



Committee and date

South Planning Committee

10 January 2017

Development Management Report

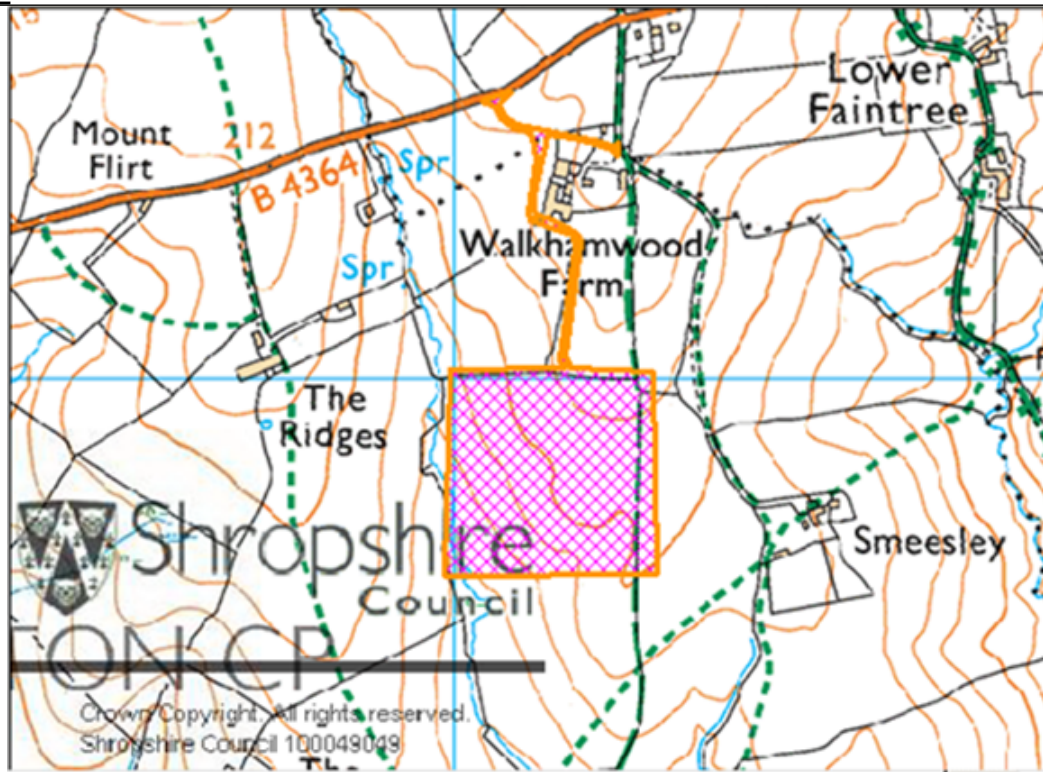
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Summary of Application

Application Number: 15/05330/EIA	Parish:	Neenton
Proposal: Erection of 4No poultry units, feed bins, biomass boiler building, new access road, landscape and associated works		
Site Address: Walkhamwood Farm Faintree Bridgnorth Shropshire WV16 6RQ		
Applicant: Mr S Mottershead		
Case Officer: Kelvin Hall	email: planningdmc@shropshire.gov.uk	

Grid Ref: 365186 - 288266



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Contact: Tim Rogers (01743) 258773

Recommendation: That Members delegate authority to the Planning Manager to grant planning permission for the proposed development subject to the conditions as set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 The planning application seeks permission for the erection of 4no. poultry units, feed bins, a biomass boiler building, a new access road, landscaping and associated works. The poultry sheds and biomass boiler building would be oriented in a north-south direction. Each poultry shed would measure approximately 108.2 metres x 26.6 metres x 2.7 metres to eaves and 6.1 metres to ridge. They would be of steel-framed construction with profiled sheet cladding.
- 1.2 The biomass boiler building would measure approximately 60 metres x 14 metres x 7.5 metres to eaves and 9.1 metres to ridge. The biomass boiler would burn the chicken litter produced at the site, to provide heat for the sheds. There would be a service building, measuring 6 metres x 6 metres x 3.4 metres to ridge. In addition there would be 8 feed bins. These would be located in pairs at the northern gable end of each poultry shed, and would be 8.6 metres high. The application proposes that the buildings and bins would be of a colour to be agreed with the local planning authority. To the north of the buildings would be a concrete yard to allow access to the buildings and vehicle manoeuvring.
- 1.3 The site is sloping and levels range from 185-208 metres AOD. The proposed development would be constructed on a level platform at a finished floor level of 197 metres AOD. This will mean that the buildings would be dug into the ground up to 10 metres. An earth berm would be constructed around the buildings at a height of 203 metres AOD, i.e. 6 metres above the finished floor level. Tree and hedgerow planting would be undertaken around the perimeter of the site. This would include woodland planting on the outer sides of the southern and western sides of the berm. A surface water attenuation ditch would be constructed at the southwestern side of the site.
- 1.4 Existing vehicle access to the farm is gained from the B4364 to the north, via a stoned access track approximately 160 metres in length. The planning application proposes that access to the poultry development and existing farm buildings would be gained via a new access track. This would link to the B4364 at a point approximately 200 metres west of the existing access track.
- 1.5 Each shed would have a low-wattage, low intensity light above the openings to allow safe working during normal working hours during the winter. Additional lighting may be required during the removal of birds but this will be carried out in low light levels to avoid causing unnecessary stress to the birds. High intensity lighting would not be used.
- 1.6 Summary of production cycle: The four sheds would house a maximum of 225,000 broiler birds. The application summarise the production cycle as follows.

The cycle of standard broilers begins with the preparation of the buildings for chick placement including covering the floor with shavings, heating the sheds to the correct temperature and providing sufficient feed. Once the chicks are placed feed input increases over the crop cycle and heat requirements decreases. It is expected at this

stage that the sheds will be operated on a thinned at 34 days and final clearance at 38 days. Once all birds have been collected the manure is removed and the buildings are washed down ready for the next cycle leading to 7.5 crops per year.

- 1.7 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 Assessment; Landscape and Visual Impact Assessment; Transport Statement; Noise Impact Assessment; Heritage Impact Assessment; Ecological Assessment.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 Walkhamwood Farm is located approximately 7km to the south-west of Bridgnorth and approximately 1km to the north-east of the village of Neenton. The farm extends to approximately 105 hectares (260 acres). The main farming enterprise at the farm is arable cropping with some permanent pasture for 70 breeding ewes. The application site is situated approximately 210 metres to the south of the farm buildings. The main development site covers an area of approximately 4 hectares, forming part of an arable field. The field has a convex profile and falls to the south and west to a stream in a valley bottom, flanked by trees.

- 2.2 The nearest residential property to the main development site is Ridges Farm, approximately 205 metres to the north-west. Other residential properties in the area include: Smeasley Farm, approximately 245 metres to the east; Walkhamwood Farmhouse (applicant's residence), approximately 260 metres to the north; and Ridges Cottage, approximately 280 metres to the north west.

- 2.3 A public bridleway runs in a north-south orientation across the eastern side of the application site. Other public rights of way in the area include footpaths approximately 90 metres to the east; approximately 150 metres to the south; and approximately 225 metres to the west of the proposed development. The boundary of the Shropshire Hills Area of Outstanding Natural Beauty (AONB) is approximately 3km to the west.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The proposals comprise Schedule 1 EIA development so a committee decision is mandatory under the Council's Scheme of Delegation.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

- 4.1.1 The proposed poultry units and part of the proposed access road are located within Neenton parish. The northern part of the proposed access road is located within Chetton parish.

4.1.2 Neenton Parish Council Objects.

Comments 6/10/16 following submission of amended plans [full objection can be viewed on the online planning register]:

- Burning of litter will reduce the potential odour nuisance and other impacts of

- spreading manure, including some reduction in vehicle movements
- The revised siting and landscaping may be welcome to the nearest residents but landscape impact was not one of the primary concerns for people in the parish
 - Primary concerns are odour and traffic impacts, followed by noise and landscape impacts
 - Amendments do not address odour nuisance from operations in the sheds; re-calculated Odour Assessment shows some minor improvements for some properties it shows corresponding worsening for others;
 - noise from the shed operations are also not reduced
 - particular concern that the note in the original submission that fan noise would need to be reduced by 5dB by providing better fans seems to have been forgotten; revised proposal now seems to consider that the original unacceptable noise levels should now be seen as acceptable
 - inherent unsuitability of the B4364 for even current levels of HGV traffic, and particularly of large articulated vehicles such as would be involved with the proposed operations
 - implication in the Transport Statement that the B4364 is OK for HGV traffic because it has a white line down the middle;
 - however ignores the fact that in several places between Faintree and Bridgnorth the road is not wide enough to allow even cars and large HGVs to pass without slowing to a crawl
 - frequent occurrence that when two larger vehicles meet traffic has to stop and reverse;
 - numerous 'near misses' as well as accidents as result of these pinch points
 - risk of damage to vehicles let alone injury simply cannot be dismissed
 - in summary, despite some adjustments which would reduce some individual impacts, the primary concerns of Neenton Parish residents have in the main not been addressed
 - a minor increase in cycles per year has been incorporated into the latest projections but remain concerned that current industry trends could increase the number of cycles per year by up to 50% with a corresponding substantial increase in impacts of traffic, noise and odour
 - disappointed that steps seem to have been taken to require the applicant to improve subsidiary concerns such as landscape without addressing the primary concerns we have raised
 - In our February letter, we went to some pains to raise a series of questions which need to be considered and/or better explained, and where better assurance of the acceptability of impacts would need to be provided. We called upon Shropshire Council, in its further consideration of the proposal, to ensure these points were thoroughly and diligently assessed, using appropriate and objective expertise, but we have seen no sign of this happening
 - we repeat that such a large and potentially damaging project could not reasonably be approved on this site without such a thoroughgoing validation addressing each of these points
 - if permission granted, essential that a clear system of agreed safeguards is put in place to ensure that the operations are consistently conducted in a way that ensured there were in practice no unacceptable impacts; some of this might be achieved through the IPPC process whereby sanctions can be applied for non-compliance, the resources for policing and enforcement if required would have to be in place

- routing of traffic towards Bridgnorth should be made a planning condition of any such project that might be approved.

