

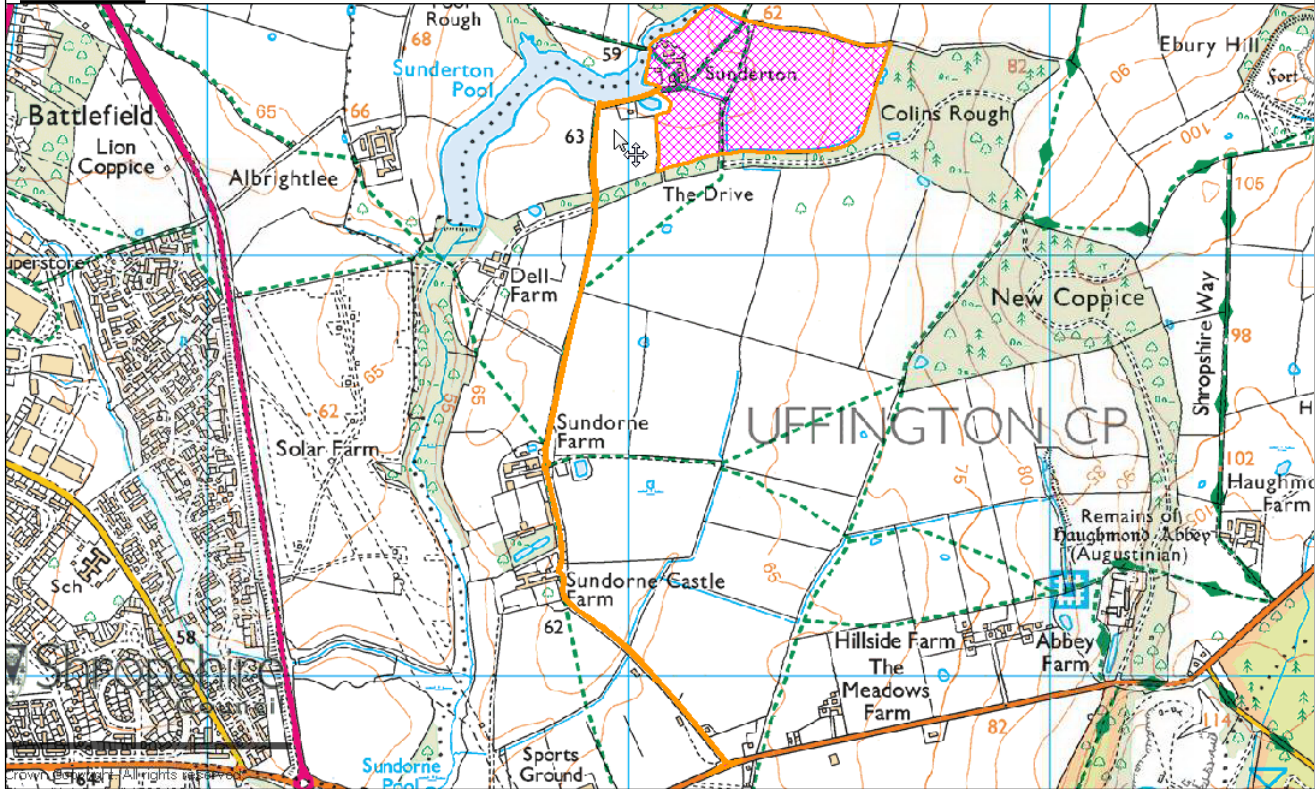
Development Management Report

Responsible Officer: Tim Rogers
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Summary of Application

Application Number: 16/04518/EIA	Parish:	Uffington
Proposal: Erection of four poultry sheds, feed bins, solar photovoltaic panels and ancillary equipment, creation of access tracks to the site and alterations to existing vehicular access (Amended scheme).		
Site Address: Sunderton Farm Uffington Shrewsbury Shropshire SY4 4RR		
Applicant: J E And R Hockenull And Sons		
Case Officer: Frank Whitley		email: planningdmc@shropshire.gov.uk

Grid Ref: 353102 - 316462



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Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks planning permission for the erection of four intensive poultry houses, with feed bins, solar photovoltaic panels and ancillary equipment and amendments to vehicular access. The application follows a scoping opinion provided by Shropshire Council in February 2015 reference 15/00178/SCO.
- 1.2 Each poultry building is to measure 97.53m long, 24.4m wide and a maximum height of 4.6m. The buildings will provide accommodation for up to 200,000 broiler chickens and will be of steel portal frame construction with steel profile coated cladding on the roof (coloured slate blue) and walls (coloured dark green).
- 1.3 Also proposed are:
- 14m wide concrete apron alongside buildings to enable access and turning
 - four control rooms each measuring 6m wide and 5m long
 - feed bins
 - ground source heat pump
 - heating control building measuring 12m by 12m
 - office
 - canteen
 - solar photovoltaic panels
 - passing place for large vehicles to the east of Sundorne Castle Archway
 - access improvements onto B5062
 - landscaping plan
- 1.4 The Environment Agency issued an environmental permit in March 2016.
- 1.5 This proposal follows a previous application (15/04709/EIA) which was withdrawn due to concerns that night time bird collection HGV movements would unreasonably impact on the amenity of residential dwellings located adjacent to the access route. In all other respects, the application was deemed by Officers to be policy compliant.
- 1.6 This application as submitted initially, proposed to remedy the amenity issue by diverting HGVs away from some of the affected dwellings on a purpose built track. This potential solution has now been dispensed with, in favour of an operational change to the business- the collection of birds only after 0700hrs and before 2300hrs. The total number of birds produced and collection movements remains unchanged.
- ### 2.0 SITE LOCATION/DESCRIPTION
- 2.1 Sunderton Farm is located at the end of a 2km private drive accessed from the B5062 which connects Shrewsbury and the village of Roden. Sunderton is located in a flat and low lying area to the east of Shrewsbury bypass. The application site lies in Flood Zone 1 (the lowest risk of flooding). The proposed development forms part of a planned strategy to ensure the future viability of the farm unit.

