry unit comprising four broiler sheds, a biomass building, feed bins, an office building, photovoltaic panels, associated plant, and ancillary works including access track and landscaping. It would occupy an area of approximately 3.36ha and would be located immediately to the east of the existing farmstead at Ensdon Farm, which currently comprises a number of large modern portal framed sheds as well as some extant traditional farm buildings. Ensdon House, immediately to the south of the farmstead, is a Grade II Listed (NHLE ref. 1055117) mid-late 18th century small country house of red brick with a two span slate roof.

At present, there are no known heritage assets with archaeological interest on the proposed development site itself. However, Shropshire Historic Environment Record holds records of seven archaeological cropmark sites, which are likely to range in date from the Early Bronze Age to Roman period, within a one kilometre radius of the site boundary. These provide evidence for long term human activity within this part of the landscape in the later prehistoric and Roman periods. As such, and when also taking into account its extent, on present evidence the proposed development site is considered to have moderate archaeological potential.

The submitted heritage assessment satisfies the requirements set out in Paragraph 128 of the NPPF with regard to the archaeological interest of the proposed development site. In view of the findings contained in the Environmental Statement, and in line with Paragraph 141 of the NPPF, it is advised that a phased programme of archaeological work be made a condition of any planning permission for this part of the proposed development. This would comprise an initial geophysical survey of the whole of the proposed development site, to be followed by further archaeological mitigation as appropriate but as a minimum a watching brief during the intrusive groundworks during any preparatory works and the construction phase of the development (see condition in Appendix 2).

- 4.1.7 **SC Conservation** This application proposes four large poultry sheds, ground mounted photovoltaic panels and related works on lands south-east of the Grade II listed Ensdon House, described in the listing as a large 18th Century farmhouse/small country house of red brick construction. Its associated farmstead has been identified and classified by the Council's Historic Farmsteads Characterisation Project, and described as a regular courtyard with multiple yards; our archival mapping indicates that the extensive range of farm buildings immediately east of Ensdon House is a combination of extant traditional farm buildings which would be considered as curtilage listed to the main farm house, and more modern agricultural buildings. These buildings would likely provide some screening to the listed farmhouse from the proposed development.

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) published March 2012, the Planning Practice Guidance, and Sections 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

While there does not appear to be a formal Heritage Impact Assessment included with the material submitted for this application, we note that Historic England has reviewed the proposal and is of the view that the application will likely not affect designated heritage assets, however the Archaeology half of our Team should be consulted in terms of impacts on possible Roman settlement in the area. 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 the landscape retention and planting scheme is fully implemented as part of the proposal.

Should the application be recommended for approval, conditions requiring approval of full details of external materials and finishes on all buildings and features proposed within the site, as well as a landscape retention and implementation scheme, should be imposed (see Appendix 2).

- 4.1.8 **Highways England** In relation to the application as originally submitted Highways England advised that the development is likely to have a detrimental impact on road safety, and recommended that planning permission is not granted for a period of three months to allow time for the applicant to investigate alternative access arrangements. Revised plans have been submitted to improve the junction between the A5 trunk road and the unclassified public highway that leads to the proposed site entrance. It is understood that these improvements are satisfactory for Highways England. However at the time of writing this report confirmation of their position was awaited.

Original comments made 11/12/15

The submitted detail on drawing no. SK21511-09, which supports the application, indicates that the road width of the minor road leading to the bell mouth junction with the A5 is 3.3m. Furthermore, the submitted detail on drawing no. SK21511-05 indicates that there is insufficient space within the bell mouth to allow for a HGV turning off the A5 to fully exit the carriageway if a vehicle is waiting to enter the A5.

It is notable that the applicant recognises the potential for vehicle conflicts associated with the development at the junction and attempts to mitigate the concerns by the provision of HGV passing bays on the minor road directly to the east of the junction. Nonetheless, these passing bays are unlikely to mitigate the risks associated with vehicles standing on the A5 whilst other vehicles attempt to join it.

Highways England considers that the proposed alterations to the minor road, to provide passing bays in order to mitigate the risks associated with the increase in HGV movements at the priority junction is insufficient and therefore the development is likely to have a detrimental impact on the safety of road users using the SRN.