Original comments (Feb 2016):

- submitted reports make reassuring statements
- major shortcomings about validity
- proposal is an industrial rather than an agricultural activity, fundamentally incompatible in several respects with the rural, ancient countryside, close to an AONB
- not clear whether litter would be burned or spread on farmholding; documents suggest both
- not clear how long the bird depopulation activity takes place for
- critically important that the timescales on which the odour and noise impacts are based are firmly validated and projected for a worst-case scenario
- concern that change to practice may lead to shorter crop cycles – for example a change every 5 weeks rather than every 7, increasing frequency of depopulation events and associated peak impacts
- Odour and other airborne emissions:
- Noted that the farming press, carry frequent articles on managing odours from intensive poultry units and the complaints that can arise
- no assessment of odour which may arise from manure spread on site, or stored outdoors on site (which could be for up to 12 months) prior to spreading or transport for spreading elsewhere. Unless it is a condition that all litter/manure must be burned on site these assessments must be made
- query over what is the correct measurement for ‘no odour’ in the dispersion modelling study
- mean values of fluctuating odour levels may obscure short term concentrations well above the benchmark level
- implicit that 2% of the time odour levels are likely to exceed the benchmark of acceptability; 99.5 and 99.8%iles predict levels far above this; at times will be a significant offensive smell on neighbouring properties simply from the sheds themselves
- Shropshire Council should fully validate the odour model
- Query whether manure is to be burned or spread, in relation to odour level
- Likely to lead to more frequent manure spreading and storage on site, if litter not burned; disposal would involve more than 6 times the land area of the applicant’s farm according to the figures in the Manure Management Plan
- Control of dusts, particulates, airborne microbes etc. emitted from the fans and emitted from the biomass boiler, particularly if litter/manure is to be burned rather than transported away
- Traffic
- Assumption in the traffic report that the B4364 and the current traffic load on it are acceptable is not correct; numerous representations have been made over the years by Neenton Parish Meeting and neighbouring councils as well as by residents – see below
- poor state of maintenance of the road; potholes are constantly allowed to develop to a dangerous state; repairs are often simply patching which reappear within a short time
- numerous pinch-points along the road where it is difficult for large vehicles to pass; in several places there is no centre line because of the inadequate width,

- even in some places for ordinary vehicles; traffic hazards; concern over pedestrian safety
- verge erosion and traffic hazards due to inadequate highway width
 - following previous complaints, a sign is in place near the Bridgnorth end directing HGVs travelling through to Ludlow to use an alternative route
 - marked increase in HGVs in recent years; more, and more effective signage is needed
 - need to reduce traffic on the B4364, particularly the largest HGVs which are unsustainable; burden of HGVs especially large ones, unnecessarily using the road for through journeys needs to be eliminated as far as possible
 - further assessment needed to distinguish between different sizes of HGVs
 - B4364 has a 60mph limit, not 50mph as stated in the Transport Statement
 - Noise
 - Need to validate noise assessment; timescales for depopulating need validating and projecting for a worst-case scenario
 - Assumption in the noise impact assessment that fan noise will be reduced by 5dB is not explained
 - Other routine operations which can give rise to significant and sustained noise impacts do not appear to have been assessed – for example blow-unloading of feed from lorries into the feed silos, and extended use of high-pressure washers during clearing out
 - Landscape
 - Impact on landscape character: location of site in an elevated position in some of the very best south Shropshire countryside, less than 3 miles from the NE edge of the Shropshire Hills AONB and visible from Brown Clee Hill, the highest point in Shropshire, just 4 miles away; very large area and set of structures (6 acres, which would accommodate a large football stadium)
 - Materials of construction, especially of the roof, would thus be critical
 - Clearly visible in the forward view from the south from selected points on Wrickton Lane
 - will be wholly or partly visible to several nearby residents and adversely affect their surroundings, especially in the short term until the proposed tree-planting screen to the SW has fully matured
 - timescales and extents of cover claimed for this in the Landscape Assessment (p13) seem very optimistic
 - proposed tree planting on slopes falling away from site would be well below the ground level of the sheds; would suggest an embankment to the south and west, which would immediately screen the building to an extent, and require trees to grow less before the screen was complete

As part of its objection the Parish Council has submitted an appendix which sets out concerns that were raised at a parish meeting in July 2015 regarding traffic in the area. These concerns are summarised below and can be viewed in full on the online planning register:

- Community Led Concerns July 2015:
- HGV traffic through Neenton is becoming a major issue due to the width and alignment of the public highway; almost impossible for two large vehicles to pass each other; results in: degradation and damage to sides of the road, property and tree branches; a recent incident could have had serious consequences when a lorry broke a branch away; mirror along road no longer satisfactory; traffic speeds

in spite of 30mph signs; potholes causing hazards; drainage problems causing pooling of water in the village; road pitting; position of the 30mph speed notice at the Ludlow end of the village has caused a problem

4.1.3 **Chetton Parish Council (parish boundary includes part of the site access road and land to the north-east)** No objections.

4.1.4 **Environment Agency** No objections.]

Environmental Permitting Regulations: The proposed development will house a maximum of 225,000 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.

An application for a Permit has been received by the Environment Agency and is currently being reviewed. An ammonia screening was carried out by the Environment Agency on the 25 November 2015. The result was that the proposal screened out from requiring ammonia modelling. 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. The applicant is advised to contact our Permitting Team (01743 283517) to discuss progressing the EP and the requirements with regards to noise, odour and operation.

For the avoidance of doubt we would not control any issues arising from activities outside of the permit installation boundary. Your Public Protection team may advise you further on these matters.

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

Under the Flood and Water Management Act (2010) the Lead Local Flood Authority (LLFA) should be consulted on the proposals and act as the lead for surface water drainage matters in this instance. We would also refer you to our West Area Flood Risk Standing Advice – 'FRA Guidance Note 1: development greater than 1ha in Flood Zone 1' for further information.

Manure Management (storage/spreading): Under the EPR the applicant will be required to submit a Manure Management Plan, which consists of a risk assessment of the fields on which the manure will be stored and spread, so long as this is done so within the

applicants land ownership. Information submitted within the Design, Access & Planning Statement proposes that poultry manure will be removed from the buildings, loaded directly into sheeted trailers and transported off site. The manure/litter is classed as a by-product of the poultry farm and is a valuable crop fertiliser on arable fields.

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

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

4.1.5 **Natural England** [updated comments 5/10/16 following planning application modifications]

Statutory nature conservation sites: – no objection. Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites.

Protected species: We have not assessed this application and associated documents for impacts on protected species. Natural England's Standing Advice should be applied to this application as it is a material consideration in the determination of applications in the same way as any individual response. The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

Local sites: If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Sites of Special Scientific Interest Impact Risk Zones: The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI.

No further comments following amendments.

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

The proposed four poultry units will house a maximum of 225,000 broiler birds in total, split between four sheds. The ecological report concludes that:

- The Site and its boundaries may be used by bats for foraging purposes. There

- are two trees with bat roost potential but these are to be retained during and post development.
- Badgers may, occasionally, traverse and/or forage on The Site but there was no evidence of badger setts within 50m of the proposed development.
- The Site may be traversed by Hedgehog and/or used by Hedgehog for foraging purposes.
- Otter may, occasionally, be present on The Site.
- Vegetation on, bounding and within the immediate vicinity of The Site may be used by Small Breeding Birds for nesting purposes.
- The potential for the proposal to impact of great crested newts is low.

Reasonable avoidance method statement and mitigation has been provided by the ecological consultant:

- The ecological value of The Site post-development will be enhanced by the planting of hedges, the planting of trees and the installation of an attenuation pond.
- Lighting will be designed in accordance with bat conservation guidelines
- Vegetation will be cleared outside of nesting bird season (or if not possible following a check from an ecologist)
- Trenches will be filled in on the same day or precautions will be taken to ensure terrestrial mammals will not become trapped/injured (hedgehogs, badgers, otters)
- Great crested newt method statement will be followed

Conditions should be added to the decision notice to require that work is carried out strictly in accordance with the Ecological Assessment; to require the submission of a landscaping scheme; and to require the provision of bird and bat boxes (see Appendix 1):

Designated Sites: The proposed application is for 225,000 bird places. SC Ecology has requested the ammonia screening assessment output from the Environment Agency. The Habitats Regulations enables Shropshire Council, under Regulation 61, to rely on the 'evidence and reasoning' of another competent authority when completing their assessment (providing they agree with them). Shropshire Council can therefore use the modelling that the EA has provided to complete their HRA.

There are no European sites in 10km or SSSI's within 5km. Local Sites within 2km have screened out below the critical load thresholds. The EA have concluded that detailed modelling is not required to support this application. SC Ecology is satisfied that the proposed application is unlikely to have a significant effect on locally designated sites.

Comments 5/10/16: I have reviewed the amended plans and documents submitted in association with this application. I consider that they make no material difference from an ecology perspective, and I would therefore repeat the comments made in my previous consultation response to the original application

4.1.7 SC Trees Recommends conditions.

Comments 28/11/16

I have reviewed the further details provided as to the proposed site access (Badingham,

0435 – 001 Rev C) and note that the position of the mature oak tree to the south-west of the access point has been marked on the plan. Scaling from the plan, I consider that construction of the new access road should not result in any significant damage to the oak tree, provided suitable precautions are taken to protect the tree and its root protection area (RPA – as defined in British Standard 5837: 2012 – Trees in Relation to Design, Demolition and Construction) during any approved development. To this end a Tree Protection Plan should be provided to specify and show the physical measures to be taken to temporarily protect the tree in advance of and during any approved construction. In this case I consider that the Tree Protection Plan could be provided as a condition to any permission granted.

I would therefore recommend attaching a tree protection and landscape condition to any approval (see Appendix 1).

4.1.8 Historic England No specific comments, in relation to the original application or the revised design. The application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.

4.1.9 SC Conservation No objections.

In considering the proposal due regard to the following local and national policies, guidance and legislation has been taken; CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, policy MD13 of the Site Allocations and Management of Development (SAMDev), the National Planning Policy Framework (NPPF) published March 2012, Planning Practice Guidance and Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

The application proposes the erection of 4 poultry units measuring 113m x 26m with a ridge height of 6m, 8 feed bins at 8.6m in height, a biomass boiler building measuring 60m x 18m with a ridge height of 9.1m and other associated works. The poultry units will be of steel frame construction and will be clad with profiled sheeting to be coloured juniper green.

The site lies to the south of Walkhamwood Farm and to the east of Neenton conservation area. Due to the topography of the land the site is not visible from Neenton conservation area or its listed buildings therefore the development would not impact upon their settings. The site lies to the south west of Faintree Hall and Faintree Hall Farm, there is limited visibility between these assets and the proposed site which slopes away to the south and west. It is not considered that the development will have a detrimental impact upon the setting of these assets. The site may be visible from parts of Burwarton Hall Park, however the park has strong tree cover and the distances between the site and the park are such that any impact upon the view would be glimpsed and only a small part of the overall view. It is considered that the development will have a minimal impact upon the setting of heritage assets in Burwarton which will be mitigated to some extent by the proposed planting.

It is considered that the proposed development will generally preserve the character and setting of nearby heritage assets in line with policies, guidance and legislation as outlined above.

No further comments in relation to the amended plans.

4.1.10 **SC Archaeology** Recommends a condition.

