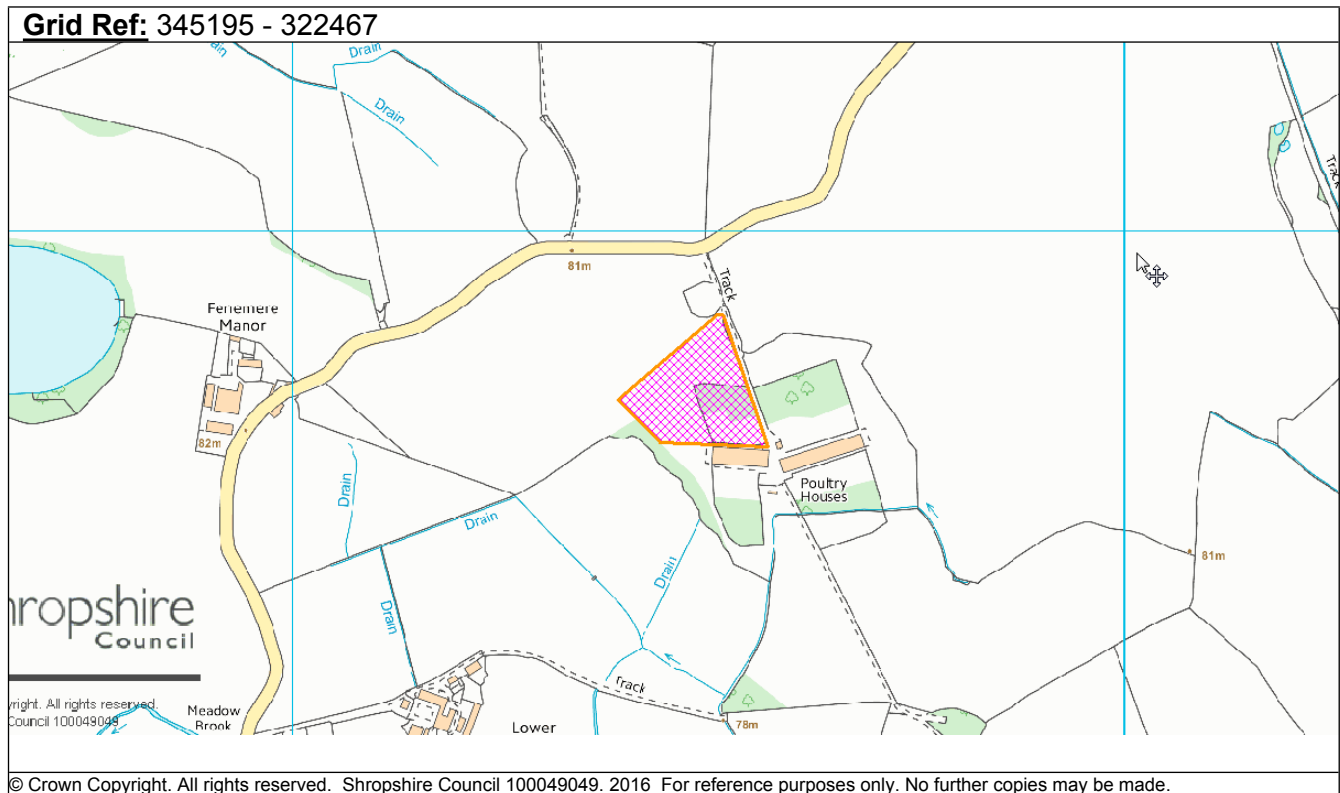


## Development Management Report

Responsible Officer: Tim Rogers  
 Email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b>Application Number:</b> 17/01961/EIA	<b>Parish:</b>	Baschurch
<b>Proposal:</b> Erection of 16,000 Bird Free Range Poultry Shed (for Egg Production) and Associated Hard Standing and Feed Bins		
<b>Site Address:</b> Land Adjoining Lower Fenemere Farm Myddlewood Myddle Shropshire		
<b>Applicant:</b> Mr Richard Gough		
<b>Case Officer:</b> Philip Mullineux	<b>email:</b> <a href="mailto:planningdmnw@shropshire.gov.uk">planningdmnw@shropshire.gov.uk</a>	



