

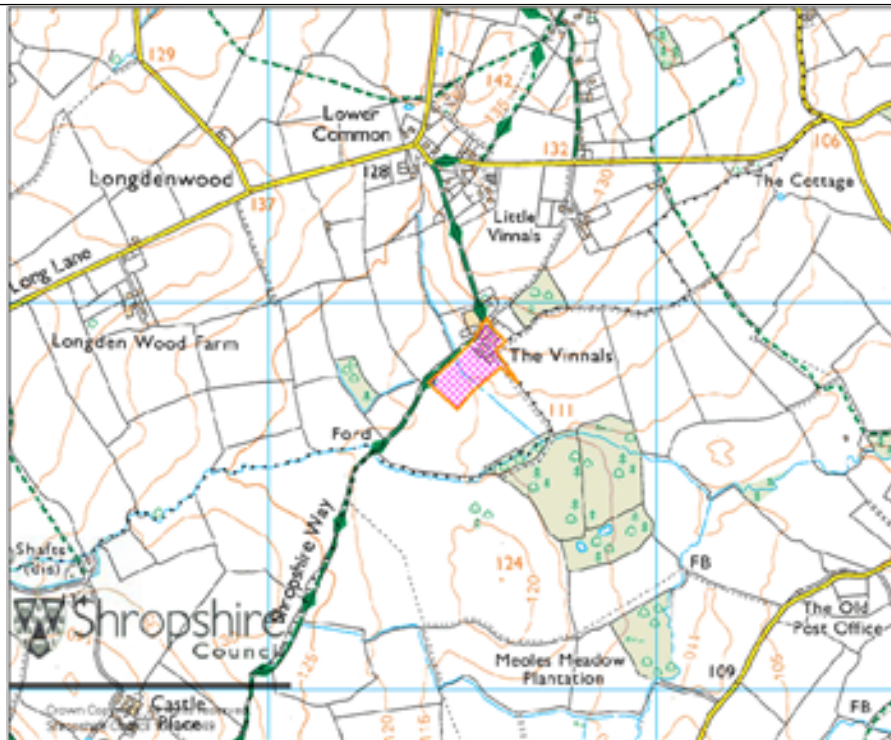
Development Management Report

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

Summary of Application

<u>Application Number:</u> 16/02752/EIA	<u>Parish:</u>	Longden
<u>Proposal:</u> Construction of two poultry sheds and feed bins, ancillary works, access improvements, erection of biomass building and associated landscaping		
<u>Site Address:</u> Proposed Poultry Units South Of The Vinnals Lower Common Longden Shropshire		
<u>Applicant:</u> Mr Andrew Davies		
<u>Case Officer:</u> Kelvin Hall		<u>email:</u> planningdmc@shropshire.gov.uk

Grid Ref: 345543 - 304866



Recommendation:- Refuse subject to the conditions set out below.

Recommended Reason for Refusal:

Due to the proposed timing of HGV traffic to and from the site, the nature of the access route which includes a stone access track, and the proximity of dwellings to the proposed vehicle route, it is considered that night-time traffic to and from the site would have a detrimental impact upon the living conditions of residents living alongside and in the vicinity of the intended traffic route. It is not considered that the mitigation measures proposed, comprising the resurfacing of the track and the prior notice to residents of night-time HGV movements, would provide sufficient or satisfactory mitigation of this harm. Further it is not considered that the benefits of the proposal, including the diversification of the farming business, would outweigh the identified harm to residents. As such the proposal would be contrary to policies CS5 and CS6 of the Core Strategy, SAMDev Plan policy MD7b, and paragraphs 109 and 123 of the NPPF.

REPORT**1.0 THE PROPOSAL**

- 1.1 The planning application seeks permission for the erection of two poultry rearing buildings, five feed bins, a biomass boiler building and ancillary development. Each poultry building would accommodate 50,000 birds, with a combined total of 100,000 bird places. They would be of portal framed construction with insulated box profile metal sheeting to the walls and box metal profile sheet roofs, and finished in Juniper Green. Each shed would measure approximately 97.5 metres x 24.4 metres with a height of 2.6 metres to eaves and 4.8 metres to ridge. Each shed would include a fan canopy, 3 metres long, to the rear.
- 1.2 The biomass boiler building would measure 18.3 metres long x 11.6 metres wide, and 5.1 metres to eaves and 7.6 metres to ridge. It would be of similar materials and colour to the poultry buildings. This would accommodate a boiler room and biomass storage area. It would be constructed of concrete composite panel walls with box profile metal sheeting above with a profile metal sheet roof. The feed bins would be of cylindrical design, with a height of 6.6 metres and a diameter of 2.8 metres.
- 1.3 Proposed landscaping would include a 4.5 metres high grassed bund around the north-western and south-western sides of the site, tree planting to the south-west and the gapping up of existing hedgerow.
- 1.4 Production process: Standard weight birds would be grown up to 35-36 days, with a 10 day turn around period, which would result in around 7 crops per year. Prior to chick delivery bedding comprising wood shavings would be added to the buildings. The sheds would be warmed, using heat produced by the biomass boiler. The broilers would be brought in as day old chicks. At the end of the production cycle the birds would be removed and transported to the processing site, following which the buildings are cleaned out and disinfected.
- 1.5 As detailed in section 6.1.1 below, the planning application is accompanied by an Environmental Impact Assessment (EIA), and this includes a detailed set of reports

assessing the potential impacts of the development.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is located to the south of the settlement of Lower Common, approximately 2km to the southeast of the village of Longden. The application site covers an area of approximately 1.7 hectares, principally in arable use at present. The site is set on relatively flat ground which slopes down gently to the south-east. The existing agricultural buildings on the site would be removed. Land to the north includes farm buildings and a farmhouse. Farm tracks run along the north-west and north-east sides of the site. Other surrounding land is within agricultural use.
- 2.2 The closest residential property that is not in the applicant's ownership is located approximately 380 metres to the north, at the southern side of Lower Common.
- 2.3 Vehicle access to the site would be obtained via a single vehicle width private track to the north. This track provides access to the farm buildings and farmhouse and has a stone surface. This continues for a length of approximately 300 metres before becoming an unclassified public highway. This section of road continues for approximately 120 metres before meeting the Lower Common to Stapleton Common public highway, another unclassified public highway. This access route is a public bridleway, and this right of way continues along the north-west side of the site.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

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

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

- 4.1.1 **Longden Parish Council** Supports the application subject to the following provisions.

The Applicant needs to strengthen existing and add more passing places along the access route. It is imperative that lorries do not go through Stapleton and stick to their designated route at all times. The Parish Council would request that drivers dip their lights when approaching properties in the night journeys. The applicants need to be considerate of their neighbours and notify when there is a cleaning out due.

- 4.1.2 **Environment Agency** No objections.

The proposed development will accommodate to 100,000 birds, which is above the threshold (40,000) for regulation of poultry farming under the Environmental Permitting (England and Wales) Regulations (EPR) 2010. The EP controls day to day general management, including operations, maintenance and pollution incidents. In addition, through the determination of the EP, issues such as relevant emissions and monitoring to water, air and land, as well as fugitive emissions, including odour, noise and operation will be addressed. Based on our current position, we would not make detailed comments on these emissions as part of the current planning application process. It will be the responsibility of the applicant to undertake the relevant risk assessments and propose suitable mitigation to inform whether these emissions can be adequately managed. For

example, management plans may contain details of appropriate ventilation, abatement equipment etc. Should the site operator fail to meet the conditions of a permit we will take action in-line with our published Enforcement and Sanctions guidance. For the avoidance of doubt we would not control any issues arising from activities outside of the permit installation boundary. Your Public Protection team may advise you further on these matters.