Following receipt of the Planning Authority's Scoping Opinion and advice from Historic England (ref. 15/02108/SCO), the applicant has submitted a Heritage Assessment in the form of a Desk Based Assessment and Heritage Impact Statement (DW Archaeology, 2015, Rep. DWA15/7 & DWA15/6). A Landscape Visual Impact Assessment (John Challoner Associates, 2015) has also been submitted with the application.

The Desk Based Assessment demonstrates that, whilst there are no known heritage assets on the proposed development site itself, a total of thirty three non-designated heritage assets are present within 2km radius study area around the site, predominately of post medieval date. Map regression analysis also shows that the area appears to be the result of activity relating to enclosure of this period. On this basis the assessment concludes that given the limited archaeological resource evident in the area, an archaeological watching brief during the ground works phase of the development would provide an adequate level of mitigation.

The Heritage Impact Statement considers the impact of the proposed development on the setting of the designated and non-designated heritage assets. This indicates that no designated (listed buildings, conservation areas, and registered parks and gardens) or non-designated assets would be affected by the development. In the Landscape and Visual Impact Assessment, it is however noted that the "Zone of Theoretical Visibility" indicates that the Burwarton Registered Park and Garden, referred to as the Burwarton Estate lies within the visible area, and whilst views to the development site are considered restricted and limited, the overall impact is considered minor with mitigation proposals.

In view of the above, and in relation to Paragraph 141 of the NPPF, it is recommended that a programme of archaeological work, to comprise a watching brief during the ground works phase of the development, be made a condition of any planning permission for the proposed development (see Appendix 1).

Revised proposals (to Nov 16): No further comments.

4.1.11 **SC Highways** [updated comments following modifications to the planning application]

No objections, subject to the development being carried out in accordance with the approved details and the highway conditions/informatives recommended with the previous highway Advice Note 04/11/16.

It is considered that the recently submitted amended details, showing the improvements to the access onto the B4364 (drawing no. Proposed Access 001/C) appears to satisfy the previously recommended pre-commencement highway condition No. 1. All other conditions and informatives are considered to still be required to ensure the development is carried out to the approved details.

Previous comments:

The proposed development seeks to construct four poultry sheds and a new vehicular access directly to the B4364 in place of the use of the existing farm access to the east which is too narrow to accommodate two-way HGV movements and affords restricted visibility for emerging vehicles. The existing farm access also carries a public right of way (bridleway).

This B4364 is considered to be of good quality and of sufficient width and construction to serve a greater volume of traffic than it currently does and it is considered that the additional traffic generated by the proposed development can be adequately accommodated on the adjacent highway.

The layout of the proposed new access to the B4364 is shown in principle on Drawing No. 001 rev A and is acceptable providing that the access width and junction radii can be demonstrated to allow simultaneous entry/exit of articulated HGV's. It is considered that the full width of the access should be surfaced for the first 20 metres so as not to deposit any mud or loose material on the highway. Any gates should also be located a minimum of 20 metres from the B4364 carriageway edge and fixed to open away from the highway to ensure that an articulated HGV can stand clear of the B4364 if the gates are closed.

There is no suggestion that the existing farm access is to be closed as it carries a public right of way (bridleway) however, it is assumed from the submitted correspondence that internal site arrangements will be put in place to restrict the farm and poultry unit traffic to the new access only.

The speed of passing traffic on the B4364 has been surveyed and indicates that 85th percentile speeds are between 47.9 and 49.5 mph. It is expected that the localised straight alignment of the B4364 to the southwest of the proposed access may afford good forward visibility and overtaking opportunities where vehicle speeds might be higher than those surveyed. It is considered important that the visibility splay for the new access is sufficient for the likely speed of traffic approaching the site, to ensure highway safety.

Conditions are recommended to require the following (see Appendix 1 for full wording):

- [Highways Officer has now confirmed that this condition is no longer required]. Submission of revised access details for approval, to show: width and junction radii to accommodate two articulated HGV's passing; maximum (dimensioned) visibility splays which can be achieved in both directions;
- Substantial completion of vehicular access works prior to commencement of other site operations;
- Construction of the first 20 metres of the vehicular access in a bound material;
- Gradient of access from the public highway not to exceed 1 in 24 for a distance of 15 metres, and thereafter not to exceed 1 in 10;
- Gates to be set back a minimum distance of 20 metres from the public highway, and to open away from the highway.

4.1.12 **SC Rights of Way** Public Bridleway 2, Neenton, runs within the eastern boundary of the site. It will not be directly affected by the proposals. However, please ensure that the applicant adheres to the criteria stated below:

- 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

No additional comments following modifications to the proposal.

4.1.13 **SC Drainage** The surface water proposals as detailed in the amended Flood Risk Assessment is acceptable.

Previous comments:

The surface water drainage proposals in FRA are acceptable. If planning permission will to be granted, a drainage condition should be attached to ensure that the approved drainage schemes are implemented before the buildings are used.

4.1.14 **SC Public Protection** No objections.

Comments 22/11/16

Having considered the comments in the document titled "AS Modelling & Data Ltd. reply to "Comments regarding Dispersion Modelling Study of Proposed Poultry Houses at Walkhamwood Farm, Nr Faintree, Shropshire by AS Modelling & Data Ltd of 18th July 2016." (anon)." prepared by Steve Smith I can conclude that I am in agreement with the statement provided. My conclusion of the potential odour impact remains that I am of the opinion that there will be no significant detrimental impact from the proposed development and I therefore have no objection to this application in respect to odour and do not consider it necessary to place any conditions.

Comments 16/11/16

A document has been submitted which critiques the odour assessment submitted with this application. Having reviewed the odour assessment in light of these comments I am of the opinion that the proposed installation is suitable in respect of odour emissions predicted. I agree with comments stating that uncertainty should be considered. However, as my last comments stated I am satisfied with the approach taken by the odour assessor. There may be some uncertainties however properties are found to be a suitable distance away from the proposed installation to make odour sources unlikely to impact in a significantly detrimental way.

In respect of noise I have no further comments.

Having considered the odour assessment submitted with this application I consider it to be robust and agree with its conclusions that no significant detrimental impact will occur at nearest residential dwellings.

In relation to the noise assessment submitted I consider this to be robust and consider absolute worst case noise events. I do not consider that the proposed development will have a significant observed adverse effect on nearby residents. It is noted that rating levels are on occasion modelled to be 10 - 15 dB above the background L90 results however this results in maximum noise rating levels of around 35dB at nearest receptors which is not a level that would be considered to have an adverse impact. BS4142, the guidance followed to undertake this assessment, stipulates that where very low background levels exist the methodology of 10dB above background being significant is not likely to be the case.

As a result I have no comments or conditions to make on this application in respect of the noise and odour.

After a thorough assessment of the proposed activities I have no other concerns with this site and therefore have no further comments to make

Previous comments:

A noise report reference SHF.512.001.NO.R001 has been submitted as part of this application. The report covers several different aspects of the proposed operations at the poultry rearing installation applied for. I conclude that the assessment is robust and suitable for use and further comment.

Having reviewed the noise assessment it is stated that a 5dB reduction in noise levels of all fans is required to bring noise levels down to those predicted in the report. This essentially means that fans must be reduced to 76dB rather than the 81dB quoted. The applicant should specify how this will be achieved. Once information is received please reconsult me for further comment.

The noise assessment also states that it is based on the assumption that all openings including doors and windows will have the same noise reducing properties as the main fabric of the building. As a result all doors, windows and other openings in the walls of the proposed buildings must achieve 32dB noise reductions.

In relation to night time movements it is noted that night time movements will increase noise at neighbouring receptors. However, at no point is it likely that noise levels produced along any private road will cause noise levels above 45dB at the façade of non-financially linked properties. As a result World Health Organisation guidelines on noise are not likely to be breached for night time external noise levels. As a result it is not considered likely that there will be any impact from the proposed night time HGV movements due to the distances between the movements and residential properties and the fact that where residential properties are close to the public road they will experience vehicle movements anyway and the additional movements are not likely to impact upon these properties.

In conclusion I have no objection to this application. It will require an environmental permit which will control on site noise and odour however further details relating to fan noise is required in order to establish that there will not be a significant detrimental impact on the amenity of the area. Once details of fan noise and noise mitigation is submitted please consult me for further comment. Likely options include utilising quieter

fans or silencers on the fans proposed in this report

4.1.15 **Shropshire Council's landscape consultant – ESP Ltd.**

ESP Ltd. were requested to undertake an independent Quality Assessment Review of the submitted Landscape and Visual Impact Assessment (LVIA). The review was undertaken by chartered landscape architects. They have provided advice on the LVIA as originally submitted; on the revised LVIA that was produced following modifications that were made to the site layout; and on comments made by Marches Planning & Property who have submitted objections on behalf of some members of the public

Comments on revised LVIA

The Brief to ESP Ltd. had two components:

- Review of the revised LVIA and supporting documents - including the amended Landscape Strategy for the revised layout - in order to ascertain whether the assessor's methodology is in accordance with current best practice and that the ensuing assessment of effects is reasonable;
- Provide advice as to whether the updated LVIA is sufficient to be able to properly inform SC as to the predicted landscape and visual effects of the revised layout of the proposed poultry and biomass development and its access road, or whether any further LVIA work is required.

Key issues:

- The revised LVIA has provided definitions for the different levels of significance – with reference to adverse and negative effects – and we can confirm that these definitions are now included in the ES Chapter 9. The LVIA also now provides definitions for magnitude of change and sensitivity, although these still lack detailed text describing the different levels of change and receptor sensitivity.
- The LVIA describes the study area and defines the Zone of Theoretical Visibility (ZTV). We can confirm that this has been amended to include the location of our viewpoint [ESP2] within the Shropshire Hills AONB.

Landscape Effects of Proposed Development:

- It is our opinion that the landscape effects would be adverse and at least minor in significance. However, we are unable to comment in greater detail regarding the assessment of landscape effects due to insufficient detail of the assessment process provided in the LVIA. Furthermore, the table of residual effects in the ES that previously detailed a “minor significance” on landscape character has been replaced with text that would appear to relate to visual effects. Notwithstanding, we accept that the proposed landscape strategy will mitigate this effect.

Visual Effects of Proposed Development

- The LVIA has provided additional ‘visual receptor viewpoint’ photographs and assessments [A – J] and these include viewpoints from several locations from the bridleway along the eastern site boundary. We consider that the assessment of ‘Significant’ visual effects ‘reducing to moderate with mitigation proposals’ is a reasonable assessment of the likely visual effects, and that the revised landscape strategy is appropriately designed to mitigate the visual effects from users of the bridleway, although we accept that longer views towards the Shropshire Hills AONB will be screened for this length of the route as a consequence.