**Recommendation:- Delegate approval to the Head of Planning Services subject to the conditions as attached to appendix one of this report and any modifications considered necessary by the Head of Service.**

## REPORT

### 1.0 THE PROPOSAL

- 1.1 Application proposes the erection of a 16,000 bird number free range poultry shed (for egg production) and associated hard standing and two feed bins on land adjoining Lower Fenemere Farm, Myddlewood, Myddle.
- 1.2 The application is accompanied by a set of proposed elevation and floorplans, site location plan, block plan, Design and Assess statement, Planning Statement and Environmental Statement which includes sections on a landscape and visual impact assessment, heritage appraisal, ecological appraisal, highway assessment, landscape proposals, consideration to alternative sites, drainage assessment and water management statement and odour and noise statements. During the application processing further information was received in relation to ammonia issues and landscape mitigation.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site in accordance with detail as set out on the application form equates to an area of 0.30 hectares and is located alongside an existing intensive egg laying business known as Fenemere Manor Poultry Farm which is located in open countryside approx. 1 1/2 miles to the east of Baschurch and 1 mile to the south west of Myddle. The site is accessed directly from the lane which links Eyton Lane in Baschurch with Myddlewood
- 2.2 The land holding in association with the poultry site amounts to approx. 125 acres with the fields bounded and crossed by dense and mature hedges and trees. The farm's free range poultry unit (for egg production) commenced operation in 1998 and subsequent planning permissions have resulted in five intensive buildings in association with the business.
- 2.3 The sheds, in accordance with information as supplied by the applicants agent are populated with egg laying birds as follows:
- ☐ Shed 1 - 1998 – 16,000 birds
  - ☐ Shed 2 - 2001 – 16,000 birds
  - ☐ Shed 3/4 - 2005/2007 – 32,000 birds
  - ☐ Shed 5 - 2015 – 16,000 birds
- 2.4 This equates to 80,000 birds currently on site, with the total number of birds subject to the application under discussion at 16,000, will take total numbers on site to 91,999, as it is proposed to slightly reduce numbers in each of the existing

buildings on site.

2.5 The proposed egg laying bird building measures 67.400 metres long by 19.80 metres wide. The building is 3.353 metres to the eaves and 6.037metres high to the ridge. The building will be external steel clad and coloured slate blue to match existing buildings adjacent to the site.

2.6 The building will be designed as a multi-tier system with belt clean-out and will be ventilated with high-speed extraction fans, with gable end fans. The two new feed bins positioned close to the building will each have 16 tonnes compound feed capacity. Manure, litter and dirty water will be utilised as at present for the other houses and taken off site.

2.7 A variation to the existing site environmental permit in order to allow the additional birds on site was granted by the Environment Agency on 27<sup>th</sup> January 2017. This will control on site emissions and operations.

### 3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 An Environmental Impact Assessment Scoping Opinion carried out by the Council in accordance with Environmental Impact Assessment Regulations established that further intensive egg laying development on site would require an Environmental Statement to accompany any application for development on site, owing to bird numbers as well as cumulative impact with existing birds on site. Development considered to fall into Schedule one 17(a) of EIA Regulations and therefore Committee presentation in relation to this application is mandatory in accordance with the Council's Constitution. (It must also be noted that this application was registered by the Council as valid on 10<sup>th</sup> May 2017. As such the 2015 Environmental Impact Assessment Regulations are relevant to this application. The 2017 Environmental Impact Assessment Regulations came into force on 16<sup>th</sup> May 2017. In relation to the current and relevant previous editions of the EIA Regs the criteria of schedule one developments as well as schedule two criteria in relation to intensive poultry applications are no different).