It is therefore recommended that the application not be granted planning permission for a period of 3 months, due to its non-compliance with Paragraph 10 of DfT Circular 02/2013 The Strategic Road Network and the Delivery of Sustainable Development. This will allow time for the applicant to explore alternative methods of providing an acceptable access arrangement to the proposed development; which will not have a detrimental impact on the continued safe operation and functionality of the SRN.

4.1.9 **SC Highways** Recommends conditions.

It is noted that Highway England (HE) maintain their stance to prevent planning permission being granted in order that the applicant consider improvements being carried out to the A5 junction. As part of the requirement for the applicant to improve the A5 junction, which provides the access route to the site, it is implicit that this will impact upon part of the road maintained by Shropshire Council. The effective boundary between the A5 strategic road network and the Shropshire Council's responsibility is the hedge line across either side the junction bellmouth. Whilst clearly a section of Shropshire Council's road will therefore be affected by the requirements of the HE, we are supported of the HE's position. Provided suitable design details can be agreed with the HE then this can be conditioned accordingly.

We would however point out the narrow nature of the access approach route to the site access from the A5 junction and it is considered that 2 passing places are required along this route. The highway authority are satisfied that this can be dealt with via a Grampian style condition on the basis that the applicant is in control of land on both sides of the approach road leading to the site. Conditions are recommended to require the provision of 2 HGV passing places between the A5 junction and the site access, and the submission of a Construction Traffic Management Plan for approval (see Appendix 2).

4.1.10 **SC Drainage** The surface water drainage proposals in the Flood Risk Assessment are acceptable in principle. Details of the drainage scheme, pond and contaminated water management should be submitted for approval, and can be dealt with by planning condition (see condition in Appendix 1).

4.1.11 **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 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 potential 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.

In relation to noise I am aware that the MoD have placed an objection due to the impact of noise from MoD related activities on the proposed development. Having read the comments submitted by the applicant which respond to the MoD comments I can confirm that I generally agree with the applicants comments for the following reasons. 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, particularly from the MoD site referred to stated as being 3km away.

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.

4.1.12 **Ministry of Defence (Defence Infrastructure Organisation)**

[The MoD has submitted detailed objections. They are summarised below. The full letters can be viewed on the online planning register.]

Comments 16/2/16

Background

- The application site is located approximately 3km metres from the eastern boundary of the Army's Nesscliffe Training Area (NTA) and 0.5km west of Montford Bridge Airfield (MBA). 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 use MBA from time to time, for helicopter training purposes
- The training activity at MBA involves: circuits of 300 ft and 500 ft; approaches and departures and aircraft emergency handling; used as a starting point for navigation routes
- 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 MBA 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 and MBA; the training activity undertaken at NTA and NBA 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; and to British Standard BS 5502 – Buildings and structures for agriculture
- 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 and MBA 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 and MBA
- 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 and MBA, 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 and MBA, 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

- any external lighting 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
- MoD wishes to ensure that the proposed development is not adversely affected by the MoD's training activities which could result in possible future damage claims being brought forward against the MoD
- The MoD are aware that the chickens are not free range
- noise from external sources would fall outside of the scope of the Environmental Permit

4.1.13 **Shropshire Fire Service** No comments.

4.2 **Public comments**

4.2.1 The application has been advertised by site notice and in the local press. In addition, 11 residential properties in the local area have been individually notified. No public representations have been received.

5.0 **THE MAIN ISSUES**

- Environmental Impact Assessment
- Planning policy context; principle of development
- Siting, scale and design; impact upon landscape character
- 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 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.

6.2.4 The proposed development would result in significant investment in the applicant's existing farming business, and would contribute towards enhancing the sustainability of the farm. The application states that the proposal would generate two new full time employment positions, and that other labour requirements would include feed delivery and poultry collection drivers, and cleaning and manure removal teams.

6.2.5 In principle 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

6.4.1 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. The proposed poultry development would be sited approximately 70 metres from the nearest agricultural buildings at the farm, and in visual terms would therefore be seen as functionally and physically related to the existing farmholding.