- 2.2 The current holding extends to 400 acres and comprises arable with cereals, oilseed rape and fodder beet. There is a herd of sucker cows and circa 220 breeding ewes. According to the application, increased volatility in farm commodity prices has exposed businesses to unpredictable financial returns. The applicants need to protect themselves against this volatility and also wish to expand their business to ensure it is sustainable in the future to support two families. A consultation exercise has been conducted locally in October 2015 prior to the first application being submitted
- 2.3 The application is accompanied by an Environmental Statement (ES), as the application is within the criteria of Schedule 1 (17a), Environmental Impact Assessment Regulations 2011, and therefore an ES in support of the application is mandatory.
- 2.4 Also accompanying the application is a design and access statement, elevation and floor plans, site access and layout plans, drainage plans, environmental statement, great crested newt survey report, heritage assessment, noise assessment, nitrate vulnerable zone assessment, and vehicle movement calculations.
- 2.5 The application proposes 'broiler' production whereby day old chicks are brought into the site and retained for an average of 42 days with about a 7 day turn around period. Birds are collected over 4 days and evenings during the turn around period. There are anticipated to be up to 7.6 crop cycles per annually. The chickens will be grown for a food processing company that supplies chicken to the retail trade.

3.0 **REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION**

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

4.0 **Community Representations**

Consultee Comments have been received from the following:

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

Consultee Comments

4.1 **Natural England**

Thank you for your consultation on the above dated 13 October 2016 which was received by Natural England on the same date.

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

The Wildlife and Countryside Act 1981 (as amended)

The Conservation of Habitats and Species Regulations 2010 (as amended)

Natural England's comments in relation to this application are provided in the following sections.

Statutory nature conservation sites – no objection

Natural England has assessed this application using the Impact Risk Zones data (IRZs). Natural England advises your authority that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Midland Meres & Mosses Ramsar has been classified. Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives.¹

In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Hencott Pool SSSI, Old River Bed, Shrewsbury SSSI, Berrington Pool SSSI, and Bomere, Shomere & Betton Pool SSSI have been notified. We therefore advise your authority that these SSSI do not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Green Infrastructure

The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. Natural England would encourage the incorporation of GI into this development.

Protected species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

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

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

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, which came into force on 15 April 2015, has removed the requirement to consult Natural England on notified consultation zones within 2 km of a Site of Special Scientific Interest (Schedule 5, v (ii) of the 2010 DMPO). The requirement to consult Natural England on "*Development in or likely to affect a Site of Special Scientific Interest*" remains in place (Schedule 4, w). Natural England's 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*. The dataset and user guidance can be accessed from the gov.uk website.

4.2 Environment Agency

Thank you for referring the above application which was received on the 17 October 2016. We would offer the following comments for your consideration at this time.

Environmental Permitting Regulations: The proposed development will accommodate up to 200,000 birds, which is above the threshold (40,000) for regulation of poultry farming under the Environmental Permitting (England and Wales) Regulations (EPR) 2010. The EP controls day to day general management, including operations, maintenance and pollution incidents. In addition, through the determination of the EP, issues such as relevant emissions and monitoring to water, air and land, as well as fugitive emissions, including odour, noise and operation will be addressed.

Based on our current position, we would not make detailed comments on these emissions as part of the current planning application process. It will be the responsibility of the applicant to undertake the relevant risk assessments and propose suitable mitigation to inform whether these emissions can be adequately managed. For example, management plans may contain details of appropriate ventilation, abatement equipment etc. Should the site operator fail to meet the conditions of a permit we will take action in-line with our published Enforcement and Sanctions guidance.

As stated in the submitted Environmental Statement (ES) a Permit application was submitted in November 2015 and subsequently granted (March 2016).

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.

Water Management: The Water Framework Directive (WFD) waterbody in closest proximity to the proposed development site is the 'Sundorne Brook - source to confluence of River Severn' (Waterbody Reference GB109054049910), which is classified as a 'moderate' waterbody. Any development should not cause any deterioration in water quality or hamper efforts to improve waterbody status to 'good' by 2027.

Clean Surface water can be collected for re-use, disposed of via soakaway or discharged directly to controlled waters. Dirty Water e.g. derived from shed washings, is normally collected in dirty water tanks via impermeable surfaces. Any tanks proposed should comply with the Water Resources (control of pollution, silage, slurry and agricultural fuel oil) Regulations 2010 (SSAFO). Yard areas and drainage channels around sheds are normally concreted.

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

<http://publications.environment-agency.gov.uk/PDF/SCHO0612BUWH-E-E.pdf>

Manure Management (storage/spreading): Under the EPR the applicant will be required to submit a Manure Management Plan, which consists of a risk assessment of the fields on which the manure will be stored and spread, so long as this is done so within the applicants land ownership. It is used to reduce the risk of the manure leaching or washing into groundwater or surface water. The permitted farm would be required to analyse the manure twice a year and the field soil (once every five years) to ensure that the amount of manure which will be applied does not exceed the specific crop requirements i.e. as an operational consideration. Any Plan submitted would be required to accord with the Code of Good Agricultural Policy (COGAP) and the Nitrate Vulnerable Zones (NVZ) Action Programme where applicable.

The manure/litter is classed as a by-product of the poultry farm and is a valuable crop fertiliser on arable fields.

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

4.3 **Historic England**

Case Officer note: Historic England was not consulted on this application, but the following response was received in respect of 15/04709/EIA. There is not considered to be any reason why previous comments should have changed.

The proposed poultry houses development is within a sensitive historic environment, with two scheduled ancient monuments (Haughmond Abbey and Ebury hillfort), a number of listed buildings and additional undesignated heritage

assets within 1.5km. It is also within the setting of Haughmond Hill hillfort and Queen Eleanor's Bower which are both publicly accessible scheduled ancient monuments which command extensive views over the surrounding plain due to their situation on a modified natural hill.