Flood Risk: The site is located in Flood Zone 1 (low probability) based on our indicative Flood Zone Map. Whilst development may be appropriate in Flood Zone 1 a Flood Risk Assessment (FRA) is required for 'development proposals on sites comprising one hectare or above where there is the potential to increase flood risk elsewhere through the addition of hard surfaces and the effect of the new development on surface water run-off

Under the Flood and Water Management Act (2010) the Lead Local Flood Authority (LLFA) should be consulted on the proposals and act as the lead for surface water drainage matters in this instance.

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.

4.1.3 **Natural England** No objections.

Internationally and nationally designated sites

The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to The Stiperstones & Hollies Special Area of Conservation (SAC) which is a European site. The site is also in close proximity to an element of the Midlands Meres and Mosses Phase 1 Ramsar site

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

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. 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, Natural England concurs with this view. This is based on the Environment Agency's assessment that atmospheric emissions from the proposed development are below thresholds that they consider as significant.

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.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

- 4.1.4 **SC Public Protection** Unacceptable noise impact on residential properties. Sleep disturbance is likely at the closest residential properties when night time depopulation activities take place. It is unacceptable to expect residents to close windows when such activities take place. This should be given material weight.

Comments 14/9/16: The values presented by the applicant's noise consultant are the output from modelling software and find maximum noise levels inside bedrooms would be 52, 48 and 56 dBmax for properties A, B and C respectively when windows are open if an allowance for an open window reducing noise levels by 15dB is applied.

No information as to what the model has taken into consideration has been provided. Using a distance calculation alone and taking the closest property to the road, property C, which has bedroom windows approximately 5.5m from the closest point at which the noise source will pass, I have calculated that noise levels from a noise source of 99.9dB at source would be 71dB at the facade of the property which correlates with the results provide in the assessment by SLR and I therefore consider the modelling calculations to be acceptable.

When any modelling is carried out it is expected that it will be conservative in nature to ensure that a precautionary scenario is provided. I would consider that a value of 15dB reduction for noise through an open window is not appropriate. Guidelines suggest that between 10 and 15dB reductions could be expected and from my experience it is likely

to be more likely to be in the region of 10 than 15 dB when windows are opened sufficiently to encourage ventilation for cooling. It is considered appropriate to use a precautionary approach and use 10dB as the stated reduction. Taking this into account I would suggest that noise levels with windows open are likely to be in the region of: Property A – 57 dBmax, Property B – 53 dBmax, Property C – 61 dBmax.

In conclusion the assessment has not proposed a conservative prediction. When a conservative element based on open window sound reductions is included it is likely that noise levels will be considerably over the 45dB max target level that would generally be accepted as suitable with windows open. This level is exceeded for all three properties on the access road. In my opinion, based on the max noise levels predicted compared to the generally low night time background noise levels, sleep disturbance with all of the consequent effects such as reduced wellbeing, depression, tiredness, reduced productivity etc. is likely when night time depopulation activities take place at closest residential properties. It is in my opinion unacceptable to expect existing residential properties to be expected to have to change their habits or suffer the effects of sleeping without windows open, particularly on warm nights, to mitigate against the impact of noise likely to be generated by the introduction of new activities in the area particularly when they are situated on a road which is not exposed to general passing traffic which again will make additional movements more noticeable to residents. I would advise that this is given material weight when determination of this application is being made.

Previous comments 10/8/16: It is clear that night time movements will have a significant impact on residents along in close proximity to the access road to the proposed installation. It is my opinion that the noise would be significant enough to disturb residents from sleep on every occasion that a vehicle passes. As a result I do not consider the access proposed to be a suitable route on grounds of noise particularly at night and would recommend that this is given material weight when determining this application.

The agent has proposed that making residents aware of when disturbances will occur will be mitigation enough to stop the impact of the noise. I do not share this view. It may be the case that once informed residents suffer anxiety, sleep deprivation and stress as a result on the build up to the noise knowing that they will be running up to a period when they are going to have sleep disturbed by noise of HGVs tracking past their bedroom windows at regular intervals during the night.

Noise from vehicles at other times will also have an impact on the properties mentioned above. This should not be ignored however night time movements are of more concern as they have greater potential to have a health impact on residents.

In summary the fact that residents can expect to have at least 14 nights of significantly disturbed sleep and potential additional ill health and wellbeing related states in the run up to these events I do not consider this site suitable for use.

Previous comments 26/7/16: Poultry units have the need to bring in many HGVs to the site particularly when depopulation of birds takes place. These movements are not considered by the Environmental Permit which would provide controls to noise at the on site installation alone. As a result it is appropriate for these movements to be considered by the planning regime.

Night time movements would take place in the region of 7 metres from nearest residential bedrooms. It is reasonable to expect that residents have windows open for ventilation unless they have been constructed with other means of ventilation such as mechanical ventilation which is not the case in this setting. As a result it is expected that every HGV and potentially smaller vehicle movement that passes along the road to the installation would create noise levels that in my opinion would be such that it would be likely that residents would be woken from sleep causing significant health and wellbeing impacts on nearby residents.

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. No maximum noise level at residential facades has been provided or modelled and I would suggest that this is likely to be due to the fact that it will evidence the fact of a noise issue which would have a significant observed effect on existing residents.

Finally it should be noted that the road used to access the proposed installation is predominantly a private road and therefore it is not suitable to state that residents living close to the road should expect any amount of road noise at any time of day

Previous comments 20/7/16: Correspondence has been received in the form of a letter from SLR global environmental solutions to Berrys, the agent for this application. It states that depopulation noise will only impact on residents nearest to the private road on 14 nights a year. It is generally expected that poultry houses turn over around 7.5 crops a year. Based on this and the fact that depopulation is expected to take place on 2 nights per crop this figure is correct every other year with years in between receiving 16 nights of depopulation movements.

The SLR letter discussed the recommendations in ProPG: Planning & Noise – Professional Practice Guidance on Planning & Noise, New Residential Development quoting the following statement from the document:

“For a reasonable standard in noise-sensitive rooms at night (e.g. bedrooms) individual noise events should not normally exceed 45dB LAFmax more than 10 times a night.”

Firstly it should be stated that the ProPG is currently in a draft form which states that it “may be subject to change following peer review and consultation with the wider membership of the various relevant professional bodies”. It therefore is not a fully formed document as it stands.

Secondly ProPG is specifically focuses “on proposed new residential development and existing transport noise sources”. This is not the scenario which we have in this application and therefore this draft document should be given even less weight in context of this application.

Thirdly the 45dB L_Amax noise level stated in ProPG is used based on evidence discussed in the World Health Organisation (WHO) document Guidelines on Community Noise. This document states that , “effects (on sleep) have been observed at individual L_Amax

exposures of 45dB or less”. It goes on to state that, “sleep disturbance from intermittent noise events increases with the maximum noise level. Even if the total equivalent noise level is fairly low a small number of noise events with a high maximum sound pressure level will affect sleep.”

It should therefore be noted that the WHO document is stating that a small number of loud events could have impacts on sleep. In this specific location the SLR noise report submitted with the application states that vehicles will produce a moderate average noise issue due to depopulation when noise is averaged over an hour. It does not state what the LAmax level at residential facades is likely to be. It states that an HGV at 20mph could be expected to generate noise of 105dB at source. As residential properties are a matter of a few meters from the road (nearest bedroom window 5 meters from the centre of the track/road with many other bedroom windows within 20m) it is likely that internal noise levels with windows open will be significantly in excess of 45dB and it is my opinion that noise would be to such a degree that an awakening event and/or other health impacts would be highly likely.