Cumulative Effects of Proposed Development

- We can confirm that the LVIA has considered the likely cumulative effects, and that the assessment that the 'cumulative effect is not significant' is reasonable.

Proposed Mitigation Measures and Landscape Strategy

- The mitigation measures and landscape strategy appear to reflect the key issues arising from the revised LVIA. The benefits of the revised layout and the lower level of development platform – in tandem with the proposed tree and hedge planting - are illustrated on the Landscape Strategy Proposals plan, and the reduced visibility is clearly demonstrated via the appropriate use of several sightline sections.

Conclusions and Recommendations

- The predicted landscape and visual effects of the proposed development, as stated in the revised LVIA, appear to be reasonable.
- It is our opinion that the assessor has now taken account of widely accepted national guidelines published in relation to the assessment of landscape and visual impact. Furthermore, the revised LVIA contains additional text to provide more baseline information including key local characteristics and local topography, explanatory text for the proposed access track, and greater details of the landscape strategy.
- The LVIA has now included the bridleway [right of way no. 0135/2/1] along the eastern boundary of the proposed site in order to assess the likely significant adverse visual effects on the amenity of walkers and horse riders along this recreational resource.
- The revised LVIA, with its more comprehensive assessment of the likely significant effects, has now been of use as a 'design tool' in preparing the site layout, design and associated mitigation measures including the landscape strategy at address the likely landscape and visual effects.
- We can confirm that the final sections of ES Chapter 7 Landscape and Visual Impact are now taken directly from the additional text provided in section 'Statement of Assessment' contained in the revised LVIA

Review of comments on applicant's LVIA by Marches Planning and Property

We acknowledge that whilst the LVIA has been amended - further to our previous comments that 'the [original] LVIA as it stands is unreliable' – some issues remain.

The revised LVIA includes a more comprehensive assessment of the likely significant effects. These are sufficient to adequately assess 'the predicated landscape and visual effects of the proposed development'. The key issue is whether the LVIA – with its failings – is fit for purpose as part of the EIA. It identifies the key landscape and visual effects, provides a statement of significance for these effects, and the mitigation measures and landscape strategy appear to reflect the key issues arising from the revised LVIA. Whilst there are still issues with inconsistencies and methodology of the assessment, it is our opinion that it has reasonably identified the likely significant landscape and visual effects, and has informed the mitigation measures that include site design, layout and planting strategy. In this respect it has adequately satisfied the requirements of the LVIA role in EIA.

Whilst the assessment that the 'cumulative effect is not significant' is likely to be reasonable, the LVIA – and the accompanying ES - needs to provide details of what cumulative effects have been considered and why they are not significant. (This has been addressed by the revised LVIA).

- 4.1.16 **Shropshire Hills AONB Partnership** The application may affect the nationally designated area and, as such, the Planning Authority has a statutory duty to take the AONB designation into account in determining it.

Particularly important in this respect are national policies which give the highest levels of protection to AONBs, including NPPF para 14 footnote 9; para 115; and, in the case of major development, para 116. In addition to other local planning considerations, the application clearly also needs to conform with Shropshire Council Core Strategy policies CS 5, 6, 16 and 17 and SAMDev policies MD 2, 7, 8, 11, 12 and 13 that make specific reference to the Shropshire Hills AONB.

The statutory Shropshire Hills AONB Management Plan 2014-2019 (<http://www.shropshirehillsaonb.co.uk/a-special-place/management-plan/>) formally approved and adopted by Shropshire Council contains further Council policies that are material planning considerations which the Core Strategy requires should be given due weight.

As a non-statutory consultee, the Partnership is not resourced to respond to all planning applications affecting the Shropshire Hills AONB, and has not in making this response studied the detail of this application. The AONB Partnership may choose to make further comments on this application, but if not, the absence of detailed consideration and comments by the Partnership should NOT be interpreted as suggesting that this application raises no issues regarding the AONB designation. This remains a matter for the Council to take fully into consideration, fulfilling its statutory duty in respect of the AONB, in reaching a decision on the application.

Revised proposals: No additional comments.

- 4.1.17 **Shropshire Wildlife Trust**

While the development is of a significant scale it would appear that the ecological impacts are limited. Shropshire Wildlife Trust would however like to highlight and support the comments of the Shropshire Council Planning Ecologist.

We would also recommend that Shropshire Council is satisfied that there will be no significant adverse ecological impacts resulting from emissions to either air or water. This is especially relevant given the adjacent water course and Local Wildlife Sites/Ancient Woodland less than 2km away downwind.

- 4.1.18 **Shropshire Fire Service** Advice provided – see informatives.

- 4.1.19 **Ramblers** There is a Right-of-Way adjacent to the development site, Neenton Bridleway 2. The application makes specific mention of strengthening and raising the height of the hedge that forms the boundary of the site.

- 4.1.20 **British Horse Society** No objections. As a bridleway access officer for the British

Horse Society, I received concerns regarding the bridleway running alongside the farm. I have received confirmation that this bridleway will NOT be altered or affected in any way. On this basis, the British Horse Society have no objection to the proposed plans.

4.1.21 **CPRE (Bridgnorth)** We fully support the Parish Council and residents in objecting to this factory style industrial sized farming application. The land is Grade 2 and should be protected. The site slopes down towards a stream, further down to a pool which feeds the Rea Brook. Effluent seepage from the waste will cause pollution. From the Brown Clee AONB the site is clearly visible and will detrimentally affect much needed tourism for the economy as tourists will not wish to view an eyesore. Our main concern is that the operation may be expanded. The road is inadequate to take the large lorries needed for the proposal. We agree with the many points already made by other objectors.

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 submitted, 20 properties in the area were individually notified. 98 objections have been received, and there have been 39 letters of support. The objection reasons are summarised below.

4.2.2 Traffic and access

- Unsuitability of B4364 to take additional traffic
- Generally poor visibility and inadequate width of public highway
- Traffic direction signs seek to inhibit use by non-essential through traffic
- Highway is signposted as 'light traffic only'
- Site is remote from any principal roads of an adequate standard
- Impact on other road users including cyclists, horse riders and walkers
- Submitted accident record does not reflect true situation; many accidents go unreported
- Increased risk of accidents on highway; numerous accidents already
- Access unsafe
- Adverse impact on amenity of small settlements and dwellings in close proximity
- Traditional farm traffic is seasonal; proposed traffic would be regular and repetitive
- Timing of deliveries will be dictated by supplier
- 12m junction radii is inadequate
- Uncertainty over timing and frequency of HGVs;
- Traffic estimates not realistic
- Highway impact from construction traffic

Visual and siting

- Adverse impact on landscape
- Visual impact from properties and public rights of way
- Screening would take years to establish
- Impact upon listed building
- Photographs in the application are taken from the wrong perspective and are misleading
- Contrary to policy CS5 and NPPF
- Impact on AONB

- No mitigation measures to ameliorate the visual harm
- Massive scale would be harmful to the landscape character; cannot be integrated or concealed in the landscape
- Roofs would reflect sunlight
- Landscaping proposals set the development apart from its surroundings
- Site could be accommodated on an industrial estate; does not need a countryside location
- Should be more than 1km from residential properties to function satisfactorily

Pollution and amenity

- Adverse odour from poultry sheds
- Adverse odour from manure spreading
- Disturbance from heavy traffic, including night-time traffic
- Impact on public rights of way
- Risk of vermin and flies
- Light pollution
- Noise from traffic
- Environment Agency guidance makes reference to a 400m separation distance; three properties are all considerably closer than the recommended minimum distance
- Noise from fans
- Impact on public health
- Impact on water resources
- Pollution from manure spreading, including nitrogen and phosphorous, organic matter, pathogens and antibiotics
- Increased air pollution
- Prevailing wind will carry pollution
- Fans will blow toxic dust, including dead skin, mites, bacteria, fungal spores, veterinary medicines, pesticides, ammonia and hydrogen sulphide
- Danger of airborne bacteria to workers and local residents
- Impact on ancient land drains
- Ammonia emissions
- Bioaerosol emissions
- Land is Grade 2
- Risk of flooding
- Untreated human waste from staff and visitors passed into the dirty water then spread on the farmland
- Issues with ash disposal from biomass burner
- Risk of disease transfer to other animals in the area

Ecology

- Impact on wildlife
- Site has not been properly surveyed
-

Economic

- Would only create one full time and one part time job
- Adverse impact upon local businesses including public houses
- Adverse impact on tourism
- Impact on local community is nearly completely negative

Principle

- Industrialisation of the area
- UK does not need any more fried chicken

- Chickens should not be kept in restrictive conditions with no access to daylight or fresh air; chickens should be permitted to roam freely
- Operation may be expanded
- Would set a precedent for further similar unsuitable developments

4.2.3 In addition to the above, an objection technical note has been submitted by Banners Gate Transportation Ltd. The full note can be viewed on the online planning register. The objection is summarised as follows:

- Junction visibility is substandard
- Junction geometry is not suitable for large vehicles
- The traffic generation of the project has been underestimated
- The route of the B4364 is suitable for light vehicles only
- Heavy goods traffic would increase the risk of side swipe accidents
- Construction traffic should be discussed

4.2.4 Detailed objections have been received from Marches Planning & Property. The submission states that it is on behalf of the Neenton, Faintree and Chetton Action Group (NF&C) of local residents opposed to the proposed development. The objection is made on the following grounds:

- Harm to residential amenity
- Landscape harm
- Highways impacts
- Pollution
- Unsustainable development
- Loss of the best and most versatile agricultural land

4.2.5 Matters raised:

Residential amenity:

- Process set out in the Environmental Statement does not reflect widespread practice in the broiler industry; unlikely that the applicant would maintain the stated crop cycle or even the same processor; impact of greater number of crop cycles on odour, noise, dust, bioaerosols, traffic and ecology; would also increase amount of power and water consumed
- Other changes in the industry can be foreseen and should be accounted for, such as the possible banning of thinning
- Application fails to consider anything like the worst-case impacts; contain much contradictory, misleading and inaccurate data
- Does not describe the clean out process, although this generates the most intense odour, noise, dust and bio-aerosol impacts
- Noise from chick delivery not been considered, or from plant
- Removal of litter to storage heaps not considered- impact from odour
- Traffic movements and time taken involved in depopulation is underestimated

Landscape:

- LVIA falls short of the requirements of a LVIA
- Contains inaccuracies and contradictions
- Feed silos on elevation drawing are misrepresented
- Cross sections not submitted
- Rate of growth of landscape planting overestimated
- Impact of development on landscape underplayed
- Landscape appraisal is of poor quality; makes only passing reference to historical

- depth of the landscape
- Hedges and trees would be exposed to high concentrations of ammonia
- would be remote from cluster of farm buildings; no other buildings of similar design
- several appeal decisions have endorse refusal of broiler unit developments on landscape grounds
- proposals are contrary to Development Plan policy
- cumulative effects have not been properly assessed

