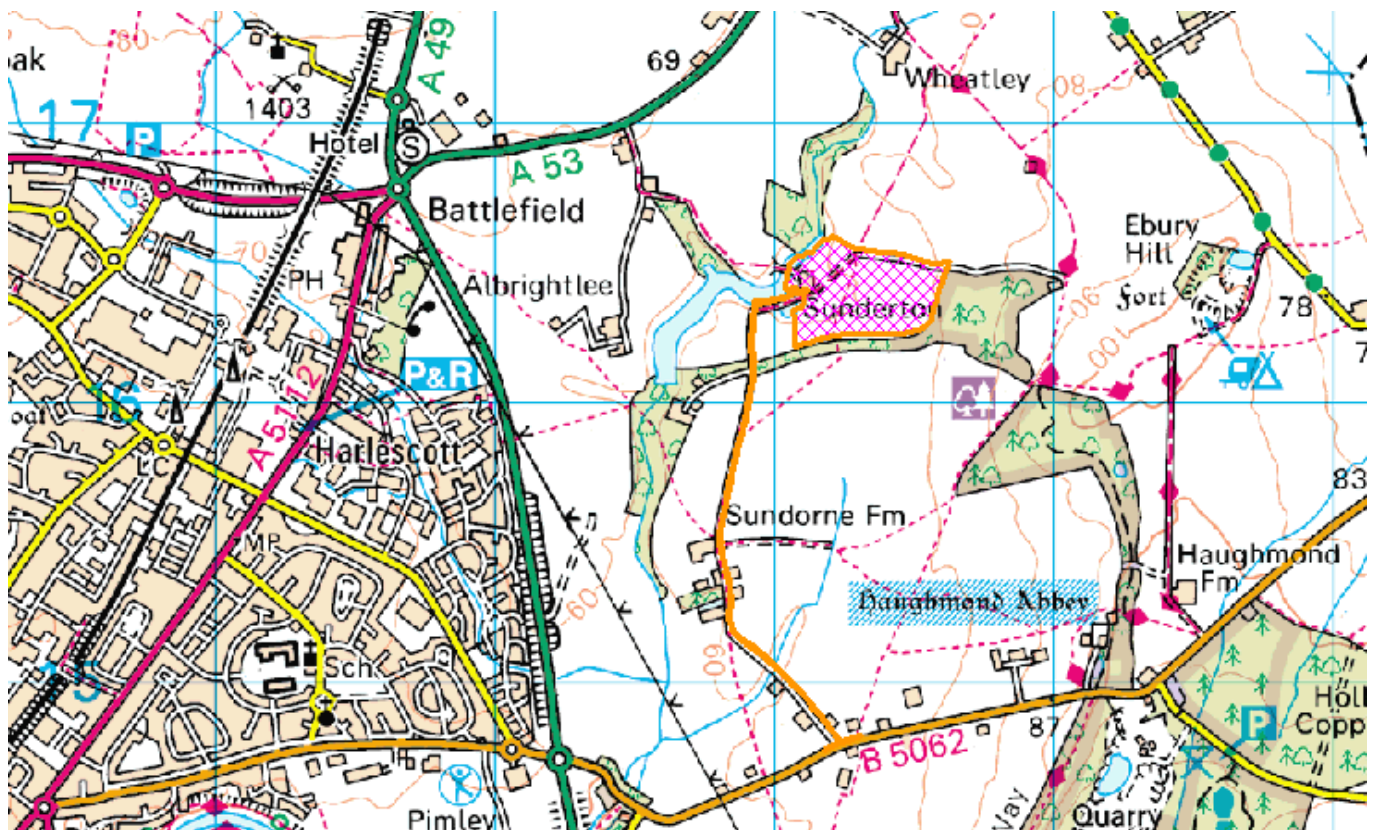


Development Management Report

Responsible Officer: Tim Rogers
 Email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 15/04709/EIA	Parish:	Uffington
Proposal: Erection of Four Poultry Houses, with feed bins, solar photovoltaic panels and ancillary equipment and amendments to vehicular access		
Site Address: Sunderton Farm Uffington Shrewsbury Shropshire SY4 4RR		
Applicant: JE & R Hockenhull & Sons		
Case Officer: Frank Whitley	email: planningdmc@shropshire.gov.uk	



Recommendation:- Refuse**Recommended Reason for refusal**

1. It is considered that the proposal as submitted will lead to an unacceptable loss of amenity to occupiers of neighbouring residential dwellings by virtue of traffic movements. It is not considered that a condition to limit night time movements is sufficient to overcome these objections. The benefit of additional glazing to reduce noise levels is not proven. The development is therefore contrary to the core planning principles of the National Planning Policy Framework and the requirements of Shropshire Core Strategy Policy CS6 and Policy MD7b of the SAMDev Plan which both seek to ensure development contributes to the health and wellbeing of communities, including safeguarding residential and local amenity. There are no other material considerations which outweigh the conflict with the development plan.

REPORT**1.0 THE PROPOSAL**

1.1 The application seeks planning permission for the erection of four intensive poultry houses, with feed bins, solar photovoltaic panels and ancillary equipment and amendments to vehicular access. The application follows a scoping opinion provided by Shropshire Council in February 2015 reference 15/00178/SCO.

1.2 Each poultry building is to measure 97.53m long, 24.4m wide and a maximum height of 4.6m. The buildings will provide accommodation for up to 200,000 broiler chickens and will be of steel portal frame construction with steel profile coated cladding on the roof (coloured slate blue) and walls (coloured dark green).

1.3 Also proposed are:

- 14m wide concrete apron alongside buildings to enable access and turning
- four control rooms each measuring 6m wide and 5m long
- feed bins
- ground source heat pump
- heating control building measuring 12m by 12m
- office
- canteen
- solar photovoltaic panels
- passing place for large vehicles to the east of Sundorne Castle Archway
- access improvements onto B5062
- landscaping plan

1.4 The Environment Agency has issued an environmental permit in order for the site to operate. (This covers on site operations only).

2.0 SITE LOCATION/DESCRIPTION

2.1 Sunderton Farm is located at the end of a 2km private drive accessed from the B5062 which connects Shrewsbury and the village of Roden. Sunderton is located in a flat and low lying area to the east of Shrewsbury bypass. The application site lies in Flood Zone 1 (the lowest risk of flooding). The proposed development forms

part of a planned strategy to ensure the future viability of the farm unit.

- 2.2 The current holding extends to 400 acres and comprises arable with cereals, oilseed rape and fodder beet. There is a herd of sucker cows and circa 220 breeding ewes. According to the application, increased volatility in farm commodity prices has exposed businesses to unpredictable financial returns. The applicants need to protect themselves against this volatility and also wish to expand their business to ensure it is sustainable in the future to support two families. A consultation exercise has been conducted locally in October 2015 prior to the application being submitted
- 2.3 The application is accompanied by an Environmental Statement (ES), as the application is within the criteria of Schedule 1 (17a), Environmental Impact Assessment Regulations 2011, and therefore an ES in support of the application is mandatory.
- 2.4 Also accompanying the application is a design and access statement, elevation and floor plans, site access and layout plans, drainage plans, environmental statement, great crested newt survey report, heritage assessment, noise assessment, nitrate vulnerable zone assessment, and vehicle movement calculations. During the application processing period further information was received in the form of a 'Supplementary Statement, on noise issues.
- 2.5 The application proposes 'broiler' production whereby day old chicks are bought into the site where they are retained for an average of 42 days with about a seven day turn around period. There are anticipated to be up to 7.6 crop cycles per annually. The chickens will be grown for a food processing company that supplies chicken to the retail trade.

3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 The proposal is for schedule '1' EIA development and therefore Committee consideration is mandatory in accordance with the Council's scheme of delegation.

4.0 **Community Representations**

Consultee Comments have been received from the following:

Natural England
Environment Agency
Historic England
Public Protection
Ecology
Trees
Conservation
Archaeology
Highways
Rights of Way
Flood and Water Management
Shropshire Fire and Rescue
Uffington Parish Council

Consultee Comments**4.1 Natural England- no objection**

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Conservation of Habitats and Species Regulations 2010 (as amended) & Wildlife and Countryside Act 1981 (as amended)**Internationally designated sites – No objection**

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has screened the proposal to check for the likelihood of significant effects on the Midlands Meres and Mosses Phase 1 Ramsar site (Berrington Pool).