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.

As a result I would recommend a condition should this application be granted approval to ensure that no HGV movements take place between 2300 – 0700 hours in order to protect the health and wellbeing of residents close to the road accessing the development site

Previous comments 5/7/16: No concerns in relation to odour and do not anticipate any significant detrimental impact from the proposed development. This is based on the fact that the proposed location is a significant distance from all nearest residential receptors. In relation to noise on site I do not have any concerns due to distances to nearest residential properties and the topography which will result in significant noise reductions from on site operations.

However, I do have concerns that night time movements may have a significant impact on properties along the access route. There are several properties on the road leading from the proposed development which would be likely to be significantly impacted by noise and potentially vibration due to proximity to the road from vehicles going to and from the site. I do not anticipate that this would have a significant impact during daytime hours however at night I would anticipate that there would be a significant impact on residents trying to sleep. It is important to stress that vehicle movements are not considered by the Environmental Permit which is granted by the Environment Agency (EA) and therefore the EA would not be expected to have any concerns over noise created by vehicles accessing the site.

World Health Organisation guidance suggests that where noise levels exceed 45dB LAmax inside bedrooms in night time hours (2300 - 0700 hours) that effects on sleep could be noted. It is my opinion that noise levels are likely to be well in excess of this at nearest residential properties which would otherwise expect very little night time traffic to pass by hence making the proposed movements very noticeable. As a result I would

recommend that before any decision is made on this application that a noise assessment is carried out which considered the impact of this noise source in terms of LAmax noise levels. It is noted that average noise levels will be increased by more than 10dB and therefore this is an indication that a significant impact would occur on nights when depopulation is taking place. I appreciate that this will not occur every night however this additional information is required before going any further. I would advise that alternative access which takes vehicles further from residential properties is considered to remove these noise concerns.

4.1.5 SC Highways Development Control No objections, subject to the development being carried out in accordance with the approved plans and the following conditions and informative notes, and a Section 106 agreement.

The latest information acknowledges the legal and physical restrictions on the surrounding Highway network and proposes an alternative prescribed HGV routing arrangement to and from the A49 via Longden, Annscroft and Exfords Green to be secured under a Section 106 agreement. Clarification has also been provided as to the specific vehicle types (and weights) which are expected to service the proposed poultry units and this confirms which vehicles which will use the proposed prescribed HGV routing arrangement and those which are likely to be able to use Longden Road.

The prescribed HGV routing is shown on the submitted Drawing No. SA16661/sk.02 and whilst the route utilises what are considered to be the more suitable roads for HGV's there are still some concerns in terms of width in places and the following specific issues: -

1. The junction of the prescribed route and the A49 has restricted visibility to the south for exiting vehicles, however, this junction is an existing situation and the expected HGV movements associated with the development are not considered to be significant enough to be able to sustain a recommendation of refusal.

2. The prescribed HGV route from Lower Common to Exfords Green is approximately 3 miles longer than the most direct route, albeit along a considerably less suitable road. Whilst the Section 106 agreement will presumably cover adherence to the prescribed route, the means of monitoring and enforcement during the expected hours of operation may prove to be difficult for the Local Planning Authority.

On balance, it is considered that the submitted further information and prescribed HGV routing arrangement offers a solution to the previous Highway concerns, subject to completion of a Section 106 agreement and the local Planning Authority being confident that compliance with the routing arrangement is capable of being monitored and if necessary enforced.

On the basis of the above, the information within the original Highways Statement has been reviewed with a view to considering a recommendation of approval.

The original Highways Statement (Section 2.3.1) offered a highway infrastructure improvement in the form of a passing-bay on Long Lane which is considered to be acceptable. An additional infrastructure improvement is, however, considered to be appropriate in the form of the reconstruction of the existing widened area of carriageway on Long Lane immediately before the junction with Longden Road and this is included in the conditions and informative notes below.

It is noted that the final section of the HGV access route to the site carries a public right of way. In view of the frequency of the daily operational vehicle movements set out in the submitted Highways Statement, the existing farming use and the lack of any Highway width for effective improvements, there will clearly be an onus upon HGV and other vehicle drivers to exercise caution when encountering users of the public right of way. This situation alone is not, however, considered to be a sustainable reason for the refusal of the planning application but it is considered that appropriate warning signs should be provided in mitigation.

It is recommended that pre-commencement conditions are imposed to cover the following:

- submission of details for approval of passing bay on Long Lane, plus additional kerbing and re-surfacing of the carriageway widening on Long Lane
- submission of details for approval of pedestrian/equestrian warning signage
- the submission of a Construction Method Statement (Traffic Management Plan)

Completion of a Section 106 agreement to secure the prescribed HGV routing agreement.

Previous comments:

Do not approve – There are concerns over the proposed routing of the HGV traffic associated with the development and the likely use of alternative routes. Longden Road does provide a route both north and south from its junction with Long Lane, however, there are vehicle weight, height and length restrictions which appear not to have not been recognised in the submitted Highways Statement (2.2.1 Road Network).

Observations/Comments: [s/v 26th July and 12th August 2016]

The proposal is for two poultry units (maximum 100,000 birds) as a diversification of the current farming business.

The submitted Highways Statement details the expected traffic associated with the cycles of poultry crops over each year of operation, along with the construction and decommissioning phases of the poultry units. The traffic generation identified is taken from the industry operation and practice and there is no reason to question these figures. It should be noted that the suggested increase in average daily operational traffic does not take into account any future traffic reductions based on changes to the farming operations or economies in servicing/deliveries. On this basis, the submitted Highways Statement is considered to be a robust assessment of the expected development traffic.

The expected daily traffic associated with poultry rearing, once operational, is not considered to be significant in terms of the frequency of movements per day when set against a farming operation. There will be increases in HGV, tractor/trailer and other vehicles movements depending on the crop cycle, however, these movements are likely to occur outside of the usual peak traffic periods.

The Highways Statement offers a highway infrastructure improvement in the form of a new (or improved) passing-bay on Long Lane based on the proposed HGV routing to the junction of Long Lane/Longden Road, however, it should be noted that the routing of traffic under a planning condition is not considered to be appropriate or enforceable and there will be the potential for vehicles to use the network of roads to the east, via Exfords Green and Stapleton, to and from the A49; particularly for the HR4 9PB

(Hereford) destination identified in the Highways Statement (2.1.3 Trip Assignment) and for access to and from the A5 for the other feed suppliers and poultry processing company locations listed.

The HGV restrictions currently in place which are not acknowledged in the submitted Highways Statement (2.2.1 Road Network) are as follows: -

1. South from the Long Lane/Longden Road junction there is a 13 metre advisory length restriction at “Walkmill Bridge” approximately 3 miles from the junction with the A489 to the south. At this location a combination of the horizontal alignment of the road, restricted carriageway width and the bridge parapet makes access by HGV’s difficult. The route to and from the south is further compromised by a low bridge (4.8 metres) warning/restriction on the A489 immediately west of its junction with the A49,

2. North from the Long Lane/Longden Road junction an 18 Tonne weight restriction is in place on Longden Road from Nobold to the Little Lyth junction, north-east of Annscroft. It is considered that the above physical and legal restrictions conflict with the HGV routeing identified in the submitted Highways Statement and make the use of the network of roads to the east between the site and the A49 both more likely and legitimate in respect of the development traffic.

Should an alternative traffic route be identified (with mitigation as appropriate) which results in progress towards an approval, it is considered that the HGV routeing for the development should be the subject of a Section 106 planning obligation.