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

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

Recommendation

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

4.4 **Public Protection**

Case officer note: For reference, comments received initially (as follows) related to operations comprising night time movements affecting a single residential dwelling

Having considered the application, it is noted that a noise assessment carried out by John Waring Acoustic Consultant Issue 1 has been submitted. Having reviewed the report, I have concerns over the methodology used to generate noise figures for fan noise due to them being based on readings carried out more than 20 years ago on units where the fan models have not been reported. As a result, I cannot accept the findings as a robust. However, having considered the location, the proposed units, distance to nearest receptors and topography it is my opinion that noise from onsite sources is not likely to impact on nearby residential properties. There is one caveat to this which is potential reversing alarms from vehicles on site. I would therefore recommend a condition

The report has found that a severe impact is likely as a result of night time bird depopulation movements. The report does not provide maximum noise levels expected at the façade of nearest properties however in the Environmental Statement submitted with this application it states that a maximum noise level of 67dB would be noted at the residential property known as Fairfields. With a window open noise levels internally would be predicted to be in the region of 57dB. The World Health Organisations document Guidelines on Community Noise states that maximum noise levels above 45dB have the potential to impact on health and wellbeing. It is therefore expected that there will be a significant observed adverse effect associated with night time movements where HGVs associated with depopulation pass the residential property known as Fairfields. The impact above could be limited but not mitigated in full by conditioning the number of vehicle

movements that take place in night time hours as follows:

No more than two one-way HGV vehicle movements shall take place along the access road to and from the proposed poultry units between the hours of 23:00 - 07:00 hours. Reason: to protect the health and wellbeing of residents.

Public Protection Update:

In light of the proposed changes to the timings of bird collections, the following comments have been received:

In respect of the newly proposed times of bird movements I can confirm that I would have no objection to a condition stating that no HGV movements for poultry depopulation or delivery will take place between 2300 and 0700 hours.

4.5 Ecology

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

- Design & Access Statement provided by Halls (October 2015)
- Extended Phase 1 Habitat Survey conducted by John Campion Associates Ltd (July 2015)
- Great Crested Newt Survey conducted by Churton Ecology (June 2015)
- A Report on the Modelling of the Dispersion & Deposition of Ammonia from the Proposed Broiler Rearing Unit at Sunderton Farm provided by Steve Smith (March 2015)
- Permit number EPR/XP3533AQ with introductory note prepared by the Environment Agency (March 2016)
- Extended Phase 1 Habitat Survey for proposed Access Track prepared by John Campion Associates Ltd (August 2016)

Recommendation:

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

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

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

The proposed planning application seeks to erect four poultry sheds to house a total of 200,000 broiler birds. The proposal differs from planning reference 15/04709/EIA due to an altered access track.

The proposed new access track route is dominated by agricultural land. The field boundaries are mostly native species rich hedgerows. The pond within close proximity to the access route has been assessed as having poor suitability to support breeding great crested newts. Only two small sections of intact field boundary hedgerows are to be removed to create the new access.

Based on the 'Extended Phase 1 Habitat Survey for proposed Access Track' report, prepared by John Campion Associates Ltd (August 2016), the following comments still remain appropriate;

Great Crested Newts

7 ponds were subject to presence/absence surveys for great crested newts (Churton Ecology June 2015). Great Crested Newts were not recorded on any survey occasion in any pond and none of the most proximate ponds to the application site appeared suitable to support breeding populations of Great Crested Newt (i.e. those within 250m and most likely to be negatively impacted). The following informative should be on the decision notice.

Ditch

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

Bats & Nesting Birds

The proposal will involve the removal of 2 small sections of hedgerow to create access. There is little potential for adverse impacts on nesting birds and roosting bats. The planning details propose woodland edge planting along the northern edge of the woodland, together with the additional field boundary hedgerow with trees. Providing the conditions and informatives are on the decision notice no further survey work is deemed necessary.

Badger

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

Designated Sites

The proposed application has obtained an Environmental Permit from Environment Agency (EA) dated 8th March 2016. Shropshire Council, under Regulation 61 in the Habitats Regulations, can rely on the 'evidence and reasoning' of another competent authority. Shropshire Council can therefore use the EA modelling from the permit to complete the assessment of air pollution impacts but only if Shropshire Council has seen the detailed modelling outputs, understands them and agrees with them. The EA screening output has been provided by Kevin Heede (19th November 2015). The modelling for all designated sites (European designated sites within 10km, SSSI in 5km and local sites in 2km) has screened out below the critical load threshold as agreed by EA and NE except for Sundorne Pool Local Wildlife Site. Due to Sundorne Pool Local Wildlife Site's proximity to the proposed poultry unit detailed ammonia modelling was requested by the EA.

The results of the modelling from the proposed poultry rearing unit at Sunderton Farm has been prepared by Steve Smith and submitted in support of this application. The modelling showed that the process contribution to ammonia concentrations, nitrogen

deposition rates and acid deposition rates would be at levels deemed insignificant at most receptors considered at Sundorne Pool Local Wildlife Site. There would be a small exceedance of 50% of the Critical Load for nitrogen deposition of 10 kg/ha over a small part of Sunderton Pool Local Wildlife Site. The predicted area of this exceedance is approximately 0.2 ha. There are no predicted exceedances of 100% of the Critical Load at the Local wildlife site.

This detailed modelling, along with the Environment Agency permit, submitted in support of this application therefore indicates that ammonia levels (and nitrogen deposition rates) are at levels that would be deemed insignificant for permitting purposes at all Local Wildlife Sites, Ancient Woodlands, SSSIs and Ramsar sites. No further modelling is required to support this planning application.

Habitat Regulation Assessment

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

Natural England must be formally consulted on this planning application and the Local Planning Authority must have regard to their representations when making a planning decision. Planning permission can only legally be granted where it can be concluded that the application will not have any likely significant effects on the integrity of any European or Nationally Designated sites.

4.6 **Trees**

There does not appear to be any direct impact on important amenity trees. I note the following from the report:

"There are three mature standard oak trees growing along the southern side of the farm access track in the north-western corner of the proposed broiler shed site. These trees are considered to be of site conservation value. There would be no loss of any of these trees and no site works taking place in their vicinity. As a result there would be no impact likely to arise from the proposed development on these trees". I support the proposed mitigation planting described as: Planting an area of around 1950m² of native tree and shrubs to form a continuous woodland edge planting belt along the northern edge of the adjacent woodland belt at The Carriage Drive, which forms the southern boundary of the field containing the proposed broiler shed site. Planting new mixed native-species field boundary hedgerow with occasional trees to re-plant gaps and replace lost hedgerow along the south-western boundary of the field, to the south of the farmyard access. In conclusion I have no objection on the grounds of trees.