Your assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of information provided including the Ammonia report, Natural England concurs with this view.

No objection – no conditions requested

This application is within the impact risk zones for several Sites of Special Scientific Interest (SSSIs) including: Old River Bed, Shrewsbury, Hencott Pool, Bomere, Shomere and Betton Pools and Berrington Pool.

Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the *Wildlife and Countryside Act 1981 (as amended)*, requiring your authority to re-consult Natural England. This is because atmospheric deposition resulting from emissions from the poultry installation is below the thresholds considered significant by the Environment Agency.

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 has published Standing Advice on protected species.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications 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.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at consultations@naturalengland.org.uk.

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'*.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

4.2 Environment Agency- no objection

We have the following comments to assist your determination of the application.

For completeness, we provided the applicant (care of their Agent) with pre-planning application comments on 10 March 2015 (SV/2015/108332/01-L01).

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. 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. Based on our current position, we would not make detailed comments on these emissions as part of the planning application process. However, for information, we provided J.E. & R Hockenhill and sons with an initial ammonia screening assessment on 4 March 2015 as part of a pre-permit application consultation. Our report concluded that due to the presence of a Local Wildlife Site (LWS) within 250m of the site (Sundorne Pool (including Kendrick's Rough)), detailed modelling will be required to assess the impact of airborne ammonia. Subsequently, the applicant has carried out ammonia modelling, which demonstrated that the process contribution to ammonia concentrations and acid deposition would be at levels deemed insignificant at the LWS. We are therefore satisfied that the proposed development is unlikely to have a detrimental impact on ammonia at the LWS. In any case, as part of the EP 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. Shropshire 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 'Sundorne Brook - source to confluence of River Severn' (Waterbody Reference GB109054049910), 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, silage, 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%).

We would therefore refer you to our Area 'FRA Guidance Note 1 - for development over 1ha in Flood Zone 1' and would 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 Sunderton 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.

4.3 **Historic England- no objection subject to condition**

The proposed poultry houses development is within a sensitive historic environment, with two scheduled ancient monuments (Haughmond Abbey and Ebury hillfort), a number of listed buildings and additional undesignated heritage assets within 1.5km. It is also within the setting of Haughmond Hill hillfort and Queen Eleanor's Bower which are both publicly accessible scheduled ancient monuments which command extensive views over the surrounding plain due to their situation on a modified natural hill.

Due to intervening vegetation there would be limited impacts on Haughmond Abbey and Ebury hillfort, however the development would be visible in views from Haughmond Hill hillfort and Queen Eleanor's Bower, albeit at a distance of 2.5km as part of a panoramic vista. If approved the Council should condition the prior approval of building materials in order that the development is as visually unobtrusive as possible and the landscape planting scheme must be implemented in full.

The Council's Historic Environment team should be consulted, and their advice implemented, regarding the impact on listed buildings, and un-designated heritage assets, including the potential archaeological resource of the site.

Recommendation

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

4.4 **SC Public Protection – objection**

(Case officer comments where necessary for clarification are inserted in italics)

Council Public protection has commented on each of the following issues and are considered in turn:

- Noise from Ventilaltion*
- Feed deliveries*
- Depopulation of birds (on site activities)*
- Depopulation (traffic movements)*

The application above proposes to introduce four poultry houses and associated plant, equipment and buildings to run a poultry business. Poultry houses can generate noise from a variety of activities including ventilation fans, feed deliveries and depopulation of birds at the end of a cycle (both from noise on site and vehicles travelling to and from the site). As a result a noise assessment was prepared for Halls Holdings Limited by John Waring, issue 1 dated 16 September 2015 and was submitted with this application.

Noise from ventilation

Having considered the report I am concerned that the report may underestimate the noise levels produced when all ventilation is working at full capacity. However, the noise report suggests that ventilation at night (to note worst case scenario) would be 12dB below the background noise level) and 22dB below background in the day. This indicates that ventilation noise is unlikely to have an impact at any time. As the levels are so far below background even if fan noise in reality is louder on occasion it is still unlikely that noise levels from ventilation will be above background. I therefore have no objection or condition to recommend on this element.

Feed deliveries

The noise report concludes that noise from feed deliveries is likely to produce noise rating level of 9dB above background at the nearest residential receptor which is situated to the south west of the proposed development. It is my understanding that the noise report does not remove any noise for screening effects and it is likely that the delivery vehicle itself will screen the noise of the vehicle engine to a certain degree. Also the prevailing wind is likely to take noise away from the nearest noise sensitive property. As a result I would anticipate that in practice noise levels are likely to be less than those stated in the report. As feed deliveries are short lived, approximately 1 hour, and infrequent e.g. do not take place every day, I do not consider that this element is likely to have a significant impact on the amenity of the area at nearby residential properties. I therefore have no objection or condition to recommend on this element.

Depopulation of birds (on site activities)

On site activities are associated with forklift truck movements loading and unloading modules to and from an HGV. The noise report concludes that this activity is likely to generate a noise rating level at nearest residential properties of 2dB above the background level of 29dB at night. With the prevailing wind taking noise away from the nearest residential receptors and the potential for screening by the vehicles on site in practise this may be less than reported. When considering that a 10-15dB reduction in noise level is expected when moving from the external façade of a building into the internal space it is likely that noise levels inside bedroom when this activity is taking place will be in the region of 16-21dB. As a good internal noise amenity inside bedrooms at night, according to the World Health Organisation document "Guidelines on Community Noise", is 30dB I therefore have no objection or condition to recommend on this element.

Depopulation (traffic movements)

Case Officer comment:

*In relation to depopulation (traffic movements), Public Protection objected to the application as first submitted due to harm (noise) to the amenity of nearby residential dwellings caused by excessive **night time** traffic movements. A condition was initially proposed to limit night time traffic movements to no more than one return movement per hour on the access road. Therefore, subject to this condition being imposed, Public Protection had no objection.*

Despite the suggested condition, Officers took the view that the condition was insufficient to maintain residential amenity of the nearby dwellings and has worked with the agent to find a solution.

The Public Protection Officer has therefore considered a further report designed to reduce noise levels and it is on this basis that the following informal comments in an email to the agent apply.

I cannot comment on every issue that this report highlights as it would require a detailed comment on nearly every paragraph. All in all the report as it stands weakens your cause due to; assumptions not grounded in noise theory, noise levels without known distances at which measured presented, no raw data given to name but a few. As discussed on the phone when undertaking a noise assessment the data must stand up to scrutiny and this will not, particularly as it was not carried out by a suitably experienced consultant.

From the information provided it is clear that you are not going to be able to achieve 45dB L_{Amax} or below inside bedrooms including the effect of the mitigation proposed. You will however get somewhere near this figure. I would therefore propose that the only way forward is to propose the mitigation formally to the case officer and I will make comment. As discussed on site the planning service have asked for legal advice on the legitimacy of conditioning the mitigation and this would not be acceptable. A universal undertaking between all parties may also fall down on some legal footings. It is advised that after you have proposed the mitigation to the planners formally and I have made comment that you ask the planners for their view on moving forward as this falls outside of my expertise.

Case Officer comment

The following is the most up to date formal position of the Public Protection Officer and was received on 16 June 2016

Information placed on the planning portal on 2nd June 2016 was presented to me prior to being placed on the portal formally. My comments of 24th May (Additional comments - Public Protection) are in response to the documents placed although it is recognised that some additional information has been provided (e.g. table 1). Having reviewed the information the noise data carried out on site shows that the type of vehicles to be used for night time depopulation will have an idling noise level in the region of 80dB at 3m. It follows that with the vehicle in motion this noise level will be increased. The original noise level for considering maximum noise levels, stated in the report provided by Mr John Waring dated 16th September 2015, stated that vehicle noise would be in the region of 76dB at the façade of the

properties along the private road. This is the road which depopulation vehicles will use at night. This was calculated by the average noise level over 8 seconds as a vehicle passes by. As a result this calculation does not predict the maximum noise level and offers a reduced noise level over an averaged period. It is therefore reasonable to assume that the maximum noise level would be higher than that which was predicted in the first assessment. This is backed up by the idling noise level presented in the more recent information provided by Mr Shaun Jones.