- 4.1.6 **SC Drainage** The proposed drainage details, plan and calculations should be conditioned if planning permission were to be granted.

The proposed surface water drainage is acceptable in principle. The Environment Agency has updated the guidance on Climate Change in March 2016 and 25% should be used for non residential development in the Severn catchment. A revised drainage calculations and plan should be re-submitted for approval.

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

- 4.1.7 **SC Ecologist** Recommends conditions and informatives. Planning Officer to include the Habitat Regulation Assessment screening matrix in their site report.

The poultry buildings will house approximately 100,000 birds in total, split between two sheds.

Bats: The location of the proposed application is currently an arable field. Five mature Oak trees on the northern boundary and three mature Oak trees on the eastern boundary (all outside the site boundary) have features, such as holes, cracks and splits, that could be suitable for use by roosting bats.

Turnstone Ecology has concluded that the improved grassland field margin is unlikely to be important for foraging bats but the hedgerows and trees around the field boundaries, particularly along the north with the ditches, provide optimal foraging and/or commuting habitat.

Environmental Network: The site plan shows a ditch through the arable field but

Turnstone Ecology has recorded no evidence of a ditch and it has been presumed that this has been culverted. To the northern field boundary (between the track and the hedgerow) there is a short section of dry ditch and a ditch with slow flowing water. The ditch with flow is approximately 1 m wide and a maximum of 5 cm deep. Turnstone Ecology has made recommendations which will protect the boundary ditch during construction.

Badgers: Badger footprints were recorded on the tracks at the northern and eastern boundaries of the site. No other Badger signs or setts were recorded within or immediately adjacent to the boundaries of the proposed development. Due to the relatively small loss of suitable foraging habitat, there will not be a significant impact on any local Badger populations and once the construction is complete there will be no significant barriers to the movement for Badgers around the site.

Turnstone Ecology conclude that although significant negative impacts on Badgers are not predicted it would be appropriate to have a survey for Badger setts within 30 m of any proposed groundworks completed prior to construction and for mitigation measures to be put in place to ensure foraging Badgers do not become trapped within, or isolated by, any excavations associated with construction works. Excavations should either not be left uncovered overnight or ways of escape for Badgers provided (wooden planks or graded earth banks).

Landscape: It is recommended that as part of the landscaping around the poultry units the screening bunds are seeded with an appropriate wildflower and grass seed mix and locally occurring native broadleaved tree species. To improve connectivity around the site it is recommended that consideration is given to planting hedgerows around the eastern and southern boundaries of the poultry units, which would then connect to the existing northern and eastern field boundary hedgerows.

Nesting Birds: Nesting opportunities should be provided for house sparrow and starling.

Reptiles: Although the presence of reptiles within the relatively small areas of suitable habitat is still considered unlikely, it is appropriate that safe working methods are put in place to ensure no reptiles are harmed as a result of the proposed works. All suitable refuges affected by the proposals will need to be removed when reptiles are usually active (March to October inclusive) and under an ecological watching brief. If any reptiles are found they will be moved to suitable habitat away from the works and any possible harm.

Designated Sites: The Environment Agency has provided pre-permitting application advice to the applicant. The Ammonia screening assessment undertaken by the Environment Agency has considered any Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Ramsar sites within 10km; any Sites of Special Scientific Interest (SSSI) within 5km and also any National Nature Reserves (NNR), Local Nature Reserves (LNR), ancient woodlands and local wildlife sites (LWS) within 2km of the farm. The Environment Agency has confirmed that based on the information the applicant has provided, ammonia impacts from the proposal screened out and detailed modelling is not required to be submitted with the applicant's permitting application.

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 Ammonia Screening Output (provided by Kevin Heede via email dated 7th July 2016) to complete the assessment of air pollution impacts for European Designated Sites within 10km, National Designated Sites within 5km, and Local Wildlife Site/Ancient Woodlands within 2km. All sites screen out below the permitting thresholds and therefore 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).

A Habitat Regulation Assessment matrix has been provided with this memo to the planning case officer. The HRA matrix must be included in the Planning Officer's report for the application and must be discussed and minuted at any committee at which the planning application is presented.

Natural England must be formally consulted on SC Ecology's Habitat Regulation Assessment Memo. 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 Designated site.

It is recommended that conditions are imposed regarding the following:

- work shall be carried out strictly in accordance with the ecology report
- the erection of bat boxes
- the submission of a lighting plan prior to any external lighting
- the erection of artificial nests
- the submission of a landscaping scheme
- a pre-commencement badger inspection.

4.1.8 SC Trees No objections subject to a condition.

There are a number of trees and hedgerows on this site. An Arboricultural Impact Assessment has been submitted with the application to demonstrate the impact of the development on existing trees, hedges and shrubs and to justify and mitigate any losses that may occur.

The AIA has been prepared in accordance with BS 5837 (2012) and includes an assessment and categorisation of the tree based on their current and potential public amenity value. This categorisation forms the basis for how much weight should be put on the loss of a particular tree and helps to inform the site layout and design process. I have reviewed the categories allocated to the trees and would agree that these are appropriate.

The AIA notes that no trees will be adversely impacted by the proposed development and provides details of how the trees can be retained and protected through the development. No objection is raised to this application, however a condition is recommended requiring the protection of trees and the implementation of tree protection measures.

4.1.9 SC Conservation Whilst this application has been amended to take our previous

comments into account regarding the siting of the biomass building, it is regrettable that the non designated remains of the significant historic farmstead have been lost within recent years in the same ownership as the proposal site. If possible, it would be advisable to enhance the setting of the site through landscaping and the retention and repair of any standing historic remains, and to protect the site of the former historic farmhouse to the east of the current application from further encroachment, other than that which would enhance its rural landscape setting and reflect its historic character.

4.1.10 SC Archaeology An EIA has now been submitted for a proposed poultry unit on land immediately south-west of The Vinnals, Lower Common, Longden. It is understood that this development would comprise the construction of two poultry sheds, biomass and associated infrastructure. The proposed development site stands adjacent now the farmstead of The Vinnals. The Shropshire Historic Environment Record (HER) contains a number of records relating to now largely demolished historic farmstead, both the farmstead as a whole (HER PRN 41459) and the farm house and individual historic farm buildings (HER PRNs 41460 - 41466). The larger of the two corrugated iron Dutch barns at the north western end of the proposed development site represents the only surviving component of the pre-1990s farmstead, although some partial structural remains of other buildings remain in situ. Within a 1km radius of the site the HER contains a record of a possible circular cropmark feature (HER PRN 04389) of unknown date c. 755m north-east of the proposed development site; and a substantial triple ditched sub-circular cropmark enclosure of probably Iron Age date (HER PRN 04920) c. 890m south-east of the proposed development site. The proposed development site has not previously been subject to any known archaeological field evaluation, on the basis of the above, it is considered to low-moderate archaeological potential.

A Heritage Impact Assessment has been included at Appendix 5 of the Environment Statement. Whilst this refers to the HER records relating to the historic farmstead, it does not appear to have been informed by a wider search of HER for the area around the site. It does not therefore consider the other records mentioned above, which were previously referred to in our EIA Scoping Opinion (ref. 16/00702/SCO). As such, we consider that, in its present form, the Assessment does not comply with requirements set out in Paragraph 128 of the NPPF and Policy MD13 of the SAMDev component of the Local Plan.