4.7 **Conservation**

We provided comments as part of application 15/04709/EIA, which I would repeat here as part of this current scheme:

Sunderton Farm is accessed by a very long lane running north from B5062 road into Shrewsbury. The junction of this access road with the highway begins just west of the historic Haughmond Abbey, the extensive ruins and lands which are designated as a Scheduled Monument and listed at the highest level of Grade I. The access lane runs north directly past the Sundorne Castle group of designated heritage assets and immediately adjacent to its impressive early 19th Century crenelated gatehouse. This long access lane terminates at Sunderton Farm, which is comprised of a Grade II listed early 19th Century brick farmhouse, along with a

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

Principles of Scheme:

In considering this proposal, due regard to the following local and national policies, guidance and legislation is required and has been considered in preparing these comments: CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, Policy MD2 and MD13 of the SAMDev component of the Local Plan, the National Planning Policy Framework (NPPF), and the Planning Practice Guidance. As the development could have an impact on both designated and non-designated heritage assets and their settings we had formally requested that a Heritage Impact Assessment is prepared and submitted with the formal application for planning permission. We acknowledge that a heritage Assessment has now been prepared by Castlring Archaeology and which highlights that the application site is of significant historic interest. The report identifies a setting issue relating to the former carriage drive, noted in our comments above, in terms of some visual impact on views to a section of this feature. Otherwise taking into account topography, distance and wooded areas, the Assessment advises that there will be no visual impact on the other identified heritage assets within the wider landscape. The Assessment concludes that the proposal will have minor to negligible adverse impacts on the heritage assets identified provided appropriate mitigation measures are applied, which includes retention and maintenance of existing hedgerows and trees within the site, as well as additional vegetative screening of the proposed poultry sheds to minimize their impact on the appreciation of the heritage assets and historic features of the immediate and wider site. We generally concur with the findings of this assessment. We would also direct you to the comments and recommendations provided on the previous application by Historic England, and concur with their recommendations that conditions requiring the prior approval of all building materials (including decorative finishes) should be included in the Decision Notice to minimise any visual obtrusiveness of the development, and that conditions should also be applied requiring that the landscape retention and planting scheme is fully implemented as part of the scheme.

RECOMMENDATION:

Should the application be recommended for approval, conditions requiring approval of full details of external materials and finishes on all buildings and features proposed within the site, as well as a landscape retention and implementation scheme, need to be included in the Decision Notice.

4.8 **Archaeology**

The proposed development consists of a poultry unit comprising four broiler sheds, a biomass building, feed bins, photovoltaic panels, ancillary equipment, and alterations to the access. The Shropshire Historic Environment Record indicates that the proposed development site falls within the former bounds of Sundorne Castle park (HER PRN 07706). It is also located c. 2.5km north of the Scheduled Monuments of Haugmond Hill hillforts (NHLE ref. 1021282) and Queen Elanors Bower (NHLE ref. 1021281); c.1.1km west of the Scheduled Monument of Ebury hillfort (NHLE ref. 1021283); c. 1.5km north-north-west of the Scheduled Monument and Grade I Listed Building of Haughmond Abbey (NHLE refs. 1021364 & 1052157); c. 220m east of the Grade II Listed building of Sunderton farmhouse (NHLE 1055066); and Grade II Listed gatehouse (NHLE 1177292), chapel (NHLE 1366956) and other ancillary buildings and structures (NHLE refs. 1177324, 1055067 & 1055068) associated with the former site of Sundorne Castle (an 18th century country house that was demolished in 1950). The proposed development site is also located c. 575m south-west of a non-designated cropmark enclosure of likely Iron Age and/ or Roman date (HER PRN 02467), and c.1.5km north-east of second non-designated cropmark enclosure of likely broadly similar date (HER PRN 02491). On the basis of the latter two sites, the proposed development site itself is deemed to have some archaeological potential, although on the basis of currently available evidence this is assessed to be low.

RECOMMENDATION:

A Heritage Assessment by Castlering Archaeology has been submitted with the application. We confirm that this satisfies the requirements set out in Paragraph 128 of the NPPF Policy MD13 of the Local Plan with regard to the archaeological interest of the proposed development site. In their consultation response of 19 October 2015 Historic England indicates that they consider that the proposed development site falls within the settings of the Scheduled Monuments cited above. They therefore recommend that appropriate conditions are applied requiring prior approval of materials to ensure that the proposed development is as unobtrusive as possible within the landscape and that the proposed planting scheme submitted with the application is implemented in full. We therefore recommend relevant standard conditions below. In view of the findings contained in Heritage Assessment, and in line with Paragraph 141 of the NPPF and Policy MD13 of the Local Plan, it is advised that a programme of archaeological work be made a condition of any planning permission for this part of the proposed development. This would comprise a watching brief during the intrusive groundworks during any preparatory works and the construction phase of the development. An appropriate condition of any such consent would be: -

Suggested Conditions:

Standard conditions: CC1 (Details of External Materials); DD2 (Landscape Implementation)

Archaeology:

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

Reason: The development site is known to have archaeological interest

4.9 Highways

Case Officer note; Council Highways team has not been formally consulted on this application though they have advised that comments from 15/04709/EIA are unchanged. Essentially there are no additional highways impacts as a result of bird collection movements taking place entirely within the hours 0700 to 2300.

15/04709/EIA: This planning application has been assessed by Mouchel Consulting, on behalf of Shropshire Council as local highway authority, subject to a technical appraisal and desktop study only. All correspondence/feedback should be directed through Shropshire Council's HDC Team.

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

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

4.10 Rights of Way

Comments received for 15/04709/EIA are as follows:

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

- The rights of way must remain open and available at all times and the public must be allowed to use the ways without hindrance both during development and afterwards.
- Vehicular movements (i.e. works vehicles and private vehicles) must be arranged

to ensure the safety of the public on the rights of way at all times.