Having considered the above the following is true. Any vehicle passing the residential properties on the private road running up to Sunderton Farm are at their closest point 5m from the proposed noise source. Noise at the façade of the closest property to the private road will at least 85dB (or higher), considering an idling vehicle would be in the region of 77dB at 5m. As a result from the information provided on noise mitigation to residencies along the private road if all bedrooms were fitted with the proposed replacement windows the weakest point in the proposed windows is the trickle vents which provide 31dB protection. This would equate to an internal noise level of at least 54dB. It is my considered opinion that this would have a detrimental impact from the passing of vehicles during depopulation at night on the amenity of the residents who live within close proximity of the private road.

The information provided does not suggest that there will be no harm to the occupiers of the properties along the private road. The maximum noise levels generated by vehicles passing the residential properties at night are likely in my opinion to cause a significant detrimental impact on the existing residents and this should be a material consideration in the determination of the application. These most recent comments supersede any previous comment made by public protection and I do not consider the use of a condition appropriate to address this issue.

4.5 **SC Planning Ecology- no objection subject to condition**

I have read the above application and the supporting documents including the;

- Design & Access Statement provided by Halls (October 2015)
- Extended Phase 1 Habitat Survey conducted by John Campion Associates Ltd (July 2015)
- Great Crested Newt Survey conducted by Churton Ecology (June 2015)
- A Report on the Modelling of the Dispersion & Deposition of Ammonia from the Proposed Broiler Rearing Unit at Sunderton Farm provided by Steve Smith (March 2015)

Recommendation:

Please include the conditions and informatives below on the decision notice.

Planning Officer to include the Habitat Regulation Assessment screening matrix in their site report.

Natural England must be formally consulted on this application and their comments taken into consideration prior to a planning decision being made.

The proposed planning application seeks to erect four poultry sheds to house a total of 200,000 broiler birds.

Great Crested Newts

7 ponds were subject to presence/absence surveys for great crested newts. Great Crested Newts were not recorded on any survey occasion in any pond and none of the most proximate ponds to the application site appeared suitable to support breeding populations of Great Crested Newt (i.e. those within 250m and most likely to be negatively impacted). The following informative should be on the decision notice.

Informative

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.

Ditch

This site is bordered by a ditch. This valuable ecological and environmental network feature must be protected in the site design and should have an appropriate buffer, a minimum 10m, separating the feature from the proposed development. The following condition should be on the decision notice;

1. Prior to the commencement of work on site a 10m buffer shall be fenced off parallel to the banks along the length of the ditch, put in place within the site to protect the ditch during construction works. No access, material storage or ground disturbance should occur within the buffer zone unless previously agreed in writing by the Local Planning Authority. The fencing shall be as shown on a site plan.

Reason: To protect features of recognised nature conservation importance.

Bats & Nesting Birds

Since the proposed development on this site would not require the removal of any trees or any part of the boundary hedgerows, there is little potential for adverse impacts on nesting birds and potential bat roosts. The planning details propose woodland edge planting along the northern edge of the woodland, together with the additional field boundary hedgerow with trees. Providing the following conditions and informatives are on the decision notice no further survey work is deemed necessary.

1. 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.

2. Prior to occupation, a 'lighting design strategy for biodiversity' for the proposed development site shall be submitted to and approved in writing by the local planning authority. The strategy shall:
 - a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

1. The first submission of reserved matters shall include a scheme of landscaping and these works shall be carried out as approved. The submitted scheme shall include:
 - a) Means of enclosure, including all security and other fencing
 - b) Hard surfacing materials
 - c) Minor artefacts and structures (e.g. lighting)
 - d) Planting plans, including wildlife habitat and features (e.g. bat box)
 - e) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment)
 - f) 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)
 - g) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works
 - h) Implementation timetables

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

Informative

All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended).

Any trees within the hedgerows may have potential for roosting bats. If these trees are to be removed then an assessment and survey for roosting bats must be undertaken by an experienced, licensed bat ecologist in line with The Bat Conservation Trusts Bat Surveys Good Practice Guidelines prior to any tree surgery work being undertaken on these trees.

If a bat should be discovered on site at any point during the development then work must halt and Natural England should be contacted for advice.

Badger

The proposed development may have some effects on badger foraging areas, but the field signs indicate that the badger activity may be more extensive in the grassland headlands, along the ditch banks and in the wider extensive grasslands of the nearby fields to the south and south-east of the woodlands. These areas would be unaffected by the development proposals. Prior to commencement of works on site a check for badger setts within 30m of the proposed groundworks should be completed by a competent ecologist. The following informative should be on the decision notice.

Informative

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.

An experienced ecologist should assess whether any badger setts are present in the hedgerows. If any hedgerow removals are planned within 30m of the sett then it may be necessary to apply for a Licence to interfere with a Badger Sett for the Purpose of Development from Natural England.

The applicant should follow the advice of their experienced ecologist throughout the works. If the applicant does not follow the procedure advised above then they may find themselves vulnerable to prosecution for an offence under the Protection of Badgers Act 1992.

Informative

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.

Designated Sites

The proposed application will require an Environmental Permit from Environment Agency (EA). Shropshire Council, under Regulation 61 in the Habitats Regulations, can rely on the 'evidence and reasoning' of another competent authority. Shropshire Council can therefore use the EA modelling from the permit to complete the assessment of air pollution impacts but only if Shropshire Council has seen the detailed modelling outputs, understands them and agrees with them. The EA screening output has been provided by Kevin Heede (19th November 2015). The modelling for all designated sites (European designated sites within 10km, SSSI in 5km and local sites in 2km) has screened out below the critical load threshold as agreed by EA and NE except for Sundorne Pool Local Wildlife Site. Due to Sundorne Pool Local Wildlife Site's proximity to the proposed poultry unit detailed ammonia

modelling has been requested by the EA.

The results of the modelling from the proposed poultry rearing unit at Sunderton Farm has been prepared by Steve Smith and submitted in support of this application. The modelling showed that the process contribution to ammonia concentrations, nitrogen deposition rates and acid deposition rates would be at levels deemed insignificant at most receptors considered at Sundorne Pool Local Wildlife Site. There would be a small exceedance of 50% of the Critical Load for nitrogen deposition of 10 kg/ha over a small part of Sunderton Pool Local Wildlife Site. The predicted area of this exceedance is approximately 0.2 ha. There are no predicted exceedances of 100% of the Critical Load at the Local wildlife site. This detailed modelling, along with the Environment Agency screening output, submitted in support of this application therefore indicates that ammonia levels (and nitrogen deposition rates) would be at levels that would be deemed insignificant, for permitting purposes at all Local Wildlife Sites, Ancient Woodlands, SSSIs and Ramsar sites. No further modelling is required to support this planning application.

Habitat Regulation Assessment

This application must be considered under the Habitat Regulation Assessment process in order to satisfy the Local Authority duty to adhere to the Conservation of Species & Habitats Regulations 2010 (known as the Habitats Regulations).

Natural England must 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 sites.

4.6 SC Trees- no objection subject to condition

The submitted ecological assessment states that:

“The species-rich hedgerows with trees bordering the proposed broiler sheds site would not be adversely affected by the proposed broiler sheds development. There would be a small net increase in the amount of hedgerow and woodland edge habitats present in the locality, bordering the proposed development”

Therefore I have no objection in principle. If any of the proposed construction is to take place within the Root Protection Areas of the retained trees (using BS 5837 2012 Trees in relation to Design Demolition and Construction) a Tree Protection Plan should be submitted as part of a further application.

4.7 SC Conservation- no objection subject to conditions

We provided comments at the EIA Scoping Opinion stage on this proposal to develop lands directly east of Sunderton Farm for the construction of four poultry buildings along with their related equipment and feed bins. We had provided the following background information in our earlier comments:

Sunderton Farm is accessed by a very long lane running north from B5062 road into Shrewsbury. The junction of this access road with the highway begins just west of the historic Haughmond Abbey, the extensive ruins and lands which are designated as a Scheduled Monument and listed at the highest level of Grade I. The access lane runs north directly past the Sundorne Castle group of designated

heritage assets and immediately adjacent to its impressive early 19th Century crenelated gatehouse. This long access lane terminates at Sunderton Farm, which is comprised of a Grade II listed early 19th Century brick farmhouse, along with a group of farm buildings of both traditional and modern construction located immediately north and east of the listed farmhouse. All of these buildings, and the wider area which includes the site proposed for the poultry buildings, are part of the extensive landscape park associated with the former residence known as Sundorne Castle, built in 1766 and set within a notable landscape including an ornamental lake/pool/pond system, impressive and extensive walled gardens, traditional farm buildings and a large chapel, all of which remain, with the Castle itself being demolished in the 1950s. The access lane noted above served as the 'carriage drive' through the landscape park, with the listed Gatehouse noted above forming part of the parks' romantic setting. Outside of the extensive landscape park area, to the east of the subject site, there is also the Scheduled Monument covering the Edbury Iron Age Hillfort.

