

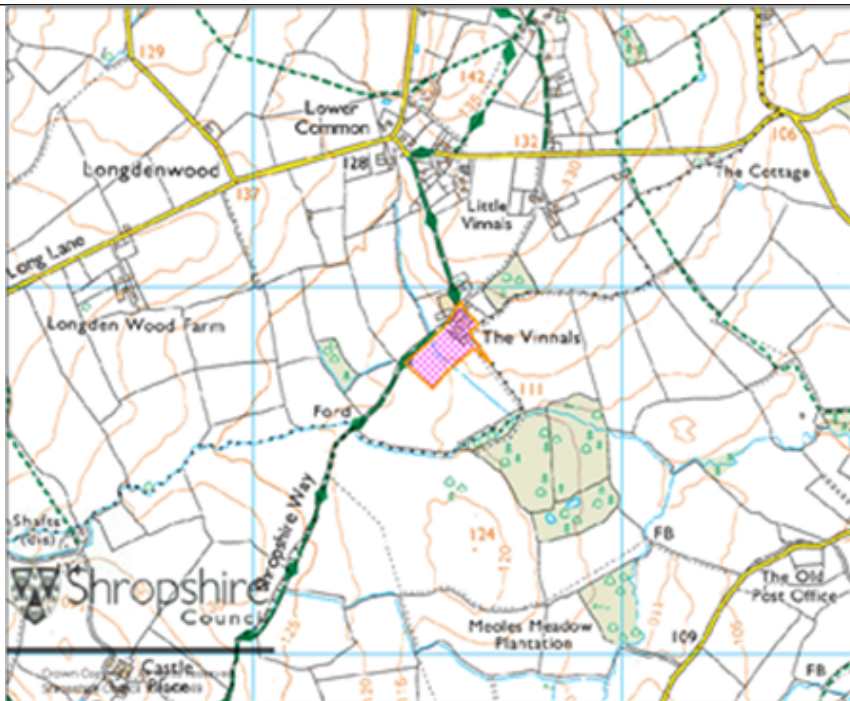
Development Management Report

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

Summary of Application

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

Grid Ref: 345543 - 304866



Recommendation: That delegated authority is granted to the Planning Services Manager to grant planning permission subject to conditions as set out in Appendix 2, and any amendments considered necessary, and the completion of a Section 106 legal agreement to secure a HGV routing agreement.

REPORT

A BACKGROUND

- (i) This planning application was presented to the Central Planning Committee at its meeting on 27th October 2016, with an Officer recommendation that planning permission be refused. This was on the grounds that it was 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, and that the proposal would be contrary to policies CS5 and CS6 of the Core Strategy, SAMDev Plan policy MD7b, and paras. 109 and 123 of the NPPF.
- (ii) At the Committee meeting the Area Planning Manager advised that the applicant had requested that the application be deferred to allow an amendment to the scheme relating to the timing of vehicle movements. Members resolved to defer the application.
- (iii) Since that time the applicant has submitted modifications to the planning application to seek to address the concerns of Officers. The modifications are as follows:
- Modification to the proposed timing of bird de-population operations such that this, including the associated traffic movements, would not occur at night;
 - Submission of revised noise impact as a result of the above change;
 - Submission of revised highways statement to reflect the change to the timing of traffic to/from the site;
 - Proposal to provide pull-in places along the access track, to allow users of the right of way and HGVs to pass each other more easily.
- (iv) Following receipt of these modifications a re-consultation exercise has taken place. This has included relevant consultees, the Parish Council and all members of the public that were either notified of the original planning application or made comments on it. The application has been re-considered in the light of these amendments, taking into consideration the further comments and representations made, and this report has been updated accordingly.

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. These include: an Odour Impact Assessment; Flood Risk and Drainage Assessment; Arboricultural Impact Assessment; Highways Statement; Ecological Assessment; Noise Impact Assessment; Heritage Impact Assessment.

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.

Further comments received 14/12/16:

The Parish Council discussed the application further and were unable to make a decision on the application.

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** [revised comments following modifications to application]

No objections. Recommends conditions.

Previous comments made by Public Protection have stated concern over noise from night time depopulation movements associated with the proposed installation. A newly proposed plan has been put forward by the applicant stating that night time HGV movements to the site can be removed following discussions with suitable integrators. The applicant has proposed a condition restricting HGV movements to and from the site to ensure that no movements occur between the hours of 23:00 and 07:00. Having considered this proposal I am in agreement that this would remove the impacts on sleep for the average person. I am therefore in a position to state that I have no objection to this application should the following condition be placed on any approval notice:

No HGV movements associated with the proposed installation shall take place between the hours of 23:00 - 07:00 hours on any day. Reason: to protect the health and wellbeing of residents along the access route to the installation.