- Building materials, debris, etc must not be stored or deposited on the rights of way.
- There must be no reduction of the width of the rights of way.
- The alignment of the rights of way must not be altered.
- The surface of the rights of way must not be altered without prior consultation with this office; nor must it be damaged.
- No additional barriers such as gates or stiles may be added to any part of the rights of way without authorisation.

Updated comments for this application:

Comments made to the previous 2015 application for this site regarding public rights of way are also relevant to this application. It is also noted that part of the proposed night time new access track will run along part of Footpath 11 Uffington in addition to Bridleway 15. The applicants will need to liaise with the Rights of Way officer for the area regarding any change of surface of this route and the legally recorded line of Footpath 16 adjacent to the proposed poultry sheds which does not run as depicted on the layout plan (as detailed in the previous comments made). A plan showing all the legally recorded public rights of way within the site is attached.

4.11 **Flood and Water Management**

Drainage Comment:

The surface water drainage proposals in the FRA and the Drainage Layout are acceptable.

4.12 **Shropshire Fire and Rescue**

As part of the planning process, 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.

4.13 **Uffington Parish Council**

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

4.14 **Public Comments**

One representation has been received objecting to the proposal as first submitted. The objection is based on the issue of night time disturbance to a residential property adjacent to the access route.

5.0 **THE MAIN ISSUES**

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

6.0 **OFFICER APPRAISAL**

6.1 **Principle of development**

- 6.1.1 The National Planning Policy Framework, (NPPF), emphasises in paragraph 28 on Supporting a prosperous rural economy, that planning policies should support economic growth in rural areas, in order to create jobs and prosperity by taking a positive approach to sustainable new development and promote the development and diversification of agriculture and other land based rural businesses.
- 6.1.2 Policy CS5: Countryside and green belt in the Core Strategy states that new development will be permitted where it improves the sustainability of rural communities where development diversifies the rural economy including farm diversification schemes. The policy further states that large scale agricultural related development will be required to demonstrate that there are no unacceptable adverse environmental impacts.
- 6.1.3 Policy CS6: Sustainable design and development principles emphasises how development must be designed to a high standard using sustainable design principles and make the most effective use of land whilst safeguarding natural resources.
- 6.1.4 Policy CS13: Economic development, enterprise and employment, puts emphasis on diversifying the Shropshire economy, supporting enterprise and seeking to deliver sustainable economic growth and in rural areas recognising the continued importance of farming for food production and supporting rural enterprise and diversification of the economy and in particular areas of economic activity associated with agricultural and farm diversification.
- 6.1.5 With regard to the Shropshire Council SAMDev Plan, Policy MD7b (General Management of Development in the Countryside) states that agricultural development will be permitted where proposals are appropriate in size for their intended purpose, well designed and sited close to existing farm buildings, and where there no unacceptable impacts on the environment and existing residential

amenity. Policy MD12 (Natural Environment) seeks the avoidance of harm to Shropshire's natural assets and their conservation and enhancement and restoration.

- 6.1.6 The policies referred to above support appropriate agricultural economic growth and diversification having regard to the local environment.
- 6.1.7 The development is generally considered to be an appropriate form of farm diversification for the existing family owned business. Accordingly the development is considered acceptable in principle and accords with the above Core Strategy Policies, though approval is subject to satisfying the main issues identified below.
- 6.1.8 The location for the development is to the side of an existing farmstead in the control of the applicants, the site considered the most appropriate location for the development. Two other potential sites have been considered. The first (Site A), was the field to the north of the application site. This was discounted, mainly on the grounds to its isolation and proximity to Sunderton Pool. The second potential site (Site B) was the field immediately to the south of the application site. This was discounted on the grounds of proximity to unrelated dwellings and Haughmond Abbey. Therefore the sequential site selection in relation to all on-site relevant planning issues is generally considered acceptable.

6.2 **Siting, scale and design**

- 6.2.1 Each poultry building measures 97.53m long, 24.4m wide, with a height of 4.6m to the ridge and 2.44m to eaves. The buildings will be sited in parallel, with the pitched roofs facing north and south. Buildings will be 12m apart and the intervening space will be used to site feed bins, control rooms, office and canteen room. The cumulative area of development amounts to approximately 15,040sqm including the heating shed and concrete apron alongside the buildings.
- 6.2.2 Overall the siting of the proposed development is considered acceptable and will not significantly impact upon the setting of Sunderton Farm, having regard to the relationship with existing and approved farm buildings. Although the development covers a significant area, the buildings themselves are modest in height. The massing, layout and supporting infrastructure is considered appropriate for the intended purpose, as are proposed slate blue cladding for the roofs and dark green cladding for the walls. With further landscape mitigation the impacts are considered acceptable. Solar photovoltaic cells are considered later in the report.

6.3 **Flooding**

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

6 **Surface Water run off**

- 6.3.2 There are existing field drainage ditches on the eastern, southern and south western boundaries of the site. Run-off will be controlled by the installation of a swale, with a volume of 502cubic metres. French drains will also be laid taking

total storage capacity to 814cubic metres. These specifications accord with the requirements of the NPPF and its technical guidance.

Dirty Water run off

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

6.4 Visual impact and landscaping

- 6.4.1 A landscape visual impact assessment (LVIA) has been submitted as part of the environmental statement. Key aspects of the impact assessment are noted and discussed as follows.
- 6.4.2 The application site has medium sensitivity in the landscape and lies close to an area to the north west which is described as low sensitivity because of major roads, the northern edge of Shrewsbury, and large commercial premises clustered at the A49/A53 road junction and scattered along the A53 to the north-east. To the south east, Haughmond Hill has high sensitivity because of its elevated position and views to the west and south west. Overall the effects on the proposed development on the landscape are stated to be very localised and have a minor effect.
- 6.4.3 There will be no trees or hedge removed and 1950sqm of native trees and shrubs is proposed to be planted or strengthened in the following locations:
- Continuous woodland edge to the northern side of the Carriage Drive
 - The woodland on the southern field boundary
 - South western field boundary
 - Field boundary adjacent to the Shropshire Way bridleway.
- 6.4.4 Although the above is proposed, it would be considered essential to impose a condition requiring a landscaping plan which would secure the proposed planting and its management. It is considered necessary to enhance the above proposals, particularly to the west of the site, which would reduce the longer range visual impacts on Albrightlee (approx. 820m to the west). Overall it is considered that landscape impacts are acceptable and screening can be further enhanced by implementation of an appropriate landscaping plan.