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

As the development could have an impact on both designated and non-designated heritage assets and their settings we had formally requested that a Heritage Impact Assessment is prepared and submitted with the formal application for planning permission. We acknowledge that a Heritage Assessment has now been prepared by Castlery Archaeology and which highlights that the application site is of significant historic interest. The report identifies a setting issue relating to the former carriage drive, noted in our comments above, in terms of some visual impact on views to a section of this feature. Otherwise taking into account topography, distance and wooded areas, the Assessment advises that there will be no visual impact on the other identified heritage assets within the wider landscape. The Assessment concludes that the proposal will have minor to negligible adverse impacts on the heritage assets identified provided appropriate mitigation measures are applied, which includes retention and maintenance of existing hedgerows and trees within the site, as well as additional vegetative screening of the proposed poultry sheds to minimize their impact on the appreciation of the heritage assets and historic features of the immediate and wider site. We generally concur with the findings of this Assessment. We would also direct you to the comments and recommendations provided by Historic England on this application, and concur with their recommendations 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 scheme.

RECOMMENDATION:

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, need to be included in the Decision Notice.

4.8 **SC Archaeology- no objection subject to conditions**

Background to Recommendation:

The proposed development consists of a poultry unit comprising four broiler sheds, a biomass building, feed bins, photovoltaic panels, ancillary equipment, and amendments to the access.

The Shropshire Historic Environment Record indicates that the proposed development site falls within the former bounds of Sundorne Castle park (HER PRN 07706). It is also located c. 2.5km north of the Scheduled Monuments of Haugmond Hill hillforts (NHLE ref. 1021282) and Queen Elanors Bower (NHLE ref. 1021281); c.1.1km west of the Scheduled Monument of Ebury hillfort (NHLE ref. 1021283); c. 1.5km north-north-west of the Scheduled Monument and Grade I Listed Building of Haughmond Abbey (NHLE refs. 1021364 & 1052157); c. 220m east of the Grade II Listed building of Sunderton farmhouse (NHLE 1055066); and Grade II Listed gatehouse (NHLE 1177292), chapel (NHLE 1366956) and other ancillary buildings and structures (NHLE refs. 1177324, 1055067 & 1055068) associated with the former site of Sundorne Castle (an 18th century country house that was demolished in 1950).

The proposed development site is also located c. 575m south-west of a non-designated cropmark enclosure of likely Iron Age and/ or Roman date (HER PRN 02467), and c.1.5km north-east of second non-designated cropmark enclosure of likely broadly similar date (HER PRN 02491). On the basis of the latter two sites, the proposed development site itself is deemed to have some archaeological potential, although on the basis of currently available evidence this is assessed to be low.

RECOMMENDATION:

A Heritage Assessment by Castlring Archaeology has been submitted with the application. We confirm that this satisfies the requirements set out in Paragraph 128 of the NPPF with regard to the archaeological interest of the proposed development site.

In their consultation response of 19 November 2015 Historic England indicates that they consider that the proposed development site falls within the settings of the Scheduled Monuments cited above. They therefore recommend that appropriate conditions are applied requiring prior approval of materials to ensure that the proposed development is as unobtrusive as possible within the landscape and that the proposed planting scheme submitted with the application is implemented in full and that prior approval. We therefore recommend relevant standard conditions below.

In view of the findings contained in Heritage Assessment, and in line with paragraph 141 of the NPPF, it is advised that a programme of archaeological work be made a condition of any planning permission for this part of the proposed

development. This would comprise a watching brief during the intrusive groundworks during any preparatory works and the construction phase of the development. An appropriate condition of any such consent would be: -

Suggested Conditions:

Standard conditions: C1; D2

Archaeology:

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

Reason: The development site is known to have archaeological interest

4.9 **SC Highways- no objection subject to conditions**

This planning application has been assessed by Mouchel Consulting, on behalf of Shropshire Council as local highway authority, subject to a technical appraisal and desktop study only. All correspondence/feedback should be directed through Shropshire Council's HDC Team.

The Highway Authority raises no objection to the granting of consent subject to the imposition of the following conditions.

Comments

The application was the subject of an earlier scoping report, which following a site visit between the applicant's agent and the Highway Authority's Central Area Manager no objection to the principle of the proposal was raised from the highway perspective. Further details were sought in connection with the submission of the formal application. In this respect reference has been made to these points raised within the supporting information but detailed information and a plan of the surfacing works at the site entrance onto the adjoining B5062 have not been forwarded.

Conditions

1. Prior to the commencement of development full engineering details of the proposed levelling and surfacing works as outline under point no. 9.15 within the Environmental Statement, shall be submitted to and approved in writing by the Local Planning Authority; the amendments to the access entrance apron onto B5062 shall be fully implemented in accordance with the approved details before the development hereby permitted is first occupied.

Reason: To provide a satisfactory means of access to the site in the interests of highway safety.

2. The proposed works to the private drive, internal access, parking and turning areas shall be satisfactorily completed and laid out in accordance with the approved plans drawing no's HPJ9242-03 and HPJ9242-05 prior to the poultry units first being brought into operation. The approved parking and turning areas shall thereafter be maintained at all times for that purpose.

Reason: To ensure the formation and construction of a satisfactory access and

parking facilities in the interests of highway safety.

Highway Informative

Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

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

Background

Planning Application 15/00178/SCO

4.10 SC Rights of Way- no objection provided routes are kept open and available at all times

Public Footpath 16 and Bridleway 15, Uffington run within the site identified and have been included on the 'Landscape Layout' plan. It is noted that Bridleway 17 Uffington is not shown on the plan. A 1:2500 scale plan is attached showing all three routes. Bridleways 15 and 17 will not be affected by the proposals. However, Footpath 16 is shown on the plan running several metres to the west of the proposed sheds and this may well be the line used by the public on the ground. The legally recorded and historic line of the path runs up to a maximum of 18 metres east of the line shown on the layout plan and just cuts onto the hard standing area for the sheds (coloured brown on the plan). I attach a plan showing the legally recorded line of the footpath overlaid with the landscape layout plan to show how it affects the right of way. The applicants will either need to apply for a legal diversion of the footpath onto the line shown on the landscape plan, or accommodate the footpath within the site on its legally recorded line. The Mapping and Enforcement team can provide information and an application form for a legal diversion under the terms of the Town and Country Planning Act 1990, if required. If the path is to be accommodated on its current legally recorded line, the applicants may need to apply to the Mapping and Enforcement Team for a temporary closure of the route during development of the site if it cannot be safely kept open and available at all times. In respect of all the public rights of way within the site identified, please ensure that the applicant adheres to the criteria stated below:

The rights of way must remain open and available at all times and the public must

be allowed to use the ways 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 rights of way at all times.
- Building materials, debris, etc must not be stored or deposited on the rights of way.
- There must be no reduction of the width of the rights of way.
- The alignment of the rights of way must not be altered.
- The surface of the rights 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 rights of way without authorisation.

4.11 **SC Flood and Water Management- no objection**

The drainage proposals in the FRA using a combination of swale and French drains to provide combined attenuation storage are technically acceptable.

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

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

Details of the use of SuDS should be indicated on the drainage plan.

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

4.12 **Shropshire Fire and Rescue- no comment**

No comment

4.13 **Uffington Parish Council- support**

Comment: After discussion the Parish Council agreed to support this application

4.14 **Public Comments –one representation supporting and two objections**

Shrewsbury Squash and Racketball Club support the proposal.

Two objections have been received summarised as follows:

- Inaccuracies and misleading observations in the traffic survey relating to existing traffic movements in the access lane
- Concerns about contamination of Sunderton Weir and waterways due to increased lorry movements
- Anticipated level of construction traffic in application is inaccurate.
- Albrightlee Hall Farm has been incorrectly identified in the application as a commercial receptor and is deemed low sensitivity. Because there are

residential properties, the sensitivity should be re-visited.