Previous comments: 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.

4.1.5 **SC Highways Development Control** [revised comments following amendments] No objections, subject to the development being carried out in accordance with the approved details and the conditions/informatives previously recommended

Having reviewed all the supporting transport information, it is considered that this proposed development is acceptable from a highway perspective. The proposed provision of additional passing places along the bridleway section of the access, to potentially reduce pedestrian/vehicular conflict is also welcomed.

Previous comments (22/9/16): 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.

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)

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

Original comments (12/8/16): The Highways Officer originally raised concerns over the proposed routing of the HGV traffic associated with the development and the likely use

of alternative routes. The Officer suggested that the routing of traffic under a planning condition would not be appropriate or enforceable, and recommended that HGV routing should be the subject of a Section 106 planning obligation. The Officer advised that there was no reason to question the expected traffic figures included in the Highways Statement. The Officer 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, and considered that the Highways Statement was a robust assessment of the development traffic. The Officer's recommended was 'do not approve'.

- 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 (see Appendix 1).

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 (see Appendix 2):

- 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 advise that programme of archaeological work, to comprise a watching brief during intrusive groundworks, be made a condition of any planning permission (see Appendix 2).

- 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.

No additional comments following receipt of modifications.

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

4.2 Public comments

4.2.1 The application has been advertised by site notice and in the local press. In relation to the application as originally submitted, 25 properties in the local area were directly notified. Objections have been received from 24 members of the public, and a petition has been received which has been signed by 96 residents. The terms of the petition are “to express our very real concern with regard to a proposal for the erection of poultry units housing 100,000 birds at The Vinnals”. There have been 4 objections from user groups, and 4 letters of support. The full objections are available on the planning register, and 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
- concern over changes to surface of quiet stone 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; horse riders and other users value off road routes to get off tarmac surfaces and away from traffic
- '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 Further comments on behalf of **British Horse Society** and the **Nesscliffe Hills & District Bridleway Association** following modifications to application:

- Bridleway 4A follows an historic route, with wonderful views across the green field site to the Shropshire Hills AONB
- Safe off road routes support local livery yards and horse establishments
- Day to day spending by local riders supports the local rural economy
- Is the only off road route to link to routes to the south from the Lyth Hill Countryside site and the surrounding area
- Bridleway 4A forms part of the Humphrey Kynaston Circular Lyth Hill Route, linking to the Humphrey Kynaston Way long distance bridleway from Church Stretton, via Nesscliffe to Grinshill, a Natural England funded 'Paths for Communities' Project, created with the help of volunteers, and supported by Shropshire Council, to connect rural communities and support tourism; is an important part of the Shropshire Council promoted flagship long distance walking route, the Shropshire Way, a big draw for tourists
- Both routes support local B & B's, country pubs etc, and help to boost one of Shropshire's main sources of income, Tourism
- Proposal would only provide one job, but could impact on many
- Landscaping and signing will not mitigate impact on safety of path users
- Proposal to undertake day time clear outs will make impact on the bridleway, and linking lanes, even greater
- Objections by User Groups have not been recognised in the [previous] recommendation for Refusal, nor has the importance of the safety and enjoyment of users of these important recreational routes
- Application is contrary to Core Strategy CS5 (to protect the countryside), CS16

(promoting connections between visitors and Shropshire's natural, cultural, and historic environment including through active recreation, and supporting schemes which 'do not harm Shropshire's tranquil nature'), CS17 (protection and enhancement of high quality and local character of Shropshire's natural and historic environment, and does not adversely affect the recreational values of these assets)

- Reason for refusal should cite these policies
- Details of appeal decision provided (for two dwellings) in which Inspector stated that the scheme would cause significant environmental harm, due to its impact on the character and appearance of the appeal site, surroundings, and in this respect it would conflict with CS Policies CS6, CS17 and CS5.