Highway impacts:

- no routing plan submitted
- impact from overnight HGV movements; would be in breach of WHO guidance
- refusal on grounds of such harm has been upheld in appeal decisions
- no assessment of impact of night time HGV movements on homes close to the roads

Pollution:

- manure management plan insufficient
- no assessment of likely environmental impacts of disposal of litter
- no consideration of disposal of dirty water or ash from the biomass boiler
- manure management plan does not consider any pollutant/nutrient other than nitrogen; nutrient of most concern is phosphorous
- lack of comprehensive plan to manage the waste
- poses a sever threat to watercourses under the Water Framework Directive (WFD)
- concerns over spreading of water from washdown on the farmland, as contains nutrients and other pollutants such as disinfectants
- size of dirty water tanks not specified
- inadequate assessment of soil disturbance impacts from construction
- Environmental Permit will not address the above
- Contrary to policies CS18 and CS19
- WFD does not allow for any deterioration in any element of ecological or chemical status
- EA has not as yet agreed to take on the role of competent authority in assessing the environmental impacts of the planning application
- EA received 1679 complaints about poultry units in 2015
- While the EP aims to reduce noise and odour impacts from the facility itself, provided the applicant has noise and odour management plans in place and uses best available technology, he would not be in breach of his EP even if there were severe noise, dust or odour impacts
- An immune response may constitute sever illness and can be fatal
- Unrestricted disposal of the biomass ash on the applicant's land will lead to pollution
- Construction management plan is not sufficient

Lack of sustainability

- Development would be built entirely from non-renewable resource materials, none of which could be sourced locally; production process is highly unsustainable
- No assessment of economic benefit versus social and environmental impacts; small economic benefit
- Unclear as to how water or electricity would be supplied to the site, or how much required, as required under EIA regulations

- Contrary to policies to protect landscape and tourism

Agricultural land:

- Land is likely to be Grade 3a, i.e. best and most versatile agricultural land, for which there is a presumption against the development of

4.2.6 Detailed objections have been received from Environmental Pollution Management Ltd. (on behalf of Marches Planning & Property) relating to odour, dust and noise impacts, summarised as follows:

- Inputs to the dispersion model could underestimate odour impact
- Uncertainty in the modelling has not been included
- Last 4 days of cycle when odour release likely to be greatest has not been considered
- No evidence that odour from litter stored in biomass boiler building would be contained
- Odour from transportation of manure from site not considered
- Therefore likely that residential receptors would be exposed to odours in excess of the EA's benchmark for moderately offensive odours
- Existing background concentrations of particulate matter not assessed
- Significant release of particulates from stack if litter is burnt
- Impact of bioaerosols on human health not considered
- ES does not consider significant noise sources from certain operations such as filling silos, removal of litter and cleaning of the poultry house; does not consider the combined impact of transport and operational noise sources

4.2.7 An objection has been received from Food & Water Europe, summarised as follows:

- Landscape impact
- Contrary to planning policy
- Absence of other large scale development in the area
- No calculation of how much water would be required
- Water demand may be further complicated if fracking is carried out in the county
- Impact on trees and hedgerows
- Limited economic benefits; no stable employment generated
- Health concerns
- Inconsistent with other poultry proposals that have been refused in the county

4.2.8 Support

- Need to keep affordable chicken on our own supermarket shelves
- Industry is still importing chicken to meet demand; should become more self-sufficient
- Viruses are becoming more and more controllable by the integrators
- Important for farmers to diversity to achieve a more sustainable living
- UK chicken industry needs to be supported
- Business would not impact on anybody
- If can have sheep, pigs and cattle on a farm, why not chickens
- Increase in traffic would be marginal
- Should encourage rural enterprise
- Will create employment for locals
- Will keep the farm within the family
- Live within 100m of a chicken farm and don't have any issues with odour, noise or visual impact

- Production of food must be supported
- Highways are more than adequate to cope
- Biomass boiler would reduce the amount of energy need to heat the sheds
- Environmental Permit would ensure operation meets strict procedures
- Will support local contractors and farmers
- Site is not in the AONB; countryside is not a museum
- Not enough poultry meat in UK to fulfil demand

5.0 THE MAIN ISSUES

- 5.1
- Environmental Impact Assessment
 - Planning policy context; principle of development
 - Siting, scale and design; impact upon landscape character
 - Local amenity considerations
 - Historic environment considerations
 - Traffic and access considerations
 - Drainage and pollution considerations
 - Ecological 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 current proposal is for up to 225,000 birds and as such it is classed as EIA development. Shropshire Council provided a formal scoping opinion to the applicant in June 2015 (ref. 15/02108/SCO) setting out the matters that would need to be included in any EIA for the proposed development. The current planning application is accompanied by an Environmental Statement, as required by the 2011 Regulations.

6.2 Planning policy context; principle of development

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

- 6.2.2 The proposed development is located in an area of countryside, and Core Strategy Policy CS5 states that development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to specified proposals including: agricultural related development. It states that proposals for large scale new development will be required to demonstrate that there are no unacceptable adverse environmental impacts. Whilst the Core Strategy aims to provide general support for the land based sector, it states that larger scale agricultural related development including poultry units, can have significant impacts and will not be appropriate in all rural locations (para. 4.74). Policy CS13 seeks the delivery of sustainable economic growth and prosperous communities. In rural areas it says that particular emphasis will be place on recognising the continued importance of farming for food production and supporting rural enterprise and diversification of the economy, in particular areas of economic activity associated with industry such as agriculture. Core Strategy policy CS1 states that, outside community hubs and clusters settlements, development will primarily be for economic diversification and to meet the needs of the local communities for affordable housing.
- 6.2.3 The planning application states that the proposed development would ensure that the farming business remains viable for the younger generation, and would allow the remaining land to be maintained within arable production. It is proposed that the applicant's son would manage and run the proposed poultry enterprise, and the application states that this would enable him to stay on the farm and build up the business for his family. In terms of employment, the application states that there would be a need for one full-time worker and part-time support. Sub-contractors would also be used on a regular basis through the crop cycle. It states that the development would help to meet the high demand for chicken, and that the proposal would amount to an investment of over £4m by the applicants.
- 6.2.4 The proposal comprises agricultural-related development, and such developments are specifically supported in the countryside, subject to meeting other criteria, under Core Strategy policy CS5. It would constitute a diversification of the existing farm business, and as such its rural location is acceptable in principle by virtue of Core Strategy policy CS1 and para. 28 of the NPPF. The development would be expected to contribute to improving viability of the enterprise and therefore provide some benefits to the rural economy. In principle therefore it is considered that the provision of a poultry unit development in this rural 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 states that development will be designed to a high quality using sustainable design principles. It 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, scale and design: The site is not located within an area designated for landscape value. However it is visible from the Shropshire Hills Area of Outstanding Natural Beauty (AONB), the boundary of which is approximately 3km to the west, particularly from the higher ground forming part of Brown Clee Hill.
- 6.3.3 The planning application as originally submitted proposed that the four poultry sheds and biomass boiler building were to be positioned such that their gable ends were pointing in an east-west orientation. Following discussions with Officers, and to seek to address concerns and comments raised as part of the planning consultation process, the layout of the site was modified to re-orientate the buildings north-south. In addition to this further changes to the site layout have resulted in the footprint of the buildings being reduced from approximately 2 hectares to 1.5 hectares.
- 6.3.4 Officers consider that the revised layout is a significant improvement on that originally submitted. The doors to the sheds would now face north, i.e. closer to the point at which collection vehicles enter the site, so this would reduce vehicle manoeuvring and movements. In addition the site size has been reduced significantly. The external design and scale of the buildings are generally standard for developments of this type, and Officers consider that this is acceptable in principle.
- 6.3.5 An assessment of alternatives has been included in the Environmental Statement. This indicates that, of other possible locations, the application site was chosen given its distance from neighbouring residential receptors, its natural screening, and its topography. There would be some physical detachment between the proposed development and the existing farm buildings at Walkhamwood Farm. Nevertheless the proposed site would avoid the need for significant hedgerow loss given the shape and size of the fields closer to the farm buildings.
- 6.3.6 Use of agricultural land: The proposed development would result in the loss of arable land from the farmholding. The application states that the amount of land lost would be approximately 5% of the applicant's arable land holding. The agricultural land classification maps show the application site to be Grade 3. These standard maps do not differentiate between Grade 3a and Grade 3b agricultural land. Grade 1, 2 and 3a is classed as 'best and most versatile' agricultural land. Nevertheless it should be noted that the land would be retained in agricultural production. Given the area of land involved, the identified Grade, and the continued use for food production, Officers do not consider that the loss of this Grade 3 agricultural land is a significant issue that would warrant refusal of the application.
- 6.3.7 Sustainable design: The proposed development incorporates a number of elements in the design to reduce energy consumption and waste. These measures include the use of movement sensors to minimise the use of lights; temperature-controlled ventilation fans; the use of drip cups to minimise water wastage; the use of a poultry litter-fuelled biomass boiler to avoid the use of non-renewable fuels for heating and to utilise waste generated from the site. These sustainable design principles are supported in the context of Core Strategy policy CS6.
- 6.4.1 Landscaping: The revised site layout incorporates an earth screen berm enclosing the

development at a height of six metres above the finished ground levels of the poultry units. The LVIA states that the site design includes a clear planting strategy that focuses on delivering a realistic long term screen belt to protect the amenity of all visual receptors within 1.5km of the site. In addition it is proposed that the farm maintenance regime is altered such that hedges shall be allowed to grow within a period of two years to a new cut height of 3 metres to form additional linear screening barriers. This compares to the existing regime in which hedges are maintained at a cut height of 1.5 metres.