- Visual, ammonia, and lighting impacts upon Albrightlee Hall Farm which have not been considered fully in the application
- Concerns about manure spreading and impact to water course, Sunderton Weir
- Manure should not be spread on permanent pasture and should be removed off site. This will alter anticipated traffic movements figures.
- Access lane is unsuitable for heavy vehicles
- The possibility of constructing a new road to the north of Sunderton Farm has not been considered
- Impacts to badgers

5.0 THE MAIN ISSUES

1. Principle of development
2. Siting, scale and design
3. Visual impact and landscaping
4. Heritage
5. Residential amenity and public protection- visual/odour/ noise
6. Rights of Way
7. Highways
8. Ecology
9. Other matters including additional buildings and solar photovoltaic panels

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 The National Planning Policy Framework, (NPPF), emphasises in paragraph 28 on Supporting a prosperous rural economy, that planning policies should support economic growth in rural areas, in order to create jobs and prosperity by taking a positive approach to sustainable new development and promote the development and diversification of agriculture and other land based rural businesses.
- 6.1.2 Policy CS5: Countryside and green belt in the Core Strategy states that new development will be permitted where it improves the sustainability of rural communities where development diversifies the rural economy including farm diversification schemes. The policy further states that large scale agricultural related development will be required to demonstrate that there are no unacceptable adverse environmental impacts.
- 6.1.3 Policy CS6: Sustainable design and development principles emphasises how development must be designed to a high standard using sustainable design principles and make the most effective use of land whilst safeguarding natural resources.

- 6.1.4 Policy CS13: Economic development, enterprise and employment, puts emphasis on diversifying the Shropshire economy, supporting enterprise and seeking to deliver sustainable economic growth and in rural areas recognising the continued importance of farming for food production and supporting rural enterprise and diversification of the economy and in particular areas of economic activity associated with agricultural and farm diversification.
- 6.1.5 With regard to the Shropshire Council SAMDev Plan, Policy MD7b (General Management of Development in the Countryside) states that agricultural development will be permitted where proposals are appropriate in size for their intended purpose, well designed and sited close to existing farm buildings, and where there no unacceptable impacts on the environment and existing residential amenity. Policy MD12 (Natural Environment) seeks the avoidance of harm to Shropshire's natural assets and their conservation and enhancement and restoration.
- 6.1.6 The policies referred to above support appropriate agricultural economic growth and diversification having regard to the local environment.
- 6.1.7 The development is generally considered to be an appropriate form of farm diversification for the existing family owned business. Accordingly the development is considered acceptable in principle and accords with the above Core Strategy Policies, though approval is subject to satisfying the main issues identified below.
- 6.1.8 The location for the development is to the side of an existing farmstead in the control of the applicants, the site considered the most appropriate location for the development. Two other potential sites have been considered. The first (Site A), was the field to the north of the application site. This was discounted, mainly on the grounds to its isolation and proximity to Sunderton Pool. The second potential site (Site B) was the field immediately to the south of the application site. This was discounted on the grounds of proximity to unrelated dwellings and Haughmond Abbey. Therefore the sequential site selection in relation to all on-site relevant planning issues is generally considered acceptable.
- 6.2 **Siting, scale and design**
- 6.2.1 Each poultry building measures 97.53m long, 24.4m wide, with a height of 4.6m to the ridge and 2.44m to eaves. The buildings will be sited in parallel, with the pitched rooves facing north and south. Buildings will be 12m apart and the intervening space will be used to site feed bins, control rooms, office and canteen room. The cumulative area of development amounts to approximately 15,040sqm including the heating shed and concrete apron alongside the buildings.
- 6.2.2 The buildings are to be sited close to existing farmstead buildings in an adjacent undeveloped field which lies to the east of a field boundary, pipeline and drainage ditch. The positioning of the buildings is constrained by overhead power cables further to the east. It is noted that a further agricultural portal framed building has been approved immediately to the west of the application site under references 14/01387/AGR. Extensions to this building were approved under references

14/04411/FUL and 14/04412/FUL. This building has not yet been constructed but will measure 15m long, 30m wide and 11.3m high to ridge.

- 6.2.3 Overall the siting of the proposed development is considered acceptable and will not significantly impact upon the setting of Sunderton Farm, having regard to the relationship with existing and approved farm buildings. Although the development covers a significant area, the buildings themselves are modest in height. The massing, layout and supporting infrastructure is considered appropriate for the intended purpose, as is the proposed slate blue cladding for the roofs and dark green cladding for the walls. With further landscape mitigation the impacts are considered acceptable. Solar photovoltaic cells are considered at para 6.8.3 below

Flooding

- 6.2.4 A Flood Risk Assessment has been carried out. The closest waterbody is approximately 140m to the southwest and is a man made pool close to Sunderton farmhouse. Sunderton Pool is just over 2km in length and is 170m west of the site. As the site is within Flood Zone 1, according to information submitted, the risk of fluvial flooding is considered very low with no mitigation required. This applies equally for ground water flooding.

Surface Water Run-Off

- 6.2.5 There are existing field drainage ditches on the eastern, southern and south western boundaries of the site. Run-off will be controlled by the installation of a swale, with a volume of 502cubic metres. French drains will also be laid taking total storage capacity to 814cubic metres. These specifications accord with the requirements of the NPPF and its technical guidance.

Dirty Water run off

- 6.2.6 This will run to a sealed tank on site, with capacity of 30,000 litres and will be emptied after each crop cycle. Disposal to land is stated to be in accordance with the Water Resources (Control of Pollution) (Silage, Slurry and Agriculture Fuel Oil) Regulations 2010.
- 6.2.7 A drainage plan has been submitted which proposes a dirty water holding tank below ground. Surface water is to run into a 500m³ swale from where it will be run into a ditch at a reduced run off rate, limited to 6.1 litres/second, according to standards.
- 6.2.8 In terms of siting, design and drainage proposals, the development is considered to accord with the requirements of CS6.

6.3 Visual impact and landscaping

- 6.3.1 A landscape visual impact assessment (LVIA) has been submitted as part of the environmental statement. Key aspects of the impact assessment are noted and discussed as follows.
- 6.3.2 The application site has medium sensitivity in the landscape and lies close to an area to the north west which is described as low sensitivity because of major roads, the northern edge of Shrewsbury, and large commercial premises clustered at the

A49/A53 road junction and scattered along the A53 to the north-east. To the south east, Haughmond Hill has high sensitivity because of its elevated position and views to the west and south west. Overall the effects on the proposed development on the landscape are stated to be very localised and have a minor effect.

6.3.3 There will be no trees or hedge removed and 1950sqm of native trees and shrubs is proposed to be planted or strengthened in the following locations:

- Continuous woodland edge to the northern side of the Carriage Drive
- The woodland on the southern field boundary
- South western field boundary
- Field boundary adjacent to the Shropshire Way bridleway.

6.3.4 Although the above is proposed, it would be considered essential to impose a condition requiring a landscaping plan which would secure the proposed planting. It is considered necessary to enhance the above proposals, particularly to the west of the site, which would reduce the longer range visual impacts on Albrightlee (approx. 820m to the west). Overall it is considered that landscape impacts are acceptable and can be further enhanced by implementation of an appropriate landscaping plan.

6.4 **Heritage**

6.4.1 The NPPF states at paragraph 132 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 133 states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. It is also necessary to ensure that the development does not conflict with the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 since the proposed development has the potential to affect the setting of designated heritage assets.

6.4.2 The Council SAMDev Plan states in Policy MD13 (The Historic Environment) that Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored by ensuring that wherever possible, proposals avoid harm or loss of significance to designated or non-designated heritage assets, including their settings. CS17 (Environmental Networks) also seeks to ensure that development does not adversely affect the visual, ecological, geological, heritage or recreational values and functions of environmental assets, their immediate surroundings or their connecting corridors;

6.4.3 The submitted heritage assessment identifies 31 sites or groups of sites of heritage

interest within 1.5km radius. Some, but not all of these are designated assets. Heritage assets principally relate to Haughmond Abbey, Sundorne Castle Estate, and its landscaped park. Key listed buildings and distances from the application site are:

- Ebury Hillfort- scheduled monument 1.25km to the east.
- Haughmond Abbey (Grade 1 listed) and scheduled monument 1.5km to the south east
- Site of Sundorne Castle and associated structures- Grade 1 listed and scheduled monument 1.2km to the south west.
- Groups of buildings within curtilage of Sundorne Castle – Grade 2 listed.
- Sunderton Farmhouse- Grade 2 listed 200m to the west

6.4.4 The heritage assessment is summarised at chapter 8 of the environmental statement.

6.4.5 In terms of the historic parkland, its setting and character, the submitted heritage assessment considers that the proposed development will make little significant impact and can be mitigated by maintaining existing hedgerows and trees. It is considered that further screening, particularly to the south and west will make a positive contribution towards the historic environment.