4.2.5 **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

4.2.6 **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 bypass
- 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

Further comments from Rambers following modifications to planning application:

- objection is maintained
- simply redirecting traffic would not mitigate the main problem: the lack of suitable access roads that can accommodate HGVs without imperilling the safety of walkers, cyclists and horse-riders
- earlier comments from Highway consultants 'Mouchel' suggest there are traffic regulations in place that should prohibit the use of HGVs on at least two of the roads that from the site give access to the A49
- although route proposed has no weight restrictions it is a quiet road where one would not expect to see HGVs; route is unsuitable
- safety concerns for HGVs turning right onto A49 given speed of vehicles on A49
- not a good place to put traffic lights to remedy the problem

4.2.7 Objections from members of the public

- inadequate roads unsuitable for HGVs
- access route along Long Lane unsuitable; single track with no passing places; used extensively by walkers, runners, horse riders and cyclists
- proposed movements not compatible with designated of Long Lane as a "quiet lane" with an advisory speed limit of 20mph recognising its extensive use for recreational purposes;
- narrow, bendy roads unsuitable as a traffic route
- probably one of the most dangerous bends in the parish at the track access
- highway is a lot less than 7.4 metres wide, which is the narrowest width for HGVs based on HSE advice
- prescribed route would be unenforceable; not likely to be followed
- costs of repairs to highways
- road runs east to west so sun is blinding in the morning and evening making it extremely dangerous
- unsocial hours of transport movements
- noise impact from HGVs during day time
- HGV routeing would not apply to grain lorries
- lack of evidence in Highways Statement to back up statements; statements are based on assumptions
- applicant will have no control over timing of vehicles servicing the units
- highways Statement exaggerates existing vehicle movements to the site
- need road signage banning HGVs from the lane leading to the site at any time of day
- no traffic survey has been carried out
- no consideration given to the standard of the routes, whether they are of sufficient width, geometric layout; with capacity for additional traffic
- not known where processing plant located so proposed routes may vary
- existing movements stated in application equates to 147 movements a day; does not stand up to scrutiny
- traffic estimates are confusing
- adverse effect on archaeological nature of Roman Road from HGV traffic
- impact from possible delays at the production factory
- roads affected by the development meet the criteria for designation as Quiet

- Lanes under the Quiet Lanes and Home Zones Regulations 2006; development is not compatible with Quiet Lanes
- no social, economic or environmental gains to the community therefore contrary to NPPF
 - potential pollution from manure
 - impact on watercourses
 - impact on wildlife, including badgers and bats
 - will increase rodents
 - impact on Severn Trent Water facility
 - impact on lanes used by walkers, riders, cyclists and local traffic
 - noise and vibration
 - query where water would be obtained from
 - part of road within parish of Condoover who have not been consulted
 - impact on tourism
 - impact on living conditions of local residents
 - odour impact
 - odour nuisance of using manure on applicant's fields not addressed
 - noise impact
 - impact on property structure
 - impact on hedges and trees
 - day time collections detrimental to interests of local residents or welfare of the birds
 - proposal is for industrial process and should be sited in a location more suitable to industrial rather than agricultural practices
 - impact on Longden, including Primary School, if traffic goes through the village
 - contrary to policies CS5, CS6, CS7, CS8, CS16 and CS17
 - contrary to the Longden Parish Plan
 - not acceptable to have to rely on drivers being polite and respectful when no monitoring or punishment system, or to ask local residents to close their windows
 - noise from HGVs at night would break statutory regulations
 - biomass boiler has a greater capacity than required; concern that it would be used for other purposes such as drying biomass for sale, or planning for additional sheds
 - query over source of woodchip fuel; how it would be transported; and by what route
 - application is contradictory regarding whether feed would be supplied by processing company or by growing on the farm
 - query why no bund on south side of broiler houses
 - support from Longden Parish Council is in contravention to its Parish Plan
 - destruction of hedges and verges as part of construction of passing places; loss of habitat
 - no evidence as to current lack of viability or profitability of business
 - impact on landscape; visible from surrounding area

4.2.8 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

4.2.9 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
 - Impact on water resources
 - 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 place on recognising the continued importance of farming for food production and supporting rural enterprise and diversification of the economy, in particular areas of economic activity associated with industry such as agriculture. The Longden Parish Plan has been referred to in some objections however it should be noted that this does not form part of the adopted Development Plan.
- 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 metres 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.

- 6.3.7 **Biomass boiler:** A local resident has suggested that the capacity of the biomass boiler that is proposed is larger than that required for the proposed development, and has queried the applicant's motives for this. In response the applicant has confirmed that there would be a single 995kW biomass boiler, that this would provide all of the heat required for the poultry buildings, and that there would be no heat exported from the site. The building includes an area for the storage of woodchip, which would be delivered approximately once a month. There is no indication that the boiler would be used for anything other than heating the poultry sheds.