Notwithstanding this, and when considering the extent of the proposed groundworks for the proposed development, we consider that the proposed development does hold archaeological interest as a consequence of the archaeological potential set out above. If the decision taker is minded to approve the development, and with reference to Paragraph 141 of the NPPF, we advised that programme of archaeological work, to comprise a watching brief during intrusive groundworks, be made a condition of any planning permission.

4.1.11 SC Rights of Way Public Bridleway UN5/4A Longden leaves the County Road and runs along the full length of the access to The Vinnals and the proposed poultry units. Bridleway 4A then turns to run in a south westerly direction and abuts the northern boundary of the proposed area where the units will be situated. The route is shown on the attached plan by way of a blue dashed line. The Bridleway forms part of a long distance promoted route known as 'The Humphrey Kynaston Way' and it should be taken into consideration at the planning stage particularly with regard to the safety of users

(walkers, horse riders and cyclists) as there will be an increase in traffic along the access. The applicants should liaise with the Rights of Way Officer for the area to discuss measures to alleviate any potential conflict of use along the access.

4.2 **Public comments**

4.2.1 The application has been advertised by site notice and in the local press. In addition, 25 properties in the local area have been directly notified. 21 objections have been received from members of the public, 4 objections from user groups, with 4 letters of support. These are summarised below:

4.2.2 **Nesscliffe Hills & District Bridleway Association Parish Paths Partnership Group** Objects.

- Impact on Bridleway 4A, the access track to The Vinnals, part of the important Humphrey Kynaston Lyth Hill Circular multi user route for walkers, cyclists and horse riders, which links to the long distance Humphrey Kynaston Way from Church Stretton via Nesscliffe to Grinshill
- any changes to the surface of a public right of way must be fully consulted on
- horse riders and other users value off road routes to get off tarmac surfaces and away from traffic. Changes to the surface of this quiet stoned access track, especially if this means putting down tarmac, will impact on non-motorised user's enjoyment of this important off-road route, as will the added vehicular use
- 'Humphrey Kynaston Way with Circular Routes Off' was funded by Natural England as part of their Paths for Communities Project to support tourism and the local rural economy, and to connect rural communities. It is promoted by Shropshire Council, and supported by the British Horse Society. The Nesscliffe Hills & District Bridleway Association worked on these important routes with Natural England, supported by Shropshire Council. The Shropshire Way long distance walking route, an important tourist route, passes along Bridleway 4A. The proposed poultry units will impact on these important tourist routes
- Impact on tourism and rural economy – safety and enjoyment of users would be compromised
- possibility of flies; odours, especially when clearing out; noise, including fans etc., and HGV and other traffic movements, in addition to the normal farm movements, this could all impact on the local rural economy
- Poultry Units provide little additional local employment, often only 1 additional job for 2 sheds; workers for catching, clearing out etc. are brought in, so development could actually diminish jobs locally as it could impact on local leisure use and tourism
- Potential for extensions to be granted, as has happened at Felton Butler, Great Ness, Little Ness, Yockleton and Merrington Green; and for additional development such as solar panels, storage etc.
- Concern over no bund to the east
- Damage to highways including surfaces and verges
- Impact on hedgerows
- Level of traffic required to service the development
- Impact on non motorised users;
- Very few places where two vehicles can pass
- Unsuitable approach roads to the site; onward routes have not been considered
- Concern over traffic routing if it goes through Shrewsbury
- 8 ton weight restriction on the railway bridge at Nobold

- Height restriction on railway bridge into Hanwood
- Impact on safety of users using the A49
- Impact on riding stables, livery yards and horses in the area
- Likelihood that short cuts would be taken on unsuitable roads
- Bridleway is the only off-road bridleway link to routes to the south and southwest, and routes to the north and Lyth Hill Countryside site
- Query where manure would be taken to; whether it would be covered, impact of spreading on the land; where it would be stored
- Impact on watercourses of manure management
- Odour from manure heaps; impact on bridleway users
- Manure injurious if eaten by other animals
- Site is in open countryside
- Impact on landscape

4.2.3 **British Horse Society** Objects.

- Dismayed by the application
- BW4A is the access track to the Vinnals and is also the promoted Humphrey Kynaston Lyth Hill Circular Route
- Track is a recognised "safe" off road route affording great enjoyment to all non motorised users. (i.e. walkers, cyclists and horse riders), attracting visitors from outside the county
- Proposed development and possibility of further expansion will impact on the quiet nature of this route to the detriment of all users

4.2.4 **Shropshire Way Association** Objects.

- aim of the Association is to maintain and promote the Shropshire Way
- development will have a detrimental effect on the Shropshire Way long distant path
- no artist's impression has been submitted
- proposal would totally obscure the beckoning Shropshire Hills for walkers
- buildings would be at least three times as high as the maize crop
- no indication as to how high the bund would be, its appearance and whether it would be landscaped
- adverse impact on walkers from construction and operational traffic
- adverse impact on safety of walkers
- condition of the access road and bridleway will suffer

4.2.5 **Ramblers Associations – Shrewsbury Group** Objects.

- cumulative effects of the development - nature and scale is akin to an industrial development, which, in the context of the surrounding countryside, is wholly inappropriate
- location is a mere 3 km away from the boundary of the Shropshire Hills AONB, and arguably merits the same criteria in assessing its suitability for planning consent
- contrary to AONB Management Plan which acknowledges the necessity for development but states that it must be in ways which do not undermine the high quality environment of the AONB
- not a sustainable development, as is required within the AONB
- visual impact and traffic hazards – will be readily visible from close up, which is how walkers on the Shropshire Way will see it, particularly when approaching

from Exfords Green

- impact on safety of walkers due to frequent traffic movements both onto the site and across the farmyard, with lorries loading, unloading and reversing
- road access – increased number of traffic movements than when sheep were being transported to and from The Vinnals
- Long Lane has been identified as a suitable route for use by HGV vehicles, but this means they will be accessing it from Shrewsbury via the Pulverbatch Road, passing through the on-road villages of Hookagate Annscroft and Longden, and this road has the added problem that it does not feed into the Shrewsbury by-pass
- would add to local congestion on Longden Road where there is an industrial estate and two large schools
- although most deliveries will be undertaken during night-time hours, this may be of little consolation to residents living alongside the road

4.2.6 Objections from members of the public

- inadequate roads unsuitable for HGVs
- narrow, bendy roads unsuitable as a traffic route
- prescribed route would be unenforceable
- unsocial hours of transport movements
- potential pollution from manure
- impact on watercourses
- impact on wildlife
- impact on Severn Trent Water facility
- impact on lanes used by walkers, riders, cyclists and local traffic
- noise and vibration
- contrary to planning policy
- costs of repairs to highways
- query where water would be obtained from
- likelihood of approved route not being followed
- impact on tourism
- impact on living conditions of local residents
- odour impact
- noise impact
- impact on property structure
- impact on hedges and trees

4.2.7 A general comment has been received from the **Ramblers**:

- the application form states that the site cannot be seen from a public road, or right of way, but it is

Another general comments has been received:

- noise consultant report relies on fixed level of sound reduction; no mention of type of HGV; vehicles will be empty on one journey, then full, which will influence noise level; poor road surface will impact on noise levels generated; no account taken of speed of HGVs; levels higher in winter when hedges are thinned out; temperature, wind speed and humidity all affect noise levels; query whether residents should have to close their windows in high summer temperatures; WHO levels should not be ignored in face of commercial gain

4.2.8 Letters of support have made the following comments:

- robust and well thought out application
- would support farming, encourage the next generation of farmers
- better to produce food in our own country
- waste would be used to help grow crops
- modern facilities are well run
- tractors and farm vehicles are to be expected in rural areas

5.0 THE MAIN ISSUES

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

6.0 OFFICER APPRAISAL

6.1 Environmental Impact Assessment

6.1.1 The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 specify that Environmental Impact Assessment (EIA) is mandatory for proposed development involving the intensive rearing of poultry where the number of birds is 85,000 or more. The proposed development would provide 100,000 bird places, and as such it is EIA development. The planning application is accompanied by an Environmental Statement, as required by the 2011 Regulations.