6.4.6 In respect of impacts to listed buildings, Historic England note that there will be only limited impact to the Abbey and Ebury Hillfort. Nevertheless landscaping is encouraged to make the development as unobtrusive as possible.

6.4.7 Sunderton Farmhouse is the nearest listed building to the application site, but the impacts are considered significantly reduced by the existing intervening farmyard and buildings, and an approved storage shed which is due to be constructed.

6.4.8 The submitted environmental statement concludes that after allowing for appropriate mitigation, the development will have a minor to negligible permanent adverse impact on heritage assets. It is noted that the Conservation Officer generally concurs with this assessment and recommends a landscape retention and implementation scheme.

6.4.9 The archaeological potential of the site is considered to be low. As an additional safeguard, the Council archaeologist has recommended that a written scheme of investigation is submitted and approved before works commence.

6.4.10 In terms of the potential of impacts to heritage assets, the proposal is considered to comply with the requirements of the NPPF, CS6, CS17 and MD13 and does not conflict with the legal requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6.5 Residential amenity and public protection Visual

6.5.1 Residential dwellings in the area and distances from the application site are: Sunderton Farm (150m), Meadowfields (220m), The Yells (580m) which are all

6.5.2 owned by the applicants and are either occupied by them or their families.

Dell Farm (675m) is the nearest dwelling outside the ownership of the applicants. Partial views of the development will be possible though visual impacts will not be significant, particularly as landscaping matures. No objection has been received.

6.5.3 Several residential properties are identified alongside the access road near Sundorne Castle. At about 1km distant, there will be no visual impact.

6.5.4

Objections have been received from the occupiers of two dwellings at Albrightlee Hall Farm (820m to the west) which are former barns in the process of residential conversion. They are the only objections received. These dwellings have not been considered in submitted statements. However they have been visited by the case officer and the application site has been viewed from several locations at Albrightlee, including from inside the relevant dwellings. Although partial and broken views of the development and solar panels are predicted (particularly before landscaping matures), they are considered long range views and visual impacts are not considered significant. The Public Protection Officer has commented specifically on impacts to occupiers and agrees with this opinion in terms of visual impacts.

6.5.5

Odour

A Scoping Opinion has been provided by Shropshire Council in advance of the application submission. An air quality and odour assessment was initially requested. However due to the intervening distance and buildings, the Council planning officer has since confirmed that such an assessment would not be required. In any event, the site will be covered by an environmental permit regulated by the Environment Agency. This will control odour (and noise) from operations within the site.

6.5.6

Noise

A noise assessment formed part of the Environmental Statement submitted in support of the application and this indicates: has been provided as a stand -alone document and the separate environmental statement provides a conclusion:

6.5.7

- there is likely to be an adverse effect of noise from feed deliveries at one unrelated receptor, Dell Farm;*
- a low impact of noise from day time collection of birds from the sheds is predicted upon residents at Dell Farm;*
- a low impact of noise from night time operation of fans is anticipated upon Dell Farm;*
- a low adverse impact is predicted from night time bird collections upon Dell Farm;*
- during night time removal of birds the brief travelling of HGVs past Sundorne Farm and the 4 cottages in close proximity to it is predicted to have a severe impact (for 8 seconds per event) when they occur on a maximum of 29 nights per year.*

It should be noted that the Environmental Permit issued by the Environment Agency only covers the application site and therefore noise issues relating to access routes fall beyond its scope.

6.5.8 Dell Farm

This unrelated property lies approximately 650m to the south west of the application site and is considered in terms of the following noise impacts. By way of explanation, the lower the rating level is relative to the measured (existing) background sound level, the less likely it is that the specific sound source will have an adverse impact or a significant adverse impact. Where the rating level does not exceed the background sound level, this is generally an indication of the specific sound source having a low impact. Background noise is substantially less during the night.

Daytime feed deliveries

Impacts to the amenity of Dell Farm are described as adverse, so could potentially give rise for concerns. However the Council Public Protection Officer has commented specifically that impacts are likely to be lower and acceptable, due screening effects of vehicles, buildings, prevailing winds, and the infrequent timing of deliveries. A significant impact is not anticipated.

Daytime collection of birds, and night time sound from roof ventilation fans

In each case noise created from this activity is anticipated to be less than existing background noise therefore a low and acceptable impact is anticipated.

Night time bird collection from on-site activity

The noise anticipated is only marginally above existing background noise levels. A low to adverse impact on residents is anticipated. The Public Protection Officer has stated that this level of impact is acceptable.

6.5.9 **Traffic movements and Amenity Impact to Residential Properties**

To varying extents, 7 dwellings unrelated to the application are affected due to their position adjacent or near to the private road which leads to the application site. From the B5062 the first 850m is tarmaced and owned by the Sundorne Estate but a right of access is given to the applicant. The remaining track is owned by the applicant.

6.5.10

Unrelated properties affected (listed south to north) are below with their approximate distance from the private road.

6.5.11

Redders- 70m (also 25m from B5062)
 Fairfields- 11m (also 90m from B5062)
 1 Sundorne Castle Cottages- 6m
 2 Sundorne Castle Cottages- 6m
 The Garden House- 6m
 Sundorne Garden- 7m
 Sundorne Farmhouse – 60m

6.5.12

A traffic assessment has been carried out which states that the poultry proposal will generate 1172 traffic movements/year, which equates to an additional 30% over and above existing traffic levels at Sunderton Farm. On the private access road as a whole, an increase of 5.15% is predicted. Currently, an estimated 3.03% of total movements are HGVs, which is predicted to rise to 6.94%.

6.5.13

According to the submitted environmental statement, these figures represent a minor adverse impact. Generally, this level of change is considered acceptable.

6.5.14 **Manure**

As far as possible, and in accordance with Best Practice Guidance and the submitted management plan, manure will be spread on farmland owned and controlled by the applicant. The amount which can be spread is limited to 36% of the total produced, in part due to Nitrogen Vulnerable Zone (NVZ) regulations. A significant quantity will therefore need to be exported. It is predicted that each crop will generate 22 return tractor/trailer movements off the holding on average per crop.

6.5.15 **Timing of Vehicle Movements**

The submitted noise assessment indicates birds will be collected over a period of 4 days during each crop cycle of 47 days. According to information submitted, bird collections normally takes place between 10pm and 10am. In total there will be 36 return bird collection movements per cycle, of which 28 return movements will be at night (between 2300 to 0700).

6.5.16 **Daytime movements**

Noted to be low impact to residential properties and are considered acceptable.

6.5.17 **Night time movements**

The submitted noise assessment states that the traffic generated by the proposed poultry houses would only make a slight impact except for very brief periods during 29 nights per year when a severe impact would be predicted to occur.

6.5.18

Dwellings 7m or less from the road are severely impacted. Sundorne Farmhouse is predicted to be moderately affected by HGVs. The noise assessment suggests that due to the proximity of Redders to the public highway, (where background levels of noise are higher), additional noise from bird collections during the night is negligible. In the case of Fairfields, some existing night time disturbance can reasonably be expected from the Rugby and Squash Club. The environmental statement suggests that noise impacts are moderate and adverse but not significant.

6.5.19

The Council Public Protection Officer has concluded that on the basis of the application as submitted, vehicle movements at night are likely to have a significant adverse effect on the sleep, health and wellbeing of residents in the residential properties close to the road. Noise levels are predicted significantly higher than the minimum needed to achieve reasonable sleep. The application states 28 return night movements which equates to 3 or 4 nights in each crop cycle.

6.5.20

The agent has stated in writing that the business model requires up to two return movements per hour during the night. This suggests that collections will tend to be clustered or concentrated within specific periods.