6.5 Heritage

- 6.5.1 The NPPF states at paragraph 132 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 133 states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. It is also necessary to ensure that the development does not conflict with the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 since the proposed development has the potential to affect the setting of designated heritage assets.
- 6.5.2 The Council SAMDev Plan states in Policy MD13 (The Historic Environment) that Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored by ensuring that wherever possible, proposals avoid harm or loss of significance to designated or non-designated heritage assets, including their settings. CS17 (Environmental Networks) also seeks to ensure that development does not adversely affect the visual, ecological, geological, heritage or recreational values and functions of environmental assets, their immediate surroundings or their connecting corridors;
- 6.5.3 The submitted heritage assessment identifies 31 sites or groups of sites of heritage interest within 1.5km radius. Some, but not all of these are designated assets. Heritage assets principally relate to Haughmond Abbey, Sundorne Castle Estate, and its landscaped park. Key listed buildings and distances from the application site are:
- Ebury Hillfort- scheduled monument 1.25km top the east.
 - Haughmond Abbey (Grade 1 listed) and scheduled monument 1.5km to the south east
 - Site of Sundorne Castle and associated structures- Grade 1 listed and scheduled monument 1.2km to the south west.
 - Groups of buildings within curtilage of Sundorne Castle – Grade 2 listed.
 - Sunderton Farmhouse- Grade 2 listed 200m to the west
- 6.5.4 The heritage assessment is summarised at chapter 8 of the environmental statement.
- 6.5.5 In terms of the historic parkland, its setting and character, the submitted heritage assessment considers that the proposed development will make little significant impact and can be mitigated by maintaining existing hedgerows and trees. It is considered that further screening, particularly to the south and west will make a positive contribution towards the historic environment.
- 6.5.6 In respect of impacts to listed buildings, Historic England noted in their consultation response to 15/04709/EIA that there will be only limited impact to the Abbey and Ebury Hillfort. Nevertheless landscaping is encouraged to make the development as unobtrusive as possible.

- 6.5.7 Sunderton Farmhouse is the nearest listed building to the application site, but the impacts are considered significantly reduced by the existing intervening farmyard and buildings, and an approved storage shed which is due to be constructed.
- 6.5.8 The submitted environmental statement concludes that after allowing for appropriate mitigation, the development will have a minor to negligible permanent adverse impact on heritage assets. It is noted that the Conservation Officer generally concurs with this assessment and recommends a landscape retention and implementation scheme.
- 6.5.9 The archaeological potential of the site is considered to be low. As an additional safeguard, the Council archaeologist has recommended that a written scheme of investigation is submitted and approved before works commence.
- 6.5.10 In terms of the potential of impacts to heritage assets, the proposal is considered to comply with the requirements of the NPPF, CS6, CS17 and MD13 and does not conflict with the legal requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6.6 Residential amenity and public protection Visual

- 6.6.1 Residential dwellings in the area and distances from the application site are: Sunderton Farm (150m), Meadowfields (220m), The Yells (580m) which are all owned by the applicants and either occupied by them or their families.
- 6.6.2 Dell Farm (675m) is the nearest dwelling outside the ownership of the applicants. Partial views of the development will be possible though visual impacts will not be significant, particularly as landscaping matures. No objection has been received.
- 6.6.3 Several residential properties are identified alongside the access road near Sundorne Castle. At about 1km distant, there will be no visual impact.
- 6.6.4 Objections to the previous application 15/04709/EIA were received from the occupiers of two dwellings at Albrightlee Hall Farm (820m to the west) which are former barns in the process of residential conversion. Although partial and broken views of the development and solar panels are predicted (particularly before landscaping matures), they are considered long range views and visual impacts are not considered significant. The Public Protection Officer has commented specifically on impacts to occupiers and agrees with this opinion in terms of visual impacts.
- 6.6.5 The total number of HGV bird collection movements remains unchanged from 15/04709/EIA. Without night time movements, there will be a corresponding increase in HGV movements during the day and evening. However in terms of the total number of HGV movements which includes chick deliveries, fuel, litter, feed, manure, mortality collections, the increase is not considered significant.

Odour

- 6.6.6 A Scoping Opinion has been provided by Shropshire Council in advance of the

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

6.7 **Rights of Way**

- 6.7.1 Two bridleways converge at a point immediately to the south east of Sunderton Farm. Bridleway 17 approaches from the west and passes through the centre of existing farm buildings. Bridleway 15 approaches from the south west and continues in a north east direction. Neither route will be obstructed by development. However a footpath passes the application site immediately to its west. According to the Council Rights of Way Officer the legally recorded route deviates from the field boundary fence line, and passes over the area of proposed hardstanding. In practice it is recognised that the most obvious route for walkers will be to follow the fence, thus avoiding the development. However the Council Rights of Way Officer has advised that a legal diversion of the footpath is secured to accommodate the development. There is no requirement for the diversion to be secured prior to planning permission being granted, or works commencing, provided the legally recorded route of the footpath remains open at all times. Conditions have been recommended.
- 6.7.2 The route of the Shropshire Way long distance footpath passes the application site approximately 500m at its closest point to the east. The application states that only partial views of the development will be possible though occasional gaps in hedgerows. The impact to walkers is localised and not considered significant,
- 6.7.3 Although there will be some additional impacts on riders and walkers, particularly when passing through the site, the level of additional harm (visual and disturbance) over and above the existing situation is not considered sufficient to justify refusal of the proposal. Sunderton Farm is an operational farm and HGV/tractor/trailer movements are expected. Essentially the additional impacts of the proposed development should be balanced with the impacts of the existing situation. It is noted that no objections have been received in this regard from the Council Rights of Way Officer.
- ## 6.8 **Highways**
- 6.8.1 The Council Highways officer has met the applicant's agent prior to the scoping stage of the proposed development. No objection was raised to the principle of development, subject to the submission of further details which are now satisfactorily referenced in the environmental statement. A traffic impact assessment has been provided with the application.
- 6.8.2 The southern half of the access road is owned by Sundorne Estates and is tarmaced. The northern half of the access road is owned by the applicant and is in need of repair. A tarmac passing place is proposed immediately to the east of Sundorne castle.
- 6.8.3 A plan has been submitted with the application intended to show improvements to the existing access onto the B5062. The plan indicates that 150m visibility can

currently be achieved in both directions. Nevertheless the applicant has clarified that minor works to the layout of the junction are intended to aid HGVs entering and exiting the private access road. The Council Highways officer has recommended conditions which will require full engineering details of proposed levelling and surfacing prior to the commencement of development.