- 6.4.2 Landscape impacts: The application is accompanied by a Landscape and Visual Impact Assessment (LVIA). This was revised as part of the re-design of the site. Officers have sought advice on both the original LVIA and the revised LVIA from the Council's landscape consultants, ESP Ltd. They conclude that the predicted landscape and visual effects of the proposed development, as stated in the revised LVIA, appear to be reasonable. They consider that the revised LVIA, with its more comprehensive assessment of likely significant effects, has now been of use as a 'design tool' in preparing the site layout, design and associated mitigation measures including the landscape strategy to address the likely landscape and visual effects. From this assessment by the Council's landscape consultant, Officers have sufficient confidence that the findings of the applicant's revised LVIA in relation to landscape and visual impact are reasonable.
- 6.4.3 The revised LVIA notes that the site lies within an area of high scenic quality. The development site forms part of a very large field where a convex ground profile gradually falls south and west. It lies between contours 208 to 185 metres. The view is open and exposed in a 90 degree arc from south to west. The LVIA considers that there are two areas of important visual receptors – at long distances greater than 3.5km but not exceeding 11km from the site on the elevated ground of the Clee Hills in the AONB, and at short distances of less than 1.5km where the two most important receptor points lie within 50-250 metres of the development site.
- 6.4.4 Officers agree with the revised LVIA in that the site layout has been well thought out. It acknowledges that the change from rolling field to engineered earth berm would have a significant effect on the landscape. In addition it acknowledges that the proposed buildings would be unique in that it would be the first major construction of poultry units within the study area.
- 6.4.5 The site would be lowered by up to 10 metres such that, given the 6 metre height of the poultry buildings and the 9 metres height of the biomass boiler building, the buildings would not project above the skyline view. Tree and hedgerow removal would be minimal. The revised LVIA states that the screen planting strategy is very comprehensive and once implemented, would create new areas of woodland, linear tree belt and boundary hedgerow that are designed to provide beneficial effects for improving farm biodiversity and at the same time strengthening, protecting and conserving landscape character of the local area. A new hedgerow would define the eastern boundary of the site. This would be 20 metres from the existing hedgerow to the east, to the west of which runs a public bridleway. There would therefore be a wide corridor between the site and bridleway.
- 6.4.6 The revised design proposes that the biomass building would be located centrally

between two poultry buildings. This would make best use of the massing effect of the buildings and would help reduce the impact of the relatively high biomass building surrounded by the lower units.

- 6.4.7 The steep gradients of the cut and fill embankment slopes would be protected with erosion control matting and sown on the inner faces with an eco-rich grass seed mix containing over 35 species to create a natural wild flora grassland habitat to increase farm biodiversity and ecological value. Further landscape planting would include the planting of an avenue of White Poplar approximately 500 metres to the south-west of the site to provide an effective screen for one visible semi-detached farm workers house at Wrickton 1.3km away.
- 6.4.8 The LVIA recognises that the proposed planting is of a scale and size appropriate to the scale of the development to replicate and conserve landscape character of the area. The loss of 4 hectares of arable field would be compensated for with the addition of 0.6 hectares of native woodland. The loss of 50 metres of hedgerow would be compensated for by the planting of 340 metres of hedgerow. The LVIA recommends that new buildings should be painted in one monotone subdued colour, preferably slate blue/grey. This can be agreed by planning condition should permission be granted.
- 6.4.9 The LVIA has assessed the landscape impact of the proposed development from numerous viewpoints, including long distances greater than 3.5km from the site, and short distances less than 1.5km from the site. The LVIA considers that the impact from long distance viewpoints to the west, i.e. on the higher slopes up to Brown Clee Hill and from Burwarton Park approximately 3.8km away would be minor, or minor with mitigation proposals. Landscape impact from viewpoints on the Neenton to Wrickton public highway, approximately 1km to the south-west, would be moderate reducing to minor with mitigation proposals. Landscape impact from certain points along the public bridleway to the east of the site would be significant reducing to moderate with the mitigation proposals. The LVIA notes that the addition of screen planting would result in the loss of the panoramic view of the Clee Hills. The visual impact from the property The Ridges to the northwest, and the public footpath approximately 270 metres to the west and from a bridleway to the east would be significant reducing to moderate with the mitigation planting. The impact from Smeasley Farm to the east would be moderate reducing to minor.
- 6.4.10 Whilst mitigation planting would take time to become fully effective the LVIA notes that due to the lowered construction level of the development, 90% of the new buildings would be hidden from view from the outset. The development is large in scale and, whilst the proposed design and mitigation would minimise visual and landscape impacts, it would nevertheless impact upon the landscape character of the area. This would be particularly noticeable from certain points along nearby public rights of way. The initial significant impacts would reduce in time to 'moderate' as the screen planting establishes. Officers consider that this would reduce landscape and visual impacts to acceptable levels. It is not considered that the proposed development would adversely affect the visual qualities of the AONB located approximately 3km away.
- 6.4.11 Cumulative landscape impact: The proposed development would be detached from the existing farm buildings and this would create a cumulative visual effect where two distinct developments can be viewed. The LVIA states that the implementation of

landscape strategy proposals would reduce the severity of these effects, and that this cumulative effect is not significant. The Council's landscape consultant considers that this conclusion is likely to be reasonable. The applicant's agent has now set out how this conclusion was arrived at, and Officers accept this assessment.

6.5 Historic environment considerations

6.5.1 Core Strategy policy CS17 requires that developments protect and enhance the diversity, high quality and local character of Shropshire's historic environment. SAMDev Plan policy MD13 requires that heritage assets are conserved, sympathetically enhanced and restored by ensuring that the social or economic benefits of a development can be demonstrated to clearly outweigh any adverse effects on the significance of a heritage asset, or its setting. Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard has to be given to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which it possesses and preserving or enhancing the character or appearance of Conservation Areas.

6.5.2 The application is accompanied by a Heritage Impact Assessment (HIA) which has assessed the impact of the proposal on designated and non-designated heritage assets within a 2km study area. The HIA considers that the site is relatively secluded, and is not even visible from the vast majority of the studied area, and that it is in a landscape formed as a result of ongoing adaptation. It concludes that no designated or non-designated assets would be affected by the proposal, and no damage would be incurred on the known cultural heritage within the footprint of the proposed development.

6.5.3 The Council's Conservation Officer notes that the site is not visible from Neenton conservation area, approximately 1.2km to the west, or its listed buildings, and therefore the development would not impact upon their settings. In addition there is limited visibility between the site and the Grade II listed buildings at Faintree Hall and Faintree Hall Farm, approximately 1.3km to the north-east. It is not considered that the development would have a detrimental impact upon the setting of these assets. The Conservation Officer considers that, whilst the site may be visible from the Grade II registered Burwarton Hall Park, approximately 3.1km to the south-west, the park has strong tree cover and the development would have a minimal impact upon its setting.

6.5.4 It is considered that the proposal would generally preserve the character and setting of nearby heritage assets in line with policies, guidance and legislation as outlined above.

6.5.5 In terms of archaeology, the submitted Desk Based Assessment concludes that given the limited archaeological resource evident in the area, an archaeological watching brief during the ground works phase of the development would provide an adequate level of mitigation. The Council's Archaeologist concurs with this, and has recommended that a condition is added to any planning permission to require that a watching brief is undertaken during ground works (see Appendix 1).

6.6 Residential and local amenity considerations

6.6.1 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.

- 6.6.2 An Environmental Permit (EP) for the proposed operation has now been issued by the Environment Agency. This controls the detailed operational matters to prevent pollution of the environment, throughout the lifetime of the development. As noted by the Agency, 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”. In response to consultation on this planning application the Agency has raised no specific concerns regarding the proposed development.
- 6.6.3 Noise: A Noise Impact Assessment report has been submitted as part of the planning application. This was updated as part of the revised site layout. The Assessment is based upon a baseline/ambient noise survey undertaken at various locations in the vicinity of the site. Noise levels likely to be generated have then been assessed using criteria set out in the relevant noise standard BS4142. The Assessment identifies the operational plant as: ridge fans; feed bins; biomass boiler; boiler flue outlet; The Assessment concludes that noise impact during the daytime and night-time would be considered to be negligible when considering the current ambient noise climate. Noise associated with HGV movements at the poultry unit have been assessed during each of the operational phases, i.e. initial set up; normal daytime operations; overnight depopulation. The Assessment concludes that, other than for one exception, noise impact from each of these operations would be negligible. The exception is that, during overnight depopulation, noise impact from HGV movements would have moderate significance on the farm dwellings at Walkhamwood Farm. It is noted however that these properties (the farmhouse and Hillcrest) adjacent to the vehicle movement route have a financial interest in the proposal. In addition this activity is very infrequent, occurring only once per crop cycle (every 45 days). The Assessment concludes that there are no noise-related issues that would prevent planning permission from being granted for the proposal.
- 6.6.4 The Council’s Public Protection Officer considers that the noise assessment is robust and that it is based upon absolute worst case noise events. The Officer notes that noise levels have been modelled to be 10-15dB above background noise levels in certain circumstances. However this results in maximum noise levels of around 35dB at nearest receptors which is not a level that would be considered to have an adverse impact. Based upon the advice of the Public Protection Officer and the conclusion of the noise impact assessment it is not considered that the proposed development would have an adverse impact upon nearby residents due to noise. As a further safeguard the EP for the poultry operation controls noise from activities at the site.
- 6.6.5 Odour and flies: An Odour Impact report has been submitted as part of the planning application. This has been revised as part of the modifications to the site layout. The report assesses odour emission rates from the proposed poultry unit based upon an emissions model that takes into account the likely internal odour concentrations and ventilation rates of the poultry houses. These emission rates have then been used in an atmospheric dispersion model to calculate odour exposure levels in the surrounding area.

- 6.6.6 The results of the modelling indicate that the 98th percentile hourly mean odour concentration at nearby residences would be below the Environment Agency's benchmark for moderately offensive odours. [The 98th percentile is the value that would be exceeded for 2% of the time]. The report acknowledges that odours that arise during the clearing out process can be quite intense. It states that, as the duration of this emission is short, it has little effect on the 98th percentile statistics on which the guidance of acceptability is based.
- 6.6.7 The Council's Public Protection Officer considers that the odour assessment is robust and agrees with its conclusions that no significant detrimental impact will occur at nearest residential dwellings.
- 6.6.8 Objections to the proposal have been made on the grounds that the proposal would have adverse odour impact. In addition detailed objections have been received expressing concern that it would be unsafe to proceed with the development for the following reasons:
- Uncertainty has not been considered in the dispersion modelling study
 - It is likely that receptor 3 (Smeasley Farm) would be exposed to odour in excess of the Environment Agency's benchmark for moderately offensive odours
 - The storage of manure within the sealed biomass boiler building would result in anaerobic conditions, producing more offensive odours
 - Odour could be released from the chimney stack of the biomass boiler.
- 6.6.9 The applicant's odour consultant has provided a response that disputes the above. In response to the objections raised, the Public Protection Officer acknowledges that there may be some uncertainties, but considers that residential properties are a suitable distance away and that there would be no significant detrimental impact from odour. The Officer has confirmed that it is not necessary to impose any planning conditions in respect of odour, should permission be granted. As a further safeguard it should be noted that odour emissions would be addressed through the Environmental Permit for the proposed operation. In relation to pests, the Permit requires that a pests management plan is submitted to the Environment Agency for approval if requested by the Agency. The submitted plan would be required to identify and minimise risks of pollution, hazard or annoyance from pests.
- 6.6.10 Lighting: Lighting on the site will be kept to a minimum to ensure the safe operation of the site but to reduce any light spill outside the unit. Each shed will have a low-wattage, low intensity light above the openings to allow safe working during normal working hours during the winter. Additional lighting may be required during the removal of birds but this will be carried out in low light levels to avoid causing unnecessary stress to the birds. There will be no use of high intensity lighting.
- 6.6.11 Based upon the above assessment Officers consider that the proposal would be in line with Core Strategy policy CS6 to safeguard residential amenity from adverse impact from noise, odour and pests. In addition due to the limited impact of the proposed development and the transient nature of users of public rights of way in the area it is not considered that the proposed development would adversely affect the amenity of path users.