6.5.21

In his initial consultation response, the Public Protection Officer suggested limiting by condition, return movements at night to no more than 1/hr. It is Officer's opinion, that it is considered important to consider the wider context and apply sensible planning balance. Having done so, the proposed condition is not considered sufficient to overcome issues of night time disturbance for the following reasons:

- The applicant has stated in writing that that the business model and poultry integrator requires the ability to operate two return movements per hour. Although the applicant has stated that he would be willing to accept this limit, there is a considerable risk of non-compliance with the condition, in part because the poultry operator is a third party.
- The World Health Organisation (WHO) suggests that noisy events capable of disrupting sleep should be limited to 10-15 in an 8 hour period. Although the proposed condition of 1 return movement per hour would achieve this guideline in terms of number of events, actual noise levels from each event are considerably higher than recommended limits. Noise levels would still be "severe" and would not be reduced in magnitude.
- By limiting the number of movements at night, the equivalent additional movements would be expected between 2200-2300hrs or 0700-1000hrs ie first thing in the morning and late in the evening.
- The WHO guidelines are considered only partially satisfied by imposition of the condition because the disturbance to dwellings is sustained for 3 or 4 nights in each cycle- potentially 29 nights per year, in addition to increased traffic movements during the daytime.

6.5.22

The case officer has worked with the applicant to explore other measures to reduce noise magnitude. The applicant has investigated the installation of vented double glazing in the affected dwellings. This work would provide a sound barrier provided the window is closed. Sundorne Estate owns the most affected dwellings and the applicant has stated in writing that the Estate is agreeable in principle to glazing installation. None of the dwellings are listed. However despite requests from the case officer, no written confirmation from the Estate has been forthcoming. The Council's Legal Services have advised that a Section 106 to secure such works is not a realistic proposition. A condition to control night time traffic movements cannot be imposed since the properties affected are outside the application site and not within the control of the applicant. The Environmental Permit issued by the Environment Agency only controls on site activities.

6.5.23

Further noise assessment survey work and calculations were carried out by the applicant during February and March 2016. Assuming the use of specialized double glazing fitted with vents, the applicant has calculated that noise levels will

6.5.24 be within WHO guidelines.

The agent has suggested that if Members of the Planning Committee approve the application, Sundorne Estate would be prepared to carry out glazing work prior to

6.5.25 the decision letter being issued.

These calculations have been submitted to the Council and the Public Protection Officer has commented (see para 4.4 earlier in the report). Informal remarks from the Public Protection Officer to the agent express deep concerns about methodology, assumptions made in the calculations, and that the work was not carried out by a qualified and experienced noise consultant. Accordingly, the Public Protection Officer concludes that on the basis of information submitted, noise magnitude levels will not be reduced to below WHO guidelines, even with

6.5.26 specialized double glazing fitted.

It should further be noted that the proposed type of double glazing is fitted with

6.5.27 vents. Like any double glazing, the window needs to be closed to be fully effective.

The case officer refers to appeal decision reference APP/L3245/A/10/2136255 (Erection of 5 poultry sheds, improvements to existing highway and creation of new access). In her decision the Inspector took the view that a sudden or irregular noise between 2300 and 0700 hours may well disturb the restorative process of sleep and hence have a detrimental effect on the living conditions of nearby residents. The Inspector also gave weight to HGVs braking and accelerating past dwellings which would add to disturbance. In this example, affected dwellings were adjacent to a public highway, where one could reasonably expect higher noise

6.5.28 levels to be tolerated.

In the application under consideration, the 280m tarmac section of road past the affected dwellings lies between a track and cattle grid to the north, and a bend around Sundorne Castle Gatehouse to the south. HGVs are likely to be accelerating into and braking before departing the section of road. Moreover, because the road is single vehicle width, any oncoming traffic could result in an HGV slowing down or stopping. It is noted that the applicant suggests in the environmental statement that the extent of disturbance can be reduced from “severe” to “adverse” by informing occupants in advance of dates and timings of movements. In reality it is likely that occupiers will know when disturbance is likely, because of the production cycle. Even if forewarned of disturbance, the capacity to avoid it is probably limited.

6.5.29

The above mentioned cattle grid is potentially a source of further noise and vibration. Even though the cattle grid currently serves no function in terms of preventing the movement of livestock it is understood that Sundorne Estate is reluctant to remove it due to its ability to reduce traffic speeds.

6.5.30

On balance, and given the cumulative disturbance to all the dwellings listed above, it is considered that the proposal, with or without the proposed condition, and with or without fitted double glazing, fails to safeguard the existing level of residential amenity enjoyed by their occupiers contrary to the requirements of CS6 and MD7b.

6.5.31

Additional weight can be attributed to the access road being a private lane, where a higher level of amenity could reasonably be expected by the absence of unlimited public traffic. It is noted that no objections have been received from the dwellings concerned but this is not considered sufficient to outweigh the harm identified in the overall planning balance.

6.6 **Rights of Way**

- 6.6.1 Two bridleways converge at a point immediately to the south east of Sunderton Farm. Bridleway 17 approaches from the west and passes through the centre of existing farm buildings. Bridleway 15 approaches from the south west and continues in a north east direction. Neither route will be obstructed by development. However a footpath passes the application site immediately to its west. According to the Council Rights of Way Officer the legally recorded route deviates from the field boundary fence line, and passes over the area of proposed hardstanding. In practice it is recognised that the most obvious route for walkers will be to follow the fence, thus avoiding the development. However the Council Rights of Way Officer has advised that a legal diversion of the footpath is secured to accommodate the development. There is no requirement for the diversion to be secured prior to planning permission being granted, or works commencing, provided the legally recorded route of the footpath remains open at all times. Conditions have been recommended.
- 6.6.2 The route of the Shropshire Way long distance footpath passes the application site approximately 500m at its closest point to the east. The application states that only partial views of the development will be possible though occasional gaps in hedgerows. The impact to walkers is localised and not considered significant,
- 6.6.3 Although there will be some additional impacts on riders and walkers, particularly when passing through the site, the level of additional harm (visual and disturbance) over and above the existing situation is not considered sufficient to justify refusal of the proposal. Sunderton Farm is an operational farm and HGV/tractor/trailer movements are expected. Essentially the additional impacts of the proposed development should be balanced with the impacts of the existing situation. It is noted that no objections have been received in this regard from the Council Rights of Way Officer.
- ## 6.7 **Highways**
- 6.7.1 The Council Highways officer has met the applicant's agent prior to the scoping stage of the proposed development. No objection was raised to the principle of development, subject to the submission of further details which are now satisfactorily referenced in the environmental statement. A traffic impact assessment has been provided with the application.
- 6.7.2 The southern half of the access road is owned by Sundorne Estates and is tarmaced. The northern half of the access road is owned by the applicant and is in need of repair. A tarmac passing place is proposed immediately to the east of Sundorne castle.

- 6.7.3 A plan has been submitted with the application intended to show improvements to the existing access onto the B5062. The plan indicates that 150m visibility can currently be achieved in both directions. Nevertheless the applicant has clarified that minor works to the layout of the junction are intended to aid HGVs entering and exiting the private access road. The Council Highways officer has recommended conditions which will require full engineering details of proposed levelling and surfacing prior to the commencement of development.
- 6.7.4 Overall Highways impacts in relation to the B5062 are not considered significant, subject to appropriate controls and conditions being implemented correctly.
- 6.8 **Ecology**
- 6.8.1 An ecological assessment and extended phase 1 habitat survey has been completed. A Habitat Regulations Assessment has been carried out and this is attached to the report for reference. The site lies within a nitrate vulnerable zone (NVZ) and calculations have been provided and made available to consultees.
- 6.8.2 There are two Ramsar sites within 10km, two SSSIs within 5km, and six locally designated sites within 2km of the application site. Natural England has been consulted and confirmed no objection to the development.
- 6.8.3 There are no predicted direct or indirect impacts on any of the designated sites.
- 6.8.4 The site and surroundings was inspected for the presence of great crested newts, bats, nesting birds, badgers, otter, water vole and dormouse. No negative impacts are predicted as a result of the development. Nevertheless, the Council ecologist has recommended appropriate conditions to maintain a 10m buffer between the development and a drainage ditch alongside the development, the submission of a lighting and landscaping plan, the installation of bat boxes, and informatives referring to compliance with Habitats Directives and Regulations, and the Wildlife and Countryside Act 1981
- 6.8.5 In terms of ecological impacts, the proposal is considered acceptable and in accordance with Policy CS17: Environmental Networks of the Shropshire Core Strategy and Policy MD12 (Natural Environment) of the SAMDev Plan as well as the National Planning Policy Framework.
- 6.9 **Other matters including additional buildings and solar photovoltaic panels**
- 6.9.1 The application proposes a number of smaller buildings and structures alongside the poultry sheds. Apart from a separate heating shed, the four control rooms, canteen, office/store and feed bins will be sited between the poultry buildings. Only the upper sections of the feed bins (7-8m high) will be visible above the buildings when viewed from the west.
- 6.9.2 No indication is given in relationship to the external colour of the feed bins. These by the nature of their height and scale can appear conspicuous in the landscape and as such it is recommended that a condition is attached to any approval notice issued in order to control their colour.