6.4.2 The planning application as originally submitted proposed the installation of ground-mounted solar panels covering approximately 0.36 hectares. Following discussions with

Officers this element of the proposal has now been removed from the application.

6.4.3 The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) undertaken by a chartered landscape architect. This notes that the site lies within an undulating landscape which includes several small scale woodland blocks and groups of trees around farmsteads. There are no national or local landscape designations affecting the application site or surrounding area. The LVIA assesses the local landscape as having medium landscape quality. It states that the site is well contained visually to the west by the existing farm buildings, and tree cover in the area. It also states that to the north and east visibility is restricted by the undulating topography, woodland blocks and roadside hedgerows. It states that the only open views towards the site are from the public rights of way to the south-west of the A5. The LVIA considers that the proposed landscaping would help to assimilate the development into its surroundings, and the site is capable of accommodating the development without giving rise to unacceptable effects on the character of the local landscape. It states that, once the new landscape planting has become fully effective, the scale of effect on landscape character would reduce to low/medium adverse. In conclusion the LVIA considers that there would be no significant adverse landscape or visual effects.

6.4.4 Officers generally concur with the findings of the LVIA. The proposed poultry buildings would comprise relatively low structures and this would restrict their visibility in the landscape. There are few visual receptors in the vicinity of the site. Views of the proposed development would be restricted from the west, which includes the nearest residential properties. Views from the public right of way to the east would be limited due to the undulating topography and distance, and would be seen against a backdrop of existing trees and farm buildings. Views from public rights of way to the south-west would be seen in the context of the A5 trunk road which is a generally dominating component of the local landscape.

6.4.5 The proposed development would inevitably be visible within the landscape due to its scale. Nevertheless it is considered that there would be generally limited visibility due to the few visual receptors in the area. It is considered that the proposed landscaping would provide satisfactory mitigation for landscape and visual effects of the development. This, comprising approximately 352 metres of new hedgerow planting and 44 new hedgerow trees, would also provide some landscape benefits. Overall it is considered that the proposal would not have an unacceptable impact upon landscape quality of the area.

6.5 Local amenity considerations

6.5.1 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.

6.5.2 The Environment Agency has issued an Environmental Permit for the proposed poultry operation, and this Permit would regulate the detailed management of the operation including operating techniques and emissions to water, air and land including odour and noise.

6.5.3 Noise: The application site is located 280 metres from the nearest non-financially linked residential property. Given this distance, and the presence of the intervening large

agricultural buildings, it is considered that noise levels generated by the development would not adversely affect residential amenities.

6.5.4 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. 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 3km 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. It is also located approximately 0.5km to the west of the Montford Bridge Airfield, which is used from time to time for helicopter training.

6.5.5 The MoD advise that helicopters are generally not 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.

6.5.6 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.

6.5.7 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 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.

6.5.8 In response the MoD consider that further evidence should be submitted to substantiate the comments made by the applicant.

6.5.9 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.

6.5.10 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.

6.5.11 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 Council's Public Protection Officer does not consider that the proposal would have a detrimental impact on the area due to odour emissions.

6.5.12 External lighting: Lighting would only be required during bird catching at night. This would be restricted to a 100w downward facing lamp at the northern gable end of each building, with a cowl to restrict light spillage. The MoD have expressed concern that external lighting may restrict the MoD's night time flying programme. In view of the concerns of the MoD a condition can be imposed to require that full details of the specification for external lighting is submitted for approval.

6.5.13 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.

6.6 **Historic environment considerations**

6.6.1 Core Strategy Policy CS17 requires that developments protect and enhance the diversity, high quality and local character of Shropshire's historic environment. SAMDev Plan Policy MD13 requires that heritage assets are conserved, sympathetically enhanced and restored by ensuring that the social or economic benefits of a development can be demonstrated to clearly outweigh any adverse effects on the significance of a heritage asset, or its setting. In addition, special regard has to be given to the desirability of preserving Listed Buildings or their setting or any features of special architectural or historic interest which it possesses as required by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6.6.2 A Heritage Assessment has been undertaken as part of the Environmental Impact Assessment. This has assessed the impact of the proposal on heritage assets within a 1km radius of the site. This identifies that the proposal would have no direct or indirect

impact on the Grade II listed Ensdon House.