6.1.2 A formal Scoping Opinion was issued by the Council in April 2016, setting out what matters should be included within the Environmental Impact Assessment.

6.2 Planning policy context; principle of development

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

6.2.2 The proposed development is located in an area of countryside, and Core Strategy Policy

CS5 states that development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to specified proposals including: agricultural related development. It states that proposals for large scale new development will be required to demonstrate that there are no unacceptable adverse environmental impacts. Whilst the Core Strategy aims to provide general support for the land based sector, it states that larger scale agricultural related development including poultry units, can have significant impacts and will not be appropriate in all rural locations (para. 4.74). Policy CS13 seeks the delivery of sustainable economic growth and prosperous communities. In rural areas it says that particular emphasis will be placed on recognising the continued importance of farming for food production and supporting rural enterprise and diversification of the economy, in particular areas of economic activity associated with industry such as agriculture.

6.2.3 The applicant's farming enterprises include cattle, sheep and arable farming. In terms of the economic and social dimensions to sustainable development, the application states that the proposed development constitutes the diversification of the existing family farming business, and that it would help to preserve the viability of the business for future farming generations by improving the profitability of the business. The application notes that agriculture plays a significant role in the vibrancy of local communities, and states that the proposal would result in one full-time employee.

6.2.4 National and local planning policies provide support for the development of agricultural businesses which can provide employment to support the rural economy and improve the viability of the applicant's existing farming business. In principle therefore it is considered that the provision of a poultry unit development in this location can be supported. However policies also recognise that poultry units can have significant impacts, and seek to protect local amenity and environmental assets. These matters are assessed below.

6.3 Siting, scale and design; impact on landscape character

6.3.1 Core Strategy policy CS6 seeks to ensure that development is appropriate in scale and design taking into account local context and character, having regard to landscape character assessments and ecological strategies where appropriate. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan policy MD7b states that applications for agricultural development should be of a size/scale which is consistent with its required agricultural purpose, and where possible are sited so that it is functionally and physically closely related to existing farm buildings.

6.3.2 Siting and alternatives: The applicant's farmholding includes buildings at Lawn Farm, Pulverbatch and also The Vinnals. The proposed poultry development would be located adjacent to these latter buildings, in line with policy MD7b. The Environmental Statement (ES) sets out potential alternative locations for the proposed development and the reasons why the current location was chosen. Land at The Vinnals would be used to produce grain for use as poultry feed, which can be stored within the existing adjacent crop storage buildings. Poultry manure can be used on the surrounding arable land. These factors would reduce the number of vehicle movements, and would improve the efficiency of the operation. The ES also suggests that the current site is beneficial in relation to alternatives given its distance from residential properties in terms of potential

impacts from noise and odour, and on residential amenity and landscape character.

6.3.3 Site location and context: A Landscape and Visual Impact Assessment (LVIA) has been undertaken as part of the Environmental Statement. The site lies outside of the Area of Outstanding Natural Beauty, the boundary of which lies approximately 3km to the west. The LVIA assesses the value of the landscape around the site as medium, and the overall sensitivity of the landscape as medium.

6.3.4 The site slopes gently to the south between levels of around 119 metres AOD and 115.5 AOD. The proposed development would be constructed at a level of 115.5 metres AOD, with excavation material used in the creation of a bund along the north-west and south-west side of the site. It is anticipated that the principal views of the site are from relatively close range, particularly from the public bridleway that runs along the north-west side of the site.

6.3.5 Impact on landscape character: The LVIA notes that the proposed development would not introduce a new feature or different structure type into the local landscape as there are existing large scale agricultural units within the area. It is also noted that the site is well related to the existing buildings at The Vinnals. The LVIA considers that the proposed development would have a minor effect on the landscape character of the area, and that any adverse effects would be localised and limited to locations in close proximity to the site. Officers concur with this assessment, and agree that landscaping works would assist in assimilating the development into the landscape. The application site is located some 3km from the boundary of the AONB and it is not considered that the proposed development would adversely affect the special qualities of this designated landscape given the limited visibility of the site from that area.

6.3.6 Visual effects: There would be limited views of the development from residential dwellings, the closest of which would be approximately 380 metres away. Views from public roads would be limited by roadside hedges and structures. The main visual receptor would be the public bridleway that runs along the north-western side of the site. This bridleway forms part of a promoted long distance route, and the LVIA acknowledges that it is a receptor that is fairly susceptible to change. The concerns raised by objectors to the proposal, including by recreational groups, regarding the impact of the proposal on users of the bridleway are acknowledged. Officers agree that, due to the scale of the development, the proposal would have some adverse impact upon the enjoyment of the path by bridleway users. Nevertheless the proposed buildings would only be visible from a short section of this route, and visual impact would be mitigated by the provision of a bund to 120 metres AOD such that only the higher parts of the poultry development would be visible from much of the path. It should be noted that the buildings would not comprise an isolated development, given their proximity to other farm buildings. The LVIA suggests that the visual impact from this receptor would be moderate/minor. In conclusion Officers consider that the impacts of the proposal on landscape character and on users of the public bridleway would not be of such magnitude as to be considered unacceptable.

6.4 **Historic environment considerations**

6.4.1 Core Strategy policy CS17 requires that developments protect and enhance the diversity, high quality and local character of Shropshire's historic environment. SAMDev Plan policy MD13 requires that heritage assets are conserved, sympathetically enhanced and restored by ensuring that the social or economic benefits of a development can be

demonstrated to clearly outweigh any adverse effects on the significance of a heritage asset, or its setting.

6.4.2 The submitted Heritage Impact Assessment confirms that there are no designated heritage assets adjacent to the proposed development site. Non-designated heritage assets that previously stood adjacent to the site, comprising the original farmstead at The Vinnals, have now been demolished. The Council's Historic Environment Officer has advised that the site has low-moderate archaeological potential. Should permission be granted a condition requiring a programme of archaeological work can be imposed, as recommended by the Officer. It is not considered that the proposed development raises significant issues in respect of historic conservation.

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

6.5.1 Core Strategy policy CS6 requires that all development is designed to be safe and accessible. Policy CS17 seeks to protect and enhance environmental networks, including public rights of way.

6.5.2 Impact on public highway: Deliveries of feed and collection of birds would typically be by the larger 5 or 6 axle HGVs. Due to processor logistics and operational hours the bird thinning and depletion would commence at 2300 hours with two HGV movements per hour (one vehicle) and a total of 8 HGVs per operation. This would occur in one operation on 2 days of the crop cycle. The highways statement advises that there would be four days of peak activity during each cycle: the thinning of birds (17 movements over one day); crop clearance (17 movements over one day); manure removal (20 movements over two days).

6.5.3 In terms of the proposed HGV traffic route to and from the site, the applicant's highways consultant acknowledges that there is a weight limit in force along the Longden Road to the north-east of Annscroft. The applicant proposes that HGV movements would be routed to avoid this section of highway. The proposed route would be along Long Lane towards Longden Common, northwards through Longden village and then eastwards through Exfords Green to meet the A49 at Hunger Hill. It is proposed that such a routing agreement is secured through a Section 106 planning obligation. It is considered that, should permission be granted, this agreement would need to provide an auditable and enforceable mechanism to ensure that the agreed routing is adhered to.