6.8.4 Overall Highways impacts in relation to the B5062 are not considered significant, subject to appropriate controls and conditions being implemented correctly.

6.8.5 The Highways Officer has confirmed that a change in collection times to day and evening only raises no additional impacts since the private access road joins directly to the B5062.

6.9 **Ecology**

6.9.1 An ecological assessment and extended phase 1 habitat survey has been completed. A Habitat Regulations Assessment has been carried out and this is attached to the report for reference. The site lies within a nitrate vulnerable zone (NVZ) and calculations have been provided and made available to consultees.

6.9.2 There are two Ramsar sites within 10km, two SSSIs within 5km, and six locally designated sites within 2km of the application site. Natural England has been consulted and confirmed no objection to the development.

6.9.3 There are no predicted direct or indirect impacts on any of the designated sites.

6.9.4 The site and surroundings was inspected for the presence of great crested newts, bats, nesting birds, badgers, otter, water vole and dormouse. No negative impacts are predicted as a result of the development. Nevertheless, the Council ecologist has recommended appropriate conditions to maintain a 10m buffer between the development and a drainage ditch alongside the development, the submission of a lighting and landscaping plan, the installation of bat boxes, and informatives referring to compliance with Habitats Directives and Regulations, and the Wildlife and Countryside Act 1981

6.9.5 In terms of ecological impacts, the proposal is considered acceptable and in accordance with Policy CS17: Environmental Networks of the Shropshire Core Strategy and Policy MD12 (Natural Environment) of the SAMDev Plan as well as the National Planning Policy Framework.

6.10 **Other matters including additional buildings and solar photovoltaic panels**

6.10.1 The application proposes a number of smaller buildings and structures alongside the poultry sheds. Apart from a separate heating shed, the four control rooms, canteen, office/store and feed bins will be sited between the poultry buildings. Only the upper sections of the feed bins (7-8m high) will be visible above the buildings when viewed from the west.

6.10.2 No indication is given in relationship to the external colour of the feed bins. These by the nature of their height and scale can appear conspicuous in the landscape and as such it is recommended that a condition is attached to any approval notice issued in order to control their colour.

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

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

7.0 **CONCLUSION**

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

7.2 The proposal would have limited adverse impact on the overall character of the area, particularly given the limited visibility in the wider landscape, the topography of the area, and its positioning adjacent to existing farm buildings.

7.3 The proposal would have some impact on users of the adjacent rights of way, particularly in relation to visual effects and the increased traffic, though these can be successfully mitigated by additional landscaping.

7.4 15/04709/EIA (the previous withdrawn application) attracted some objections based on impact to longer range views. These concerns have been assessed by Officers and are not considered significant.

7.5 Whilst there would be some residual impacts it is not considered that these would be unacceptable. The proposal raises no specific issues in relation to ecology, drainage, historic environment or odour that cannot be addressed by planning conditions or the permit which has already been issued by the Environment Agency. The proposal would have little impact on the highway network since the private access road joins directly to the B5062.

7.6 Following concerns from Officers and local residents about sleep disturbance to adjacent residents, the collection regime has now been modified. It is now proposed that bird collections would not take place between 2300 and 0700 hours. Officers consider that this change has addressed previous concerns and is conditioned accordingly.

7.7 Whilst the development would have some impact in the local area it would also provide significant economic benefits in terms of sustaining the farm business and supporting the local agricultural economy. Having regard to all material planning

considerations, the Development Plan and national planning policies, it is recommended that planning permission is granted.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

they are material to the application. The weight given to this issue is a matter for the decision maker.

Habitat Regulation Assessment (HRA) Screening Matrix

Application name and reference number:

16/04518/EIA
 Sunderton Farm
 Uffington
 Shrewsbury
 Shropshire
 SY4 4RR
 Erection of four poultry sheds, feed bins, solar photovoltaic panels and ancillary equipment, creation of access tracks to the site and alterations to existing vehicular access (Amended scheme).

Date of completion for the HRA screening matrix:

18th October 2016

HRA screening matrix completed by:

Nicola Stone
 Planning Ecologist
 01743-252556

Table 1: Details of project or plan

Name of plan or project	16/04518/EIA Sunderton Farm Uffington Shrewsbury Shropshire SY4 4RR Erection of four poultry sheds, feed bins, solar photovoltaic panels and ancillary equipment, creation of access tracks to the site and alterations to existing vehicular access (Amended scheme).
Name and description of Natura 2000 site and Nationally designated site which has potential to be affected by this development.	<p>Midland Meres and Mosses (Ramsar phase 1) Bomere, & Shomere Pools Bomere, Shomere & Betton Pools Midland Meres and Mosses Ramsar Phase 1 (59.08ha), as a group, are particularly important for the variety of water chemistry, and hence flora and fauna, which they display. It is included within the Ramsar Phase for its Open Water, Swamp, Fen, Basin Mire and Carr habitats with the plant species <i>Elatine hexandra</i> and <i>Thelypteris palustris</i>.</p> <p>Phase 2 Sites/Ramsar feature - Midland Meres and Mosses (Ramsar phase 2) Hencott Pool Most of Hencott Pool Midland Meres and Mosses Ramsar Phase 2 (11.5ha) is swamp carr on very wet peat dominated by alder <i>Alnus glutinosa</i> and common sallow <i>Salix cinerea</i> with frequent crack willow <i>Salix fragilis</i>. Although there are considerable areas of bare peat beneath the trees, there is a rich flora of fen plants. It is included in the Ramsar Phase for its Carr habitat and the species <i>Carex elongata</i> and <i>Cicuta virosa</i></p>
Description of the plan or project	Erection of Four Poultry Houses, with feed bins, solar photovoltaic panels and ancillary equipment and amendments to vehicular access.
Is the project or	No