6.6.3 The presence of intervening modern agricultural buildings would provide significant screening of the proposed development from Ensdon House and the curtilage listed buildings. As such it is not considered that the setting of these heritage assets would be adversely affected by the proposal. Conditions can be imposed on any planning permission granted to require that details of external materials and landscaping are agreed, as recommended by Historic England and the Council's Conservation Officer.

6.6.4 There are no known heritage assets with archaeological interest within the site, and a condition requiring that a programme of archaeological work is undertaken, as recommended by the County Archaeologist, can be imposed.

6.7 **Traffic and access considerations**

6.7.1 Core Strategy policy CS6 requires that development is designed to be safe. Policy CS7 seeks the maintenance of safe transport infrastructure. The existing access track to the farm joins the public highway at a point close to the residential properties at Claybury Crescent. It is proposed that a dedicated access road to the poultry development is constructed. This would join the public highway approximately 130 metres away from these properties, thereby reducing the level of potential disturbance to these residents from HGV turning into and out of the site.

6.7.2 Traffic associated with the proposed development would fluctuate during the crop cycle. The application states that the most significant level of HGV movements would be those associated with bird removal. This activity would take place over two two-day periods during each crop cycle. Bird collections would generally take place between 0200 and 0900 hours. During this time there would be no more than two HGV movements to/from the site per hour. There would be a maximum of ten HGV movements during this period. The application notes that on 27 days of the crop cycle there would be no HGV movements. Over the course of each crop cycle there would be 79 HGVs (158 movements). The application states that a routing strategy would be put in place to ensure that there is no possibility of these vehicles meeting each other on the public highway.

6.7.3 No objections have been raised by either Highways England or the Council's Highways Officer in respect of the level of traffic associated with the proposal. In view of the limited width of the unclassified highway between the site and the A5, highway improvement works are proposed. These comprise the provision of a passing place either side of the highway, and the widening of the junction of the unclassified road and the A5 trunk road. The Highways Officer has confirmed that the passing places can be secured by a planning condition. The works affecting the A5 trunk road are under the jurisdiction of Highways England. It is understood that they consider that the revised improvement works are acceptable, however at the time of writing the report confirmation of this had not been received. Members will be updated on this issue in advance of the Committee meeting.

6.7.4 Subject to confirmation being received from Highways England that the road widening works are acceptable it is considered that the proposal would not result in adverse highway related impact in the local area.

6.8 Drainage and pollution considerations

6.8.1 Detailed controls over any emissions from the site, including to groundwater, would be covered within the Environmental Permit for the proposed operation. Nevertheless Core Strategy Policy CS18 seeks to reduce flood risk and avoid adverse impact on water quality and quantity.

6.8.2 Surface water drainage: The site is located within Flood Zone 1, and therefore the risk of surface water flooding is assessed as being low. It is proposed that surface water arising at the site would be managed through a sustainable drainage system. This would capture all surface water from the buildings and hardstandings and direct this to French drains. These would convey the water to the pond to the west of the site which would act as an attenuation feature. Full details of this can be required by planning condition (see Appendix 2).

6.8.3 Foul water drainage: At the end of each cycle the internal areas of the poultry buildings would be washed, and wash water would be directed to underground collection tanks. These would be emptied as necessary and the wash water can be spread on agricultural land. The Council's Drainage Officer has confirmed that this element of the proposals can be agreed as part of a planning condition (see Appendix 2). Further control would be provided under the Environmental Permit for the site.

6.8.4 Poultry manure management: Spent litter would be removed from the site and stored in in-field stores before being applied to land as organic manure. The Environment Agency has confirmed that the applicant will be required to submit a Manure Management Plan as part of the Environmental Permit. In addition the Agency regulate the application of manure to fields under the Nitrate Pollution Prevention Regulations. This element of the poultry rearing operation will therefore be controlled under separate legislation.

6.9 Ecological consideration

6.9.1 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.