6.5.4 The planning application proposes that, in order to provide improved passing facilities on the initial length of Long Lane from its junction with Longden Road, a passing place would be constructed. The Highways Officer considers that this would be acceptable. The Officer has also advised that the reconstruction of an existing widened area of carriageway on Long Lane would be appropriate. These highways improvements could be secured by planning condition.

6.5.5 Impact on public right of way: The access route to the site along the farm track is a public bridleway which forms part of a long distance promoted route known as 'The Humphrey Kynaston Way'. It is recognised that some of the HGVs associated with the proposed development would only use the track during night-time when the use of the route by recreational users would be minimal. Nevertheless the additional HGVs would be likely to increase the risk of conflict between vehicles and bridleway users. It is considered that, should permission be granted, a condition is imposed to require details of safety

measures and signage to be submitted for approval. This is in line with the recommendations of the Highways Officer.

6.5.6 The proposed development would result in some adverse impacts on the local area due to additional HGV traffic, and this would be likely to affect users of the public bridleway and other traffic using the local highway network. Nevertheless it is considered that the highways improvements and other conditions would provide mitigation for such impacts and that a refusal of the application on grounds of highways safety would not be sustainable.

6.6 **Ecological consideration**

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

6.6.2 Ecological assessment undertaken as part of the planning application consists of a Phase 1 habitat survey and a protected fauna survey, which also included an initial bat survey. These indicate that the only evidence of protected species within or immediately adjacent to the proposed development was badger and nesting birds. However there are also habitats that are suitable for use by bats, great crested newt and reptiles within or adjacent to the proposed construction areas.

6.6.3 The Council's Ecologist has raised no specific concerns in relation to direct impacts on protected species. Should permission be granted it is recommended that conditions are imposed to require: that the recommendations set out in the ecological report are adhered to; the provision of artificial bat boxes and bird nests; the submission of a lighting plan prior to the erection of any external lighting; the submission of a landscaping scheme; a pre-commencement badger inspection.

6.6.4 Ammonia is released from intensive poultry sheds through the breakdown of uric acid which arises from bird excretion. An initial ammonia screening assessment was undertaken by the Environment Agency. This has considered impacts upon designated ecological sites in the area, and has taken account of other intensive farms that could act in combination with the proposal. All sites screened out below the relevant thresholds and the Council's Ecologist has confirmed that no further modelling is required. The Habitat Regulation Assessment matrix is attached as Appendix 1.

6.6.5 On the basis of the available evidence it is considered that the proposed development would protect and enhance the natural environment, and is therefore in line with Core Strategy policy CS17 and SAMDev Plan policy MD2 and MD12.

6.7 **Impact on water resources**

6.7.1 Core Strategy policy CS18 seeks to reduce flood risk and avoid adverse impact on water quality and quantity. Policy CS6 requires that development safeguards natural resources, including soil and water.

6.7.2 Surface water drainage: The site is located within Flood Zone 1, indicating that the risk

of surface water flooding is low. Clean surface water from the proposed buildings would be collected in a mix of open and stone filled trenches and a piped system. This would discharge to an existing watercourse at greenfield runoff rates to ensure that there would be no adverse effects on the receiving downstream culvert/watercourse or outfall.

6.7.3 The Council's Drainage Officer has advised that this is acceptable in principle. Should permission be granted, this should be subject to a condition requiring the submission of revised drainage calculations and plan for approval.

6.7.4 Foul drainage: Dirty water from the clean out process would be collected through a sealed drainage system to an underground pumping chamber. Collected water would be spread on surrounding agricultural land. An isolating valve would ensure that dirty water does not enter the clean water drainage system. It is considered that this is suitable for this type of development. The Environmental Permit would provide detailed control over pollution prevention measures incorporated within the design of the development.

6.8 **Residential and local amenity considerations**

6.8.1 Core Strategy policy CS5 requires that proposals for large scale new agricultural development demonstrate that there are no unacceptable adverse environmental impacts. Policy CS6 requires that developments safeguard residential and local amenity. SAMDev Plan policy MD7b states that planning applications for agricultural development will be permitted where it can be demonstrated that there would be no unacceptable impacts on existing residential amenity.

6.8.2 The proposed operation would require an Environmental Permit from the Environment Agency. This would control the detailed operational matters to prevent pollution of the environment, throughout the lifetime of the development.

6.8.3 Odour: The application is accompanied by an odour impact assessment which identifies potential odours sources, primary control techniques, residual emissions and predicted impacts. The main sources of odour are from ventilation from the broiler houses, and from poultry manure. The results of the modelling indicate that occasional odour would be perceived at the closest residential receptors, primarily during the last days of a crop and during cleaning of the poultry sheds when the ambient temperature is high and the wind blowing from a southern direction. The assessment report states that measures to reduce odour, such as optimised feeding regimes, are likely to be sufficient to reduce the impact to below the indicative benchmark at all receptors, particularly where odour causing events are scheduled to avoid weather conditions likely to result in an odour impact.

6.8.4 The Public Protection Officer has raised no concerns in relation to potential odour impact and does not anticipate any significant detrimental impact on residential properties from odour. The proposed development would be located approximately 380 metres from the nearest third-party residential property. It is considered that this is a sufficient buffer distance to limit odour to acceptable levels. It is acknowledged that some odour may be perceptible on occasions, but based upon the modelling assessment regarding frequency and level, Officers consider that this would not be unacceptable.

6.8.5 Noise: It is considered the distance between the site and residential properties is sufficient to ensure that noise from operations on the site does not adversely affect

residential amenity. The Public Protection Officer has no concerns in relation to on-site operations.

6.8.6 There is however concern over the potential impact on residential amenity from the noise from HGVs travelling to and from the site, particularly in relation to those dwellings situated along the access road. Para. 109 of the NPPF states that the planning system should contribute to and enhance the local environment by preventing development from contributing to unacceptable levels of noise pollution. Para. 123 states that planning should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. It suggests that conditions can be used to mitigate adverse impacts arising from noise. World Health Organisation (WHO) guidance suggests that where noise levels exceed 45dB L_{Amax} inside bedrooms in night time hours (2300 - 0700 hours) that effects on sleep could be noted

6.8.7 HGV movements to and from the site would include those associated with the collection of birds. In relation to night-time movements this would occur on two nights during each 36 day cycle. On each of those nights there would be a maximum of two movements per hour between 0200 hours and 0700 hours. These movements would occur on 14 nights per year.

6.8.8 The applicant's noise impact assessment looked predicted noise levels at three residential properties: a dwelling along the access route; Lea Haven (approximately 70 metres from the Lower Common to Stapleton Common road); and Bodell Farm (approximately 135 metres from the same road). The noise report predicts that, during the 14 nights per year of bird collections, the noise levels from HGVs would have an adverse noise impact at the three receptors assessed. The applicant's noise consultant suggests that, as the number of nights per year that poultry collections would occur is limited to 14, mitigation of HGV noise is not required. They do however suggest that nearby residents are informed of collection dates so that they are aware that HGV movements would be occurring at night. (report Feb 2016).

6.8.9 Updated noise information has been submitted by the applicant's noise consultant. This sets out noise levels that would be experienced at the three properties that are situated along the access route to the site, between the site and the Lower Common to Stapleton Common public highway. To reduce noise levels from HGV traffic the applicant proposes that the stoned track is tarmacked. Officers have some concerns over this, given that this may impact upon the users of the bridleway, including horse riders. Notwithstanding this, based upon the resurfacing, and an assumption regarding the noise attenuation provided by an open/closed window, the noise consultant states that maximum noise levels at each of these three dwellings would be above 45dB if there is an open window. It states that, if windows are closed, only the southernmost of these dwellings would experience noise levels at 45dB. As mitigation the noise consultant proposes that the applicant should inform neighbours when HGV movements will occur, i.e. on 14-16 nights per year, so that residents would have the opportunity to close their windows.