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 CS16 seeks to deliver sustainable tourism, and promotes connections between visitors and Shropshire's natural, cultural and historic environment. Policy CS17 seeks to protect and enhance environmental networks, including public rights of way.

- 6.5.2 **Existing traffic movements:** The submitted Highways Statement sets out the current traffic movements to the farm. These include tractor and trailer movements associated with wheat and rape harvest; and sheep transport in rigid HGVs. The application states that, if permission is granted for the poultry units, sheep numbers at the farm would be reduced by 75%, and that this would reduce associated traffic movements from approximately 2000 movements to 500 movements per annum. The application states that manure produced by the poultry units would be used on the applicant's fields and that this would reduce the traffic movements associated with manure deliveries. The figures relating to existing sheep movements have been described as gross

exaggerations in objections to the proposal. Nevertheless Officers have no reason to query the applicant's intention to reduce sheep numbers should the poultry enterprise go ahead.

- 6.5.3 Proposed traffic movements: Deliveries of feed and collection of birds would typically be by the larger 5 or 6 axle HGVs. The application states that the majority of deliveries would take place between 0700 and 2000 hours Monday to Friday. There would be no deliveries between 2300 and 0700 hours. The Highways Statement advises that there would be 70 HGV movements to or from the site during each crop cycle (approximately 48 days including turnaround period). There would also be approximately 20 movements by tractor and trailer (manure collection), and 12 movements by small vehicles per cycle. The 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). Bird collections would typically involve 1 collection per hour (2 HGV movements). In summary, on 44 out of 48 days of the cycle the increase in traffic would be less than 1 per day, and therefore not significant. During the peak traffic activities of bird collections the HGV traffic would occur at a rate of 1 vehicle (2 movements) per hour.
- 6.5.4 Proposed traffic route: 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.
- 6.5.5 The Council's Highways team has reviewed the submitted Highways Statement and considered the proposed route to be taken by HGVs. They have advised that there are some concerns in terms of width of the public highway in places. In addition they have highlighted that the junction of the proposed route with the A49 has restricted visibility to the south for exiting vehicles. However they have acknowledged that this is an existing situation and that the expected HGV movements would not be significant enough to be able to sustain a recommendation for refusal.
- 6.5.6 In terms of the proposed route, this can be controlled by way of a routing agreement secured through a Section 106 planning obligation. This would provide an auditable and enforceable mechanism to ensure that the agreed routing is adhered to, with penalties in the event that evidence is provided of non-compliance. This would be in line with similar agreements that have been attached to other poultry developments.
- 6.5.7 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. It is accepted that the proposed route between the site and the A49 is significantly longer than the most direct route. However it is considered that it is also a more acceptable route for HGV traffic.

- 6.5.8 A number of public objections have been received relating to potential traffic impacts, including: highway safety; impact and disturbance on other road users; likely damage to the highway. It should be noted that the advice contained within the NPPF is that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are 'severe' (para. 32). The Highways Officer considers that the proposed development is acceptable from a highways perspective. The proposal provides for controls over the timing of deliveries, the routing of traffic, and improvements to the highway network. Subject to these being secured by planning conditions, Officers consider that the limited additional traffic that would be associated with the development would not be sufficient to warrant a refusal of the application on highway safety grounds.
- 6.5.9 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'. The track is approximately 420 metres long and single vehicle width. The first 100 metres or so of this track is public highway; the remainder is private. The additional HGVs and other vehicles would increase the likelihood of conflict between vehicles and bridleway users. It should however be noted that the track does form vehicle access to the existing farm at The Vinnals, and Officers are not aware that there are any restrictions on the type or number of vehicles that are permitted to pass along the track, i.e. its use is unregulated. As noted above, the peak periods of additional HGV traffic are likely to result in one additional HGV (two movements) per hour, and that such peak movements would only occur on two days per each 48 day crop cycle. It is not considered that this represents a significant increase. Nevertheless the status of the bridleway, as a promoted multi-use path, is acknowledged. The applicant has agreed to construct two passing places along the track to provide refuges for path users in the event that they meet a vehicle. This is welcomed and it is considered that this would provide an acceptable level of mitigation for any inconvenience to path users from an increase in traffic along the track. It is also considered that it would be reasonable to require the erection of warning signs at both ends of the track section to provide appropriate notification to drivers and path users of potential hazards.
- 6.5.10 Path user groups and other objectors have raised concerns that the proposed development would adversely affect tourism by reducing the popularity of the path and having an indirect impact upon local tourism facilities. These concerns are acknowledged, however it should be recognised that the track is a shared route at present. There is no evidence to suggest that the levels of additional traffic that would be generated would be likely to reduce the attractiveness of the bridleway to such a degree as to impact upon local tourist facilities.
- 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 An Environmental Permit for the proposed operation has now been issued by the Environment Agency. This Permit controls 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 The application as originally submitted proposed that bird collections by HGVs would typically take place from 0200 hours onwards. The application suggested that this was due to processor logistics and operational hours. It also stated that birds are captured and transported predominantly during hours of darkness to minimise stress to the birds. From a highways perspective, one of the benefits of night-time collections is that the associated HGV movements would take place at a time when the roads are at their quietest. Nevertheless, based upon the assessment of noise from such vehicles, it was the opinion of Officers that these night-time HGV movements would result in an unacceptable level of disturbance to residents of the closest dwellings to the access track, and that the proposal would therefore be contrary to Development Plan policies.
- 6.8. The applicant has advised that they have now reviewed the situation and consider that in this case the site can be operated without night-time movements occurring for bird collections. They have advised that the operator that they had been in negotiations with