6.9.2 Protected species: The submitted Ecological Impact Assessment presents the findings of an extended Phase 1 habitat survey and a Great Crested Newt survey. No GCNs were recorded. No evidence of any other protected or priority species was observed on the site and no other impacts are anticipated. It is considered that the proposed planting of hedgerow and trees at the site would provide some biodiversity enhancements to the area. A condition requiring that details of external lighting are agreed can be imposed on any planning permission.

6.9.3 Habitats Regulations Assessment: The Environment Agency has assessed the proposal in relation to potential impacts upon designated ecological sites as a result of ammonia emissions. This assessment has concluded that potential impacts from ammonia deposition would be below the critical level threshold and therefore that further detailed modelling is not required.

6.9.4 The Council's Ecologist has used this evidence to complete an assessment of air pollution impacts, under the Habitats Regulations, and has concluded that the application is unlikely to have a significant effect on the internationally important interest features of any European or Nationally Designated Sites, alone or in combination with other plans or projects. The relevant screening matrix is provided in Appendix 1.

6.9.5 On the basis of the evidence available it is considered that the proposal would provide satisfactory protection and enhancement to the ecology of the area, and that it can therefore be accepted in relation to Core Strategy policy CS17 and SAMDev Plan policy MD2 and MD12.

7.0 CONCLUSION

7.1 The proposed poultry rearing development at Ensdon Farm would comprise an appropriate development of the existing agricultural business and would be acceptable in principle in this rural location. The proposal would be functionally and physically well related to the existing farmholding, and is of an acceptable design. Visibility within the landscape would be generally limited, and proposed mitigation through landscape planting would ensure that it would not have an unacceptable impact on landscape character of the area or on visual amenity. There would be a satisfactory buffer distance to residential properties to ensure that adverse impacts on amenity do not arise and the proposal would not adversely affect the setting of heritage assets in the area. Further controls over the operation would be provided by the Environmental Permit for the site that has been issued by the Environment Agency. It is not considered likely that the birds within the buildings would be adversely affected by military training activities in the general area. The proposal would not be likely to adversely affect the ecology of the area, and biodiversity enhancements would be provided through landscape planting. Surface water and dirty water management measures are acceptable in principle and full details can be agreed by planning condition.

7.2 In principle the proposed improvements to the local public highway and junction with the A5 are acceptable to maintain highway safety. Subject to confirmation from Highways England that these improvements are satisfactory it is considered the proposal is in line with Development Plan and national policies, and other material considerations. As such it is recommended that Members delegate authority to the Planning Manager to grant planning permission for the proposal subject to the conditions as set out in Appendix 2 and subject to satisfactory resolution of issues raised by Highways England regarding the design of A5 junction improvements.

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. 15/04859/EIA and supporting information and consultation responses.

Cabinet Member (Portfolio Holder)
Cllr M. Price

Local Member
Cllr David Roberts (Loton)

Appendices
APPENDIX 1 – Habitats Regulation Assessment – Screening Matrix
APPENDIX 2 - Conditions

APPENDIX 1 - Habitats Regulations Assessment (HRA) Screening Matrix

Application name and reference number:

15/04859/EIA
Ensdon Farm Holyhead Road Montford Shrewsbury SY4 1EJ
Erection of four poultry sheds, biomass building, office, photovoltaic panels, feed bins and associated plant, hardstanding and access

Date of completion for the HRA screening matrix:

15th January 2015

HRA screening matrix completed by:

Sophie Milburn
Assistant Biodiversity Officer
sophie.milburn@shropshire.gov.uk
Tel.: 01743 254765

Table 1: Details of project or plan

Name of plan or project	15/04859/EIA Ensdon Farm Holyhead Road Montford Shrewsbury SY4 1EJ
Name and description of Natura 2000 site	<p>European Designated Sites within 10km: Fenemere (part of Midland and Mosses Ramsar Site Phase 1) Hencott Pool (part of Midland and Mosses Ramsar Site Phase 2)</p> <p>For completeness, the SSSIs within 5km and Local Sites within 2km are listed below:</p> <p>SSSI's within 5km: Shrawardine Pool River Severn at Montford</p> <p>Local Sites within 2km: The Knolls Cottage Plantation Pools River Severn (Montford - Shrewsbury)</p>
Description of the plan or project	Erection of four poultry sheds, biomass building, office, photovoltaic panels, feed bins and associated plant,

	hardstanding and 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)?	Not Applicable – Where there will be no likely significant effect on a European Designated Site (see modelling from the Environment Agency) then consideration of the in-combination effects test is not recommended by Natural England or the Environment Agency. Shropshire Council is taking advice from the EA and NE throughout the Habitats Regulations Assessment process.