6.7 Traffic and access considerations; public rights of way

- 6.7.1 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.
- 6.7.2 A Transport Statement has been submitted in support of the planning application. This includes details of the proposed new access, the results of an automatic traffic count undertaken in 2015, recent Personal Injury Accident data, and a prediction of additional traffic that would be generated by the proposed development.
- 6.7.3 Proposed access: The existing access to the farm is too narrow to accommodate two-way HGV movements and affords restricted visibility for emerging vehicles. It also carries a public right of way (bridleway). It is proposed to construct a new vehicle access to serve both the existing farm and also the proposed poultry development. This would connect to the B4364 at a point approximately 200 metres to the west of the existing access.
- 6.7.4 The proposed access would allow two HGV's to pass at the entrance point. Its construction would necessitate the removal of approximately 20 metres of hedgerow to create the opening. A topographic survey confirms that no hedgerow would need to be removed in respect of achieving the required visibility splays, and that the existing oak tree close to the new access track would not be affected.
- 6.7.5 The Council's Highways Officer has confirmed that the proposed new access is acceptable in principle, and has recommended a number of conditions to ensure that the detailed design is appropriate. In addition a planning condition can be imposed to any permission that requires that all farm and poultry traffic uses the new access only. These are set out in Appendix 1. It is considered that the new access proposals would provide a better access to the farm by improving highway safety, and can be supported.
- 6.7.6 Existing Accident record: The Transport Statement includes Personal Injury Accident data for the most recent three year period (2012 – 2015), and this shows that 12 accidents were recorded within the study area (the B4364) during this period. Based upon an assessment of this data, the applicant's consultant states that the accident record along the local highway network over the three year period does not indicate any particular highway safety issue within the area considered. In addition they consider that it is unlikely that the prevalence of accidents on the local highway network in the vicinity of the site would be materially affected by the proposed development.
- 6.7.7 Proposed traffic movements and route: The predicted traffic generation included in the Traffic Statement was based upon the application as originally submitted, when it was proposed that the biomass boiler would be fuelled by imported wood chip and that chicken litter would be removed from the site by tractor and trailer. The proposal is now that the biomass boiler would be fuelled by chicken litter produced from the site. This would mean that the vehicle movements to and from the site would be reduced in relation to the predictions in the Transport Statement as wood chip would not be imported and chicken litter would not be exported. The application states that this would result in a reduction of 55 one-way vehicle movements per cycle.

- 6.7.8 Taking this into consideration, there would be 74 vehicles to the site per flock cycle (45 days), which equates to an average of 4 movements per day, of which 3 would be HGV's. The busiest period in terms of HGV movements would be at the end of the cycle when the chickens are collected. The additional HGV traffic would equate to a 4.9% increase in respect of existing average daily flows of HGV's on the B4364. In respect of all traffic, there would be a 0.2% increase. The application states that when birds are removed from the site at the end of each cycle vehicles would turn right when they join the B4364 and therefore not travel through Neenton village.
- 6.7.9 The Council's Highways Officer considers that the B4364 is of good quality and of sufficient width and construction to serve a greater volume of traffic than it currently does. In relation to the predicted traffic based upon the original proposal that included biomass deliveries and manure removal, the Officer considered that the additional traffic generated by the proposed development could be adequately accommodated on the adjacent highway. The proposal as now amended would result in significantly less HGV traffic than was considered by the Highways Officer.
- 6.7.10 A large number of objections have been raised to the proposal on the grounds that it would have an adverse impact on the local highway network and reduce highway safety. Objectors are concerned regarding the width and alignment of the B4364 at present, and its ability to cope with additional traffic loads. These concerns are acknowledged. Nevertheless in terms of policy guidance, paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are 'severe'. Notwithstanding the concerns that have been raised, including those by Neenton Parish Council and by consultants commissioned by objectors, Officers do not consider that the proposed development would result in a 'severe' magnitude of impact, and therefore it is not considered that a refusal on highways grounds could be substantiated.
- 6.7.11 Public rights of way: The proposed development would not have a direct effect on any public rights of way in the area. The construction of the new access road would result in there being less agricultural traffic on the existing access road which carries a public bridleway. This would provide some benefit to bridleway users by reducing the amount of heavy traffic along this route. The eastern edge of the proposed development would be set back from the bridleway by more than 15 metres. It is considered that this is a sufficient buffer to ensure that the development would not be overbearing to bridleway users. The development would be set down into the ground and this would mean that views of the surrounding landscape, including the higher ground of Brown Clee Hill to the west, from public rights of way in the area, would not be significantly restricted.
- 6.8 **Drainage and pollution considerations**
- 6.8.1 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.
- 6.8.2 The application is supported by a Flood Risk Assessment. Its authors have confirmed that it remains valid in respect of the modified site layout.
- 6.8.3 Surface water drainage: The FRA notes that the site lies within Flood Zone 1 and

therefore has a low probability of fluvial flooding. The proposed development would increase impermeable areas at the site, which would result in higher surface runoff rates. The surface water management strategy for the site includes the construction of a drainage ditch to the south of the site to act as an attenuation basin. This has been designed to drain free of water and remain waterless in dry weather. The ditch would be a minimum of 1.5 metres deep. A flow control device would limit the rate of discharge of the stored water.

- 6.8.4 The Council's Drainage Officer has confirmed that the surface water drainage proposals are acceptable.
- 6.8.5 Foul water drainage: The main mitigating feature of the development is that all operations would take place either within the buildings or on the hardstanding areas around the buildings. There would be separate systems for foul and surface water drainage. Dirty water would only be generated during times when the sheds are cleaned. Dirty wash water would be directed to a foul water storage tank using a diverter valve. The tanks would be emptied when required.
- 6.8.6 The FRA identifies a number of hazards during the operation of the site that could result in pollution. It states that full mitigation measures would be covered in the accident management plan as part of the Environmental Permit. In summary the FRA states that all significant impacts for the construction/decommissioning and operational phases would be mitigated to a minor level (or less) for all identified potential impacts.
- 6.8.7 Manure management: The biomass boiler would burn the chicken litter produced from the poultry units. The litter would be stored in a sealed negative pressured part of the boiler building. The power produced from the biomass boiler would provide heat and power for the site. This sustainable energy would also mean that that manure would not have to be spread on the applicant's farmland or exported off site to be spread on 3rd party farm land. This would greatly reduce the amount of litter being spread directly on the land and the number of vehicle movements to and from the site as no litter will be exported off-site and no wood chip or other fuel will be imported onto the site for use in the biomass boiler.
- 6.8.8 The Environmental Permit for the proposed operation allows for the use of the manure as a biofuel, and requires that the operator maintains and implements a manure management plan. It is considered that this element of the proposed operation is satisfactorily controlled under the Permitting regime. The applicant has confirmed that they have an annual nutrient management plan produced by a qualified agronomist, and that the spreading of ash from burnt litter would be done to Defra guidelines, under the Nitrate Pollution Prevention Regulations.
- 6.8.9 Detailed matters relating to pollution prevention measures are dealt with through the Environmental Permitting process, and controlled through the Environmental Permit for the site.
- 6.9 **Ecological consideration**
- 6.9.1 Core Strategy policy CS17 seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan policies MD2 and

MD12 require that developments enhance, incorporate or recreate natural assets. Para. 118 of the NPPF states that local planning authorities should aim to conserve and enhance biodiversity.

- 6.9.2 An Ecological Assessment has been undertaken in support of the planning application. This comprises a Desk Study, an Extended Phase One Habitat Survey, an Initial Bat Survey and a Great Crested Newt Assessment. There are no designated ecological sites within or adjacent to the application site. There are two Local Wildlife Sites within 2km of the site: a woodland approximately 1.2km to the east; and a woodland approximately 1.3km to the east. The Ecological Assessment concludes that the proposal would not adversely affect the conservation status of these sites or the status of protected species recorded within the locality, and the Council's Ecologist concurs with this.
- 6.9.3 The Ecological Assessment concludes that the flora of the site has a very low ecological value. In relation to protected species it concludes as follows. The site and its boundaries may be used by bats for foraging purposes. There are two trees with bat roost potential but these are to be retained during and post development. Badgers may, occasionally, traverse and/or forage on the site but there was no evidence of badger setts within 50m of the proposed development. Although it is not considered that hedgehog would reside on the site or use it for breeding/nesting purposes, hedgehog may traverse the site or use it for foraging. It is possible that otter may traverse the watercourse to the west, and therefore on occasions may be present on the site. Vegetation on, bounding and within the immediate vicinity of the site may be used by small breeding birds for nesting purposes. Given the location and habitat of the site and surrounding area it is not considered likely that water vole would reside on the site. The potential for the proposal to impact on great crested newts is low.
- 6.9.4 The Ecological Assessment states that hedgerow and trees within the immediate vicinity of the site provide a valuable habitat within an agricultural landscape. The proposed development would require the removal of approximately 20 metres of hedgerow in order to form the opening for the new access road. This is described in the Ecological Assessment as an intact species-rich hedge, approximately 1.5 metres high. The removal of part of this hedge would have some ecological impact. However the overall ecological value of the site would be enhanced in the longer term through the planting of trees and hedgerows and the installation of an attenuation pond.
- 6.9.5 No specific concerns have been raised by Natural England. The Shropshire Wildlife Trust consider that, while the development is of a significant scale, it would appear that the ecological impacts are limited. The Council's Tree Officer considers that the construction of the new access should not result in any significant damage to the mature oak tree near the proposed entrance. The tree protection condition recommended can be added to the decision notice (see Appendix 1).
- 6.9.6 A reasonable avoidance method statement and mitigation has been included in the Ecological Assessment, and a condition can be imposed to require that these are adhered to, as recommended by the Council's Ecologist. Further conditions can be added to require the submission of a landscaping scheme; and to require the provision of bird and bat boxes (see Appendix 1).

- 6.9.7 Potential impacts from emissions from the poultry units: Ammonia is released from intensive poultry sheds through the breakdown of uric acid which arises from bird excretion. Ammonia emissions from poultry units can potentially impact on nearby nature conservation sites, damage vegetation and affect sensitive habitats.
- 6.9.8 An ammonia screening was carried out by the Environment Agency on the 25 November 2015. The result was that the proposal screened out from requiring ammonia modelling. Natural England has been consulted on the proposed development and they have raised no concerns regarding the proposed development.
- 6.9.9 There are no European sites in 10km or SSSI's within 5km. Local Sites within 2km have screened out below the critical load thresholds. The Environment Agency have concluded that detailed ammonia modelling is not required to support this application. The Council's Ecologist is satisfied that the proposed application is unlikely to have a significant effect on locally designated sites
- 6.9.10 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.