had indicated that they would not be likely to offer a contract if there were restrictions on the times that the buildings could be de-populated. However the applicant has now advised that other operators have indicated that on this site they would be interested even if there were night-time restrictions. The applicant has now advised that they would be willing to accept a condition that prohibits HGV movements from taking place between 2300 and 0700 hours. On this basis the Public Protection Officer has removed the objection to the proposal. Officers now consider that the proposal would not result in adverse impact on local residents due to sleep disturbance. Whilst there would be some local disturbance to residents due to additional traffic this would occur during the day time and Officers do not consider that this would result in adverse noise impact.

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 increased traffic. The proposed landscaping would reduce visual impacts. The track already carries agricultural traffic to/from the farm, and the proposed refuges would reduce conflicts. 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 conditions. 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 Following previous concerns from Officers and local residents regarding the adverse impact that night-time bird collections would have on adjacent residents due to sleep disturbance, the application has now been modified to exclude such movements. It is now proposed that bird collections would not take place between 2300 and 0700 hours. Officers consider that this change has addressed previous concerns.

7.3 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. Whilst the development would have some impact in the local area it is considered that the proposal can be supported in relation to Development Plan and national planning policies. As such it is recommended that planning permission is granted subject to the conditions as set out in Appendix 1 and the completion of a Section 106 legal agreement to secure adherence to a routing agreement.

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 CS16 (Tourism, Culture and Leisure)
- 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

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

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 2 - Conditions

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 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: <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: <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 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>

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.

APPENDIX 2 - Conditions**STANDARD CONDITION(S)**

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

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

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

5. No development shall take place, including any works of demolition, until a Construction Method Statement (Traffic Management Plan) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- o the parking of vehicles of site operatives and visitors
- o loading and unloading of plant and materials
- o storage of plant and materials used in constructing the development
- o the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- o wheel washing facilities
- o measures to control the emission of dust and dirt during construction
- o a scheme for recycling/disposing of waste resulting from demolition and construction works
- o a traffic management and HGV routing plan

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.

6. Prior to the commencement of development details of the construction of the passing bay on Long Lane as set out in the submitted Highways Statement plus the additional kerbing and re-surfacing of the existing carriageway widening on Long Lane immediately before its

junction with Longden Road shall be submitted to, and approved in writing by the Local Planning Authority. The works shall be fully implemented before the commencement of the construction of the poultry units.

Reason: In the interests of highway safety.

7. Prior to the commencement of development details of pedestrian/equestrian warning signage, including the size and locations of the signs shall be submitted to, and approved in writing by, the Local Planning Authority. The signs shall be fully implemented before the commencement of the construction of the poultry units.

Reason: In the interests of highway safety.

8. 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 site is known to hold archaeological interest.