Statement

This site has had pre-application advice from the Environment Agency, reference EPR/QP3538WP/A001, for 320,000 broiler places. This document, which includes an ammonia screening assessment, has been provided to SC Ecology.

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

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

If any emission on a European Designated Site is over these thresholds then a full appropriate assessment would be required. Any emission under these thresholds is not considered 'significant' by the Environment Agency and Natural England and is considered to have no in-combination effects.

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

The Significance test

Based on the Ammonia Screening output which has been provided by the Environment Agency, and using the modelling and thresholds agreed by Environment Agency and Natural England, there is no likely significant effect of the proposed activity under planning application 15/04859/EIA at Ensdon Farm Holyhead Road Montford Shrewsbury SY4 1EJ for the erection of four poultry sheds, biomass building, office, photovoltaic panels, feed bins and associated plant, hardstanding and access.

The Integrity test

There is no likely effect on the integrity of any European Designated Site from planning application 15/04859/EIA at Ensdon Farm Holyhead Road Montford Shrewsbury SY4 1EJ for the erection of four poultry sheds, biomass building, office, photovoltaic panels, feed bins and associated plant, hardstanding and access.

Conclusions

The Habitats Regulations 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 15/04859/EIA at Ensdon Farm Holyhead Road Montford Shrewsbury SY4 1EJ on any European Designated Site.

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

Guidance on completing the HRA Screening Matrix

The Habitats Regulations 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 Habitats Regulations Assessment of Local Development Documents (Revised Draft 2009).

Habitats Regulations 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 Regulations 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 1 - Conditions

STANDARD CONDITION(S)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans and drawings

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No development shall take place until a scheme of foul drainage, and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (which ever is the sooner).

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

4. No development hereby permitted shall take place until details of the external materials and colour treatment of all plant and buildings have been submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details, and retained as such for the lifetime of the development.

Reason: To ensure a satisfactory appearance of the development.

5. Prior to the commencement of development full engineering details of the provision of 2 hgv passing places to be implemented between the A5 junction and site access are submitted to and approved in writing by the Local Planning Authority; the passing places shall be fully implemented in accordance with the approved details prior to the development hereby permitted being first brought into use.

Reason: In the interest of highway safety.

6. Prior to the commencement of development a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority; the CTMP shall be implemented fully in accordance with the approved details for the duration of the construction period.

Reason: In the interests of highway safety.

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

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

8. 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

9. 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 minimise adverse impact on the surrounding area, and 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 adverse impact on the surrounding area and minimise disturbance to bats, a European Protected Species.

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. 1. The surface water drainage proposals in the FRA are acceptable in principle.

A contour plan and cross sections of the existing pond with pond water levels should be provided with calculations to show that the pond has the capacity to store the 1 in 100 year storm event plus 20% climate change. An outfall from the pond to limit the discharge rate equivalent to a greenfield runoff rate should be detailed.

Reason: To ensure that the proposed surface water drainage systems for the site are fully compliant with regulations and are of robust design.

2. The applicant should submit details and plan on how the contaminated water in the yard from spillages or cleaning of sheds will be managed/ isolated from the main surface water system.

Reason: To ensure that polluted water does not enter the water table or watercourse.

3. Informative: As part of the SuDS, the applicant should consider employing measures such as the following:

- o Water Butts
- o Rainwater harvesting system
- o Permeable surfacing on any new access and hardstanding area
- o Attenuation
- o Greywater recycling system
- o Green roofs

Reason: To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner.

4. The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one that is being built, containing eggs or chicks, or on which fledged chicks are still dependent. It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal and scrub removal should be carried out outside of the bird nesting season which runs from March to September inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of nests then an experienced ecologist should be called in to carry out the check. No clearance works can take place with 5m of an active nest.

5. 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.

6. 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.

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