6.9.3 Details of the solar photovoltaic panels have been provided with the application. Panels are proposed to cover the entire south facing elevation of the southern most building, and less than a third of the adjacent building. The poultry buildings have a shallow profile and it is not anticipated that the installation of solar panels will have a significant impact either in terms of landscape, or in terms of impacts to neighbours. By virtue of position and topography, residents of Albrightlee Hall Farm will have partial views of the solar panels, but given the distance (820m) the visual impact over and above the limited impact of the buildings is considered very low. These limited visual impacts are outweighed by the site contribution to renewable energy provision as per the aims of CS6 which (in part) seeks in part to mitigate and adapt to climate change.

6.9.4 Overall, the limited additional impact of additional buildings, structures and hardstanding is considered acceptable and accords with Core Strategy CS6. CS6 also seeks to mitigate and adapt to climate change and to ensure that development is energy efficient. Renewable energy generation is encouraged in development where possible.

7.0 **CONCLUSION**

7.1.1 The proposal is for four poultry buildings and supporting infrastructure which would house up to 200,000 birds on site, as part of a farm diversification venture for the existing family farming business.

7.1.2 The proposed development raises no adverse concerns from internal or external consultees, aside from the Council's Public Protection Officer. As noted above the occupiers of affected dwellings are likely to be subjected to severe night time disturbance, and the initial proposal to limit traffic movements to no more than one return movement per hour is not considered adequate to protect the occupiers of nearby dwellings. In any event the business model requires the capability of two or more return movements per hour so such a condition is likely to be unworkable.

7.1.3 The agent has investigated the possibility of fitting specialist double glazing as a noise reduction measure. However survey calculations and predicted benefits are not proven to the satisfaction of the Public Protection Officer.

7.1.4 In all other respects the development is considered acceptable, but this is not considered sufficient to outweigh the harm identified above in the overall planning balance. There is an unacceptable risk of harm the amenity of nearby residents, contrary to the aims of Policies CS6 and MD7b and core planning principles of the NPPF. As a consequence of the issues as discussed and having regard to all material planning considerations, the recommendation has to be one of refusal.

8.0 **Risk Assessment and Opportunities Appraisal**

8.1 **Risk Management**

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

- As with any planning decision the applicant has a right of appeal if they disagree

with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.

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

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

8.2 **Human Rights**

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

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

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

8.3 **Equalities**

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

9.0 **Financial Implications**

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

10. **Background**

Relevant Planning Policies

Central Government Guidance:

NPPF

Core Strategy and Saved Policies:

CS5, CS6, CS13, CS17, MD7b, MD12, MD13

Relevant planning history:

11/00258/VAR Variation of condition number 2 attached to Planning Permission Ref. 04/0804 dated 30/07/2004 to allow an increase in the height of the eaves GRANT 18th March 2011

11/05062/AGR Erection of an agricultural storage shed PNAGR 23rd November 2011

14/01387/AGR An open plan, portal framed agricultural building. PNR 17th April 2014

14/04411/FUL Erection of additional building on the eastern elevation of the recently approved storage building (planning ref: 14/01387/AGR). GRANT 26th November 2014

14/04412/FUL Erection of additional building on the western elevation of the recently approved storage building (planning ref: 14/01387/AGR) GRANT 26th November 2014

15/00178/SCO Proposal for 4 poultry buildings with feed bins and ancillary equipment and amendments to access SCO 13th February 2015

15/00548/DIS Discharge of Condition 3 (Drainage) on Planning Application 14/04411/FUL for the erection of additional building on the eastern elevation of the recently approved storage building (planning ref: 14/01387/AGR). DISAPP 12th February 2015

15/00549/DIS Discharge of Condition 3 (Drainage) on Planning Application 14/04412/FUL for the erection of additional building on the western elevation of the recently approved storage building (planning ref: 14/01387/AGR) DISAPP 12th February 2015

11. Additional Information

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

Cabinet Member (Portfolio Holder)
Cllr M. Price

Local Member
Cllr John Overall

Appendices
APPENDIX 1 - Conditions

APPENDIX 1

Habitat Regulation Assessment (HRA) Screening Matrix

Application name and reference number:

15/04709/EIA
 Sunderton Farm
 Uffington
 Shrewsbury
 Shropshire
 SY4 4RR
 Erection of Four Poultry Houses, with feed bins, solar photovoltaic panels and ancillary equipment and amendments to vehicular access

Date of completion for the HRA screening matrix:

19th November 2015

HRA screening matrix completed by:

Nicola Stone
 Planning Ecologist
 01743-252556

Table 1: Details of project or plan

Name of plan or project	15/04709/EIA Sunderton Farm Uffington Shrewsbury Shropshire SY4 4RR Erection of Four Poultry Houses, with feed bins, solar photovoltaic panels and ancillary equipment and amendments to vehicular access
Name and description of Natura 2000 site and Nationally designated site which has potential to be affected by this development.	<p>Midland Meres and Mosses (Ramsar phase 1) → Bomere, & Shomere Pools Bomere, Shomere & Betton Pools Midland Meres and Mosses Ramsar Phase 1 (59.08ha), as a group, are particularly important for the variety of water chemistry, and hence flora and fauna, which they display. It is included within the Ramsar Phase for its Open Water, Swamp, Fen, Basin Mire and Carr habitats with the plant species <i>Elatine hexandra</i> and <i>Thelypteris palustris</i>.</p> <p>Phase 2 Sites/Ramsar feature - Midland Meres and Mosses (Ramsar phase 2) Hencott Pool Most of Hencott Pool Midland Meres and Mosses Ramsar Phase 2 (11.5ha) is swamp carr on very wet peat dominated by alder <i>Alnus glutinosa</i> and common sallow <i>Salix cinerea</i> with frequent crack willow <i>Salix fragilis</i>. Although there are considerable areas of bare peat beneath the trees, there is a rich flora of fen plants. It is included in the Ramsar Phase for its Carr habitat and the species <i>Carex elongata</i> and <i>Cicuta virosa</i></p>
Description of the plan or project	Erection of Four Poultry Houses, with feed bins, solar photovoltaic panels and ancillary equipment and amendments to vehicular access.
Is the project or plan	No

directly connected with or necessary to the management of the site (provide details)?	
Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?	No

We have identified the following effect pathways:

- Damage to the Ramsar site caused by aerial emissions
- Possible effects on the hydrology of the Ramsar site, and

1. Possible impact of aerial emissions

- ➔ Email from Kevin Heede (Environment Agency Environment Agency 19th November 2015) providing Ammonia Screening Output and Pre-app report.
 - The EA, as a more competent authority, has screened out the ammonia impacts from the proposed development on Ramsar sites within 10km; SSSIs within 5km.

2. Hydrology

- ➔ SC Ecology has assessed Natural England's Ramsar Catchment Areas. The proposed site location falls outside of the catchment area. No further assessment has been undertaken.

Conclusion

Providing works are carried out in accordance with the approved plans SC Ecology has concluded that the proposed development will not impact on the integrity of Ramsar sites in 10km.

The Significance test

- ➔ There is no likely significant effect on the European Designated Site (Bomere & Shomere Pools, and Hencott Pool) from planning application 15/04709/EIA.

The Integrity test

There is no likely effect on the integrity of the European Designated Site (Bomere & Shomere Pools, and Hencott Pool) from planning application 15/04709/EIA.

Conclusions

Natural England should be provided with SC Ecologist HRA. Comments should be received prior to a planning decision being granted.

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’. If, taking into account scientific data, we conclude there will be no likely significant effect on the European Site from the development, the ‘integrity test’ need not be considered. However, if significant effects cannot be counted out, then the Integrity Test must be researched. A competent authority (such as a Local Planning Authority) may legally grant a permission only if both tests can be passed.

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 unless it is satisfied that, there being no alternative solutions, the project must be carried out for imperative reasons of over-riding public interest, and the Secretary of State has been notified in accordance with section 62 of the Conservation of Habitats and Species Regulations 2010. The latter measure is only to be used in extreme cases and with full justification and compensation measures, which must be reported to the European Commission.

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.