6.8.10 The Public Protection Officer has suggested open windows would not provide as much attenuation as suggested by the noise consultant, and as such it is likely that noise levels would be considerably higher than the 45dB maximum target level that would generally be accepted as suitable with windows open. In conclusion the Officer considers that, when night-time depopulation activities take place, sleep disturbance of residents at the

closest residential properties is likely to occur due to noise from HGV traffic.

6.8.11 Officers acknowledge that, for the majority of nights, there would be no HGV movements generated, and that such movements would occur for around 14-16 nights per year. The pertinent issue therefore is whether it is reasonable to expect residents to keep windows closed during such nights, particularly on warm nights, to seek to avoid sleep disturbance. Officers consider that night-time HGV movements would result in an unacceptable level of disturbance to residents of the closest dwellings, even with the tarmacking of the access road. As such the proposed development would be contrary to policies CS5, CS6 and MD7b, and paras. 109 and 123 of the NPPF.

7.0 CONCLUSION

7.1 The proposal for a new broiler unit at The Vinnals would have limited adverse impact on the overall landscape character of the area, particularly given the restricted visibility in the wider landscape, the topography of the area, and its positioning adjacent to existing farm buildings. The proposal would have some impact on users of the adjacent public bridleway, particularly in relation to visual effects and the consequent enjoyment of the route. However the landscaping scheme would minimise these impacts. Whilst there would be some residual impacts it is not considered that these would be unacceptable. The proposal raises no specific issues in relation to ecology, drainage, historic conservation or odour that cannot be addressed by planning condition. The proposal would have some impact upon the local highway network however road improvements and a routing agreement could be secured such that a highway objection would not be sustainable.

7.2 It is acknowledged that the proposal would provide benefits in terms of enabling the diversification of the existing family farming business and helping to sustain the existing agricultural operation. Nevertheless it is not considered that these benefits are sufficient to outweigh the harm that would be caused to residents in the local area from sleep disturbance from HGV movements. As such the proposal would be contrary to Core Strategy policies CS5 and CS6, SAMDev Plan policy MD7b, and paras. 109 and 123 of the NPPF.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or

perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

10.1 Relevant Planning Policies

10.1.1 Shropshire Core Strategy

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

10.1.2 SAMDev Plan

- Policy MD2 (Sustainable Design)

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

10.2 Central Government Guidance:

10.2.1 National Planning Policy Framework (NPPF)

10.3 Relevant Planning History: None.

16/00702/SCO Scoping Opinion for proposed poultry units SCO 19th April 2016

16/02752/EIA Construction of two poultry sheds and feed bins, ancillary works, access improvements, erection of biomass building and associated landscaping PDE

11/05747/AGR Erection of a grain store PNAGR 18th January 2012

12/00370/FUL Erection of extension to existing farm building to provide grain storage GRANT 19th April 2012

SA/03/003/HRM Removal hedge on land at The Vinnals, Longden NOOBJC 29th August 2003

16/02752/EIA Construction of two poultry sheds and feed bins, ancillary works, access improvements, erection of biomass building and associated landscaping PDE

SA/84/0527 Alterations and additions at the side to provide a single storey pitched roof lobby, bathroom, additional bedroom and living room extension. PERCON 2nd July 1984

SA/78/0477 Erection of a flat roofed single storey extension at the rear to provide kitchen, porch and lounge. PERCON 20th June 1978

11. Additional Information

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

The application ref. 16/02752/EIA and supporting information and consultation responses.

Cabinet Member (Portfolio Holder):
Cllr M. Price

Local Member:
Cllr Roger Evans (Longden)

Appendices:
APPENDIX 1 – Habitat Regulations Assessment – Screening Matrix

Appendix 1 - Habitat Regulation Assessment (HRA) Screening Matrix

Application name and reference number:

16/02752/EIA
 Proposed Poultry Units South Of The Vinnals
 Lower Common
 Longden
 Shropshire
 Construction of two poultry sheds and feed bins, ancillary works, access improvements, erection of biomass building and associated landscaping.

Date of completion for the HRA screening matrix:

8th July 2016

HRA screening matrix completed by:

Nicola Stone
 SC Planning Ecologist
Nicola.stone@shropshire.gov.uk

Table 1: Details of project or plan

Name of plan or project	16/02752/EIA Proposed Poultry Units South Of The Vinnals Lower Common Longden Shropshire Construction of two poultry sheds and feed bins, ancillary works, access improvements, erection of biomass building and associated landscaping.
Name and description of Natura 2000 site(s) which have potential to be affected by this development.	<p>The Stiperstones & Hollies SAC</p> <p>The Stiperstones and the Hollies SAC (601.46ha) represents a nationally important area of dry heath and also hosts a significant presence of sessile oak woodlands with <i>Ilex</i> and <i>Blechnum</i>.</p> <p>Annex I Habitats that are a primary reason for selection of site:</p> <p><input type="checkbox"/> European dry heaths</p> <p>Annex I Habitats present as a qualifying feature but not a primary reason for selection of site:</p> <p><input type="checkbox"/> Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles</p> <p>Midland Meres and Mosses (Ramsar phase 1)</p> <p>Bomere, & Shomere Pools</p> <p>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</p>

	species <i>Elatine hexandra</i> and <i>Thelypteris palustris</i> .
Description of the plan or project	Construction of two poultry sheds and feed bins, ancillary works, access improvements, erection of biomass building and associated landscaping.
Is the project or plan directly connected with or necessary to the management of the site (provide details)?	No
Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?	No

We have identified the following effect pathways:

- Damage to the designated sites caused by aerial emissions

Aerial Emissions

The Environment Agency has provided pre-permitting application advice. The screening assessment undertaken by the Environment Agency has considered any Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Ramsar sites within 10km; any Sites of Special Scientific Interest (SSSI) within 5km and also any National Nature Reserves (NNR), Local Nature Reserves (LNR), ancient woodlands and local wildlife sites (LWS) within 2km of the farm. The screening assessment has taken into account other intensive farms that could act in combination with the proposal. The Environment Agency has confirmed that based on the information the applicant has provided detailed modelling is not required to be submitted with the applicant's permitting application.

Shropshire Council, under Regulation 61 of the Habitats Regulations, can rely on the 'evidence and reasoning' of another competent authority. Shropshire Council can therefore use the Ammonia Screening Output (provided by Kevin Heede via email dated 6th July 2016) to complete the assessment of air pollution impacts for European Designated Sites within 10km, National Designated Sites within 5km, and Local Wildlife Site/Ancient Woodlands in 2km.

All sites screen out below the permitting thresholds and therefore no further modelling is required to support this planning application.

Conclusion

Providing works are carried out in accordance with the approved plans, and as agreed within an Environment Agency Permit, SC Ecology has concluded that the proposed development will not impact on the integrity of The Stiperstones & The Hollies SAC or Midland Meres and Mosses (Ramsar phase 1) Bomere, & Shomere Pools.

The Significance test

There is no likely significant effect on European Designated Sites from planning application 16/02752/EIA.

The Integrity test

There is no likely effect on the integrity of the European Designated Sites from planning application 16/02752/EIA.

Conclusions

Natural England should be provided with SC Ecologist's 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.