9. In this condition 'retained tree' means an existing tree, large shrub or hedge which is to be retained in accordance with the approved plans and particulars; or any tree, shrub or hedge plant planted as a replacement for any 'retained tree'. Paragraph a) shall have effect until expiration of 5 years from the date of completion of works applied for.

a) No existing tree shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped or cut back in any way other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any approved tree surgery works shall be carried out in accordance with British Standard BS 3998: 2010 - Tree Work, or its current equivalent.

b) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until all tree protection measures specified in the submitted Tree Protection Plan and Arboricultural Method Statement have been fully implemented on site and the Local Planning Authority have been notified of this and given written confirmation that they are acceptable. All approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the Local Planning Authority. A responsible person will be appointed for day to day supervision of the site and to ensure that the tree protection measures are fully complied with. The Local Planning Authority will be informed of the identity of said person.

c) All services will be routed outside the Root Protection Areas indication on the TPP or, where this is not possible, a detail method statement and task specific tree protection plan will be submitted and approved in writing by the Local Planning Authority prior to any work commencing.

Reason: To safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

10. Prior to the commencement of works on site a scheme of landscaping shall be submitted to and approved in writing by the local planning authority. The works shall be carried out as approved, prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the local planning authority, unless the local planning authority gives written consent to any variation. The submitted scheme shall include:

- a) Planting plans, including wildlife habitat and features (e.g. bird and bat boxes)
- b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment)
- c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate
- d) Native species used are to be of local provenance (Shropshire or surrounding counties)
- e) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works
- f) Implementation timetables.

Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

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

11. No building and construction work shall be commenced unless evidence has been provided to the Local Planning Authority that no badger setts are present within 30 metres of the development site to which this consent applies immediately prior to work commencing. The site should be inspected within 3 months prior to the commencement of works by an experienced ecologist and a report submitted to the Local Planning Authority. If the survey indicates the presence of any Badger Setts within 30 metres of the site then prior to the commencement of the development an updated mitigation plan shall be submitted for the approval of the Local Planning Authority. The mitigation shall be undertaken in accordance with this approved plan which should include an artificial badger sett.

Reason: To ensure the protection of badgers, under the Badgers Act (1992)

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

12. A total of 2 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. 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

13. A total of 2 woodcrete artificial nests suitable for small birds such as sparrow, starling and swallow shall be erected on the site prior to first occupation of the buildings hereby permitted.

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

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

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

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

15. No HGV movements associated with the proposed installation shall take place between the hours of 23:00 - 07:00 hours on any day.

Reason: To protect the health and wellbeing of residents along the access route to the installation.

16. Work shall be carried out strictly in accordance with the Preliminary Ecological Assessment conducted by Turnstone Ecology (March 2016) attached as an appendix to this planning permission.

Reason: To protect features of recognised nature conservation importance.

17. No construction work shall take place other than between 7.30am and 6pm Monday to Friday, and between 8am and 1pm on Saturday. No construction work shall take place on Sundays or Bank Holidays.

Reason: To prevent adverse disturbance to local residents and land users.

Informatives

1. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 187.

2. In determining this application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:

National Planning Policy Framework

National Planning Practice Guidance

Shropshire Core Strategy and saved Local Plan policies:

Policy CS5 (Countryside and Green Belt)

Policy CS6 (Sustainable Design and Development Principles)
Policy CS13 (Economic Development, Enterprise and Employment)
Policy CS16 (Tourism, Culture and Leisure)
Policy CS17 (Environmental Networks)
Policy CS18 (Sustainable Water Management)
SAMDev Plan policies:
Policy MD2 (Sustainable Design)
Policy MD8 (Infrastructure Provision)
Policy MD12 (Natural Environment)
Policy MD13 (Historic Environment)

3. Advice from Drainage Officer:

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. Rights of Way team advice:

The applicants will need to adhere to the following criteria in respect of the Bridleway:

- The right of way must remain open and available at all times and the public must be allowed to use the way without hindrance both during development and afterwards.
- Vehicular movements (i.e. works vehicles and private vehicles) must be arranged to ensure the safety of the public on the right of way at all times.
- Building materials, debris, etc must not be stored or deposited on the right of way.
- There must be no reduction of the width of the right of way.
- The alignment of the right of way must not be altered.
- The surface of the right of way must not be altered without prior consultation with this office; nor must it be damaged.
- No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation.

5. Highways advice:

Section 106 agreement:

It is considered that a Section 106 agreement should be completed to secure the prescribed HGV routing arrangement as set out in the further information and shown on Drawing No. SA16661/sk.02

Section 278 Agreement (passing bays and signs):

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

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

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.

6. Ecology advice:

Wild birds

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

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

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

Bats

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.

Great Crested Newts

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.

Wildlife

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

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