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

We have identified the following effect pathways:

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

1. Possible impact of aerial emissions

- Email from Kevin Heede (Environment Agency Environment Agency 19th November 2015) providing Ammonia Screening Output and Pre-app report.
 - The EA, as a more competent authority, has screened out the ammonia impacts from the proposed development on Ramsar sites within 10km; SSSIs within 5km.
- Environment Agency Permit number EPR/XP3533AQ with introductory note prepared by the Environment Agency (March 2016)

2. Hydrology

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

Conclusion

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

The Significance test

There is no likely significant effect on the European Designated Site (Bomere & Shomere Pools, and Hencott Pool) from planning application 16/04518/EIA.

The Integrity test

There is no likely effect on the integrity of the European Designated Site (Bomere & Shomere Pools, and Hencott Pool) from planning application 16/04518/EIA.

Conclusions

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

Guidance on completing the HRA Screening Matrix**The Habitat Regulation Assessment process**

Essentially, there are two 'tests' incorporated into the procedures of Regulation 61 of the Habitats Regulations, one known as the 'significance test' and the other known as the 'integrity test'. If, taking into account scientific data, we conclude there will be no likely significant effect on the European Site from the development, the 'integrity test' need not be considered. However, if significant effects cannot be counted out, then the Integrity Test must be researched. A competent authority (such as a Local Planning Authority) may legally grant a permission only if both tests can be passed.

The first test (the significance test) is addressed by Regulation 61, part 1:

61. (1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for a plan or project which –

(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and

(b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications for that site in view of that site's conservation objectives.

The second test (the integrity test) is addressed by Regulation 61, part 5:

61. (5) In light of the conclusions of the assessment, and subject to regulation 62 (consideration of overriding public interest), the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).

In this context 'likely' means "probably", or "it well might happen", not merely that it is a fanciful possibility. 'Significant' means not trivial or inconsequential but an effect that is noteworthy – Natural England guidance on The Habitat Regulation Assessment of Local Development Documents (Revised Draft 2009).

Habitat Regulation Assessment Outcomes

A Local Planning Authority can only legally grant planning permission if it is established that the proposed plan or project will not adversely affect the integrity of the European Site.

If it is not possible to establish this beyond reasonable scientific doubt then planning permission cannot legally be granted unless it is satisfied that, there being no alternative solutions, the project must be carried out for imperative reasons of over-riding public interest, and the Secretary of State has been notified in accordance with section 62 of the Conservation of Habitats and Species Regulations 2010. The latter measure is only to be used in extreme cases and with full justification and compensation measures, which must be

reported to the European Commission.

Duty of the Local Planning Authority

It is the duty of the planning case officer, the committee considering the application and the Local Planning Authority is a whole to fully engage with the Habitats Regulation Assessment process, to have regard to the response of Natural England and to determine, beyond reasonable scientific doubt, the outcome of the 'significance' test and the 'integrity' test before making a planning decision.

10. Background

Relevant Planning Policies

Central Government Guidance:
NPPF

Core Strategy and SAMDev
CS5, CS6, CS13, CS17, CS18, MD2, MD7b, MD12, MD13

Relevant planning history:

11/00258/VAR Variation of condition number 2 attached to Planning Permission Ref. 04/0804 dated 30/07/2004 to allow an increase in the height of the eaves GRANT 18th March 2011
11/05062/AGR Erection of an agricultural storage shed PNAGR 23rd November 2011
14/01387/AGR An open plan, portal framed agricultural building. PNR 17th April 2014
14/04411/FUL Erection of additional building on the eastern elevation of the recently approved storage building (planning ref: 14/01387/AGR). GRANT 26th November 2014
14/04412/FUL Erection of additional building on the western elevation of the recently approved storage building (planning ref: 14/01387/AGR) GRANT 26th November 2014

11. Additional Information

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member Cllr John Overall
Appendices APPENDIX 1 - Conditions

APPENDIX 1**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. Prior to the above ground works commencing samples and/or details of the roofing materials, solar panels, materials to be used in the construction of the external walls (including ancillary buildings and structures) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

Reason: To ensure that the external appearance of the development is satisfactory.

4. Prior to the commencement of works, (including demolition, ground works and vegetation clearance) until a landscape plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

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

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

5. Prior to the commencement of work on site a 10m buffer shall be fenced off parallel to the banks along the length of the ditch, put in place within the site to protect the ditch during construction works. No access, material storage or ground disturbance should occur within the buffer zone unless previously agreed in writing by the Local Planning Authority. The fencing shall be as shown on the approved site plan HPJ9242-05 A.

Reason: To protect features of recognised nature conservation importance.

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

Reason: The development site is known to have archaeological interest

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

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

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

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

Reason: To ensure the formation and construction of a satisfactory access and parking facilities in the interests of highway safety.

9. A total of 4 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site prior to first use of the building hereby permitted as shown on a site plan. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained.

Reason: To ensure the provision of roosting opportunities for bats which are European Protected Species.

10. Prior to occupation, a 'lighting design strategy for biodiversity' for the proposed development site shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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

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

11. The access road from the B5062 public highway shall not be used by HGVs in connection with the development between the hours of 2300hrs and 0700hrs the following morning.

Reason: To protect the amenity of residential dwellings during night time hours.

12. Surface water disposal will take place in full accordance with the submitted Flood Risk Assessment (FRA) report reference: 2003/FRA Version 1 dated July 2015 and drainage plan reference HPJ9242-07 Revision A dated August 2015.

Reason: To ensure satisfactory drainage of the site and to avoid flooding.

13. The development hereby approved shall not be used to house any more than 200,000 birds in total.

Reason: To ensure the scale of development does not exceed the capacity of the access route and highway network, and to protect the amenity of residential dwellings.