7.0 CONCLUSION

- 7.1 The proposal for a new broiler unit at Walkhamwood Farm comprises an appropriate diversification of the existing farming business. As an agricultural-related development it is supported in principle in this countryside location under Development Plan policy.
- 7.2 The Environmental Impact Assessment has included detailed reports which have identified the potential impacts of the proposal, and put forward mitigation of these impacts. The proposed development would entail the construction of large buildings within a rural location and these would impact upon the landscape character of the area. Nevertheless it is considered that the design and layout of the site, including setting the development on a platform up to 10 metres below existing levels and providing significant peripheral landscaping, would reduce this impact to acceptable levels. It is not considered that the proposed development would adversely affect the visual qualities of the AONB located approximately 3km away.
- 7.3 The siting of the buildings has been sensitively chosen to minimise local impact on residential amenity. The layout of the site is appropriate, and the scale and design of the buildings is acceptable. The proposed development would incorporate sustainable design principle to reduce its environmental impact. The loss of Grade 3 agricultural land to the development is not considered to be a significant overriding issue to warrant refusal of the application. The proposal would preserve the character and setting of nearby heritage assets, and a watching brief can be undertaken during construction to address any archaeological issues.
- 7.4 Potential impacts on residential and local amenity, including from noise and odour, have been appropriately assessed. It is not considered that the proposal would have a detrimental impact upon such amenity. The surface water and dirty water management proposals are of an appropriate design to ensure protection of the site, surrounding areas and water resources from adverse runoff and pollution. In addition an Environmental Permit for the proposed operation has been issued by the Environment

Agency and this would provide further additional safeguards against potential environmental harm.

- 7.5 It is considered that the local highway network has sufficient capacity to accommodate the additional traffic that would be generated by the proposed development. The burning of poultry litter produced at the site in the biomass boilers would avoid the need for heavy vehicles to deliver biomass fuel or export manure from the site. The design of the access is acceptable and would provide a better access to the farm than the existing one. The proposal would not result in significant ecological impacts and in overall terms would improve the ecological value of the area through new planting.
- 7.6 The proposal is a large-scale development in a rural area and would have some impact on the local area, including from additional traffic on the public highway, and effects on the visual character of the area. Nevertheless, and with regard to the mitigation put forward, Officers do consider that these impacts would not be unacceptable when weighed against the wider benefits in providing a facility for the rearing of broiler chickens as a diversification scheme for the farm.
- 7.7 Detailed objections have been submitted by consultancies on behalf of local residents in relation to potential impacts of the proposal, including in relation to highways, landscape and pollution. These have been given due consideration by Officers as part of the assessment of the application. Notwithstanding these concerns there have been no objections raised to the proposals by statutory and other consultees, including Natural England, the highways authority, the Environment Agency, and the Council's Public Protection and Ecology team. Officers consider that the proposed development can be supported in relation to Development Plan and national planning policy. As such it is recommended that delegated authority is given to the Planning Manager to grant planning permission for the proposed development subject to the conditions as set out in Appendix 1 and any amendments to these considered necessary.
- 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)
- Policy CS1 (Strategic Approach)

10.1.2 SAMDev Plan

- Policy MD2 (Sustainable Design)
- Policy MD7b (General Management of Development in the Countryside)
- 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)
National Planning Practice Guidance

RELEVANT PLANNING HISTORY:

10/01201/VAR Variation of Condition No.3 (materials) attached to 07/1005 to allow for a variation in approved materials GRANT 19th May 2010

10/05547/DIS Discharge of condition on planning application 10/01201/VAR DISAPP 18th January 2011

11/01984/AGR Erection of an agricultural storage building PNAGR 27th May 2011

12/00004/AGR Erection of an agricultural building PNAGR 19th January 2012

15/02108/SCO Proposed development of four poultry units, 10 feed bins and biomass boiler SCO 17th June 2015

16/01034/OHL To uprate approx 545 metres of existing 1,000 volt overhead line from 2 wire to 3 wire and to erect and additional 230 metres of 11,000 volt 3 wire overhead line to provide a service to a customer at Walkhamwood Farm NOOBJC 6th July 2016

BR/APP/FUL/07/1005 ERECTION OF SINGLE STOREY SIDE AND REAR TWO STOREY EXTENSION GRANT 24th January 2008

11. Additional Information

View details online: <https://pa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage&searchType=Application>

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

Environmental Statement

Flood Risk and Drainage Assessment

Heritage Statement

Landscape Visual Impact Assessment

Manure Management Plan

Odour Dispersion Study

Amenity Risk Assessment

Transport Assessment

Archaeological Assessment

Design and Access Statement

Ecological Assessment

Noise Impact Assessment

Cabinet Member (Portfolio Holder)

Cllr M. Price

Local Member

Cllr Robert Tindall

Appendices

APPENDIX 1 - Conditions

APPENDIX 1 - Conditions

STANDARD CONDITION(S)

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No development 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.

4. Before any other site operations are commenced, the vehicular access works shown on drawing no. 001 rev. C (Proposed Access) shall be substantially completed with the approved visibility splays cleared of all obstructions exceeding 800mm in height above the level of the adjacent carriageway.

Reason: To ensure that the development will not prejudice the free flow of traffic and conditions of safety on the highway nor cause inconvenience to other highway users.

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

Reason: To ensure an acceptable appearance to protect visual quality.

6. Where the approved plans and particulars indicate that construction work or installation of any drainage or service run is to take place within the Root Protection Area of any retained tree or hedge, then prior to commencement of any development-related works on site, a Tree Protection Plan (TPP) shall be submitted to and approved in writing by the LPA. The TPP shall include details on how any such retained tree or hedge will be protected from harm or damage during the development.

Reason: to ensure that permitted work within an RPA is planned and carried out in such a manner as 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.

7. All pre-commencement tree protection measures detailed in the approved Tree Protection Plan (TPP) shall be fully implemented to the written satisfaction of the LPA, before any development-related equipment, materials or machinery are brought onto the site. Thereafter the approved tree protection measures shall be maintained in a satisfactory condition throughout the duration of the development, until all equipment, machinery and surplus materials have been removed from the site.

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.

8. (a) No works associated with the development will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a tree planting scheme, prepared in accordance with British Standard 8545: 2014 Trees: from Nursery to Independence in the Landscape Recommendations, or its current version, has been submitted to and approved in writing by the LPA.

The approved scheme shall include:

- (i) details of the trees and shrubs to be planted in association with the development, including species, locations or density and planting pattern, type of planting stock, size at planting, means of protection and support, planting period and date of completion, and measures for post-planting maintenance and replacement of losses;
- (ii) details as relevant of the specification and location of the barriers to be installed prior to commencement of development (and / or any other measures to be taken), for the protection of ground reserved for the planting identified in a) above.

(b) The approved tree planting scheme shall be implemented as specified and in full within the timescale agreed with the LPA. If within a period of three years from the date of planting, any tree or shrub, or any tree or shrub planted in replacement for it, dies, is uprooted or removed, or becomes seriously damaged or diseased, another tree or shrub of a similar specification to the original shall be planted at the same place during the first available planting season.

Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.

9. Prior to the commencement of development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented fully in accordance with the approved details for the duration of the construction period.

Reason: In the interests of highway safety, pollution prevent and local amenity.

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

10. A total of 2 woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow 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.

11. 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.

12. The surface water drainage scheme shall be installed in accordance with the approved drainage plan and details prior to the first use of any of the buildings hereby approved.

Reason: To ensure that the surface water drainage systems are adequate and to minimise flood risk.

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

13. The full width of the vehicular access shall be constructed in a bound material for a distance of 20 metres from the B4364 nearside carriageway edge before any other site operations are commenced and thereafter maintained for the life of the development.

Reason: To provide a safe access to the development in the interests of highway safety.

14. The gradient of the access from the B4364 carriageway edge shall not exceed 1 in 24 for a distance of 15 metres and thereafter the gradient of the drive shall not exceed 1 in 10.

Reason: To provide a safe access to the development in the interests of highway safety.

15. Any gates provided to close the proposed access shall be set a minimum distance of 20 metres from the B4364 carriageway edge and shall be made to open away from the highway only.

Reason: To provide a safe access to the development in the interests of highway safety.

16. Heavy Goods Vehicles and tractors shall not access or egress Walkhamwood Farm or the poultry units from the B4364 other than via the access road permitted under this planning permission.

Reason: In the interests of highway safety.

17. (a) The number of birds at the site within the poultry rearing buildings shall not exceed 225,000 at any time.

(b) Records of the number of birds delivered to the site during each cycle shall be made and these shall be made available to local planning authority on request.

Reason: To avoid adverse impacts due to intensification of the development.

18. Work shall be carried out strictly in accordance with the Ecological Assessment conducted by Star Ecology (November 30th 2015) attached as an appendix to this planning permission.

Reason: To ensure the protection of bats, great crested newts, nesting birds, otters, badgers and hedgehogs.

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. The right of way - Public Bridleway 2 Neenton - 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.

3. 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.

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

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

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

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

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

6. Mud on highway

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

No drainage to discharge to highway

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

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.

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.

7. Consideration should be given to the information contained within Shropshire Fire and Rescue Services Fire Safety Guidance for Commercial and Domestic Planning Applications which can be found using the following link:

<http://www.shropshirefire.gov.uk/planning-applications>

Specific consideration should be given to the following:

Enclosed Agricultural Buildings over 280m²

Access for Emergency Fire Service Vehicles

It will be necessary to provide adequate access for emergency fire vehicles. There should be sufficient access for fire service vehicles to within 45 metres of every point on the projected plan area or a percentage of the perimeter, whichever is less onerous. The percentage will be determined by the total floor area of the building. This issue will be dealt with at the Building Regulations stage of the development. However, the Fire Authority advise that early consideration is given to this matter.

THE BUILDING REGULATIONS, 2000 (2006 EDITION) FIRE SAFETY APPROVED DOCUMENT B5. provides details of typical fire service appliance specifications.

Water Supplies for Fire fighting Building Size

It is important to note that the current Building Regulations require an adequate water supply for firefighting. If the building has a compartment of 280m² or more in area and there is no existing fire hydrant within 100 metres, a reasonable water supply must be available. Failure to comply with this requirement may prevent the applicant from obtaining a final certificate.

8. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £97 per request, and £28 for existing residential properties.

Failure to discharge pre-start conditions will result in a contravention of the terms of this permission; any commencement may be unlawful and the Local Planning Authority may consequently take enforcement action.