### 4.0 **Community Representations**

4.1 **Baschurch Parish Council** has responded indicating it supports this application

### 4.2 **Consultee Comments**

4.3 **The Environment Agency** raises no objections. The response indicates:

Environmental Permitting Regulations: The proposed development will provide an additional building to accommodate approximately 16,000 birds. Lower Fenemere Farm currently operates under an Environment Permit (EP) and a Variation to the Permit in consideration of the increase in total bird numbers on site has been

approved. The EP controls day to day general management, including operations, maintenance and pollution incidents. In addition, through the determination of the EP, issues such as relevant emissions and monitoring to water, air and land, as well as fugitive emissions, including odour, noise and operation will be addressed. Based on our current position, we would not make detailed comments on these emissions as part of the current planning application process. It will be the responsibility of the applicant to undertake the relevant risk assessments and propose suitable mitigation to inform whether these emissions can be adequately managed. For example, management plans may contain details of appropriate ventilation, abatement equipment etc. Should the site operator fail to meet the conditions of a permit we will take action in-line with our published Enforcement and Sanctions guidance.

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

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

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

**Water Management:** 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.

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/guidance/pollution-prevention-for-businesses>

#### 4.4 **Natural England** have responded to the application indicating:

No objection subject to appropriate mitigation being secured.

We consider that without appropriate mitigation the application would:

have an adverse effect on the integrity of Midlands Meres and Mosses Phase 1 Ramsar (Fenemere) and damage or destroy the interest features for which Fenemere Site of Special Scientific Interest has been notified.

In order to mitigate these adverse effects and make the development acceptable, the mitigation measures outlined in your authority's Habitat Regulations Assessment (HRA) should be secured.

This mitigation includes taking areas of arable land adjacent to Fenemere out of agricultural production to be managed as semi natural vegetation, reduction of applications of fertiliser adjacent to the designated site, the production of a mitigation monitoring strategy and a management plan for the areas of land to be taken out of arable use.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Earlier responses to the application indicated:

Insufficient information provided There is insufficient information to enable Natural England to provide a substantive response to this consultation as required under the Town and Country Planning (Development Management Procedure) (England) Order 2015. Please provide the information listed below and re-consult Natural England. Please note that you are required to provide a further 21 day consultation period, once this information is received by Natural England, for us to respond.

### European/International Sites

Natural England previously advised that a Habitat Regulations Assessment (HRA) be undertaken by your authority to allow the consideration of impacts of the proposal on the Midlands Meres and Mosses Phase 1 and Midlands Meres and Mosses Phase 2 Ramsar sites in our letter dated 30 May 2017 (ref 215490). We would reiterate the advice in that letter and advise that a HRA is undertaken.

On receipt of the information requested, we will aim to provide a full response within 21 days of receipt. Please be aware that if the information requested is not supplied, Natural England may need to consider objecting to the proposal on the basis of potential harm to the above designated sites.

Should the developer wish to explore options for avoiding or mitigating effects on the natural environment with Natural England, we recommend that they use our Discretionary Advice Service.

An earlier response indicated:

Insufficient information provided There is insufficient information to enable Natural England to provide a substantive response to this consultation as required under the Town and Country Planning (Development Management Procedure) (England) Order 2015. Please provide the information listed below and re-consult Natural England. Please note that you are required to provide a further 21 day consultation period, once this information is received by Natural England, for us to respond.

### European/International Sites

No assessment has been provided of the potential impacts that the proposal will have on a number of designated sites as identified in the Ecological appraisal. These sites are component parts of the Midlands Meres and Mosses Phase 1 Ramsar and the Midlands Meres and Mosses Phase 2 Ramsar

There is, therefore, currently insufficient information for you to undertake a Habitats Regulation Assessment (HRA) of the proposed development. We advise you to obtain the following information:

Details of the likely emissions arising from the proposal and consideration if this is likely to have significant effects on the designated sites.

A strategy for mitigating any identified impacts

We note the application documents refer to an amended Environmental Permit from the Environment Agency however we have not seen this. You may be able to refer to the detail within the Environmental Permit when undertaking your HRA.

### Sites of Special Scientific Interest (SSSI)

The above information will allow us to understand the likely impacts of the features of interest for the nationally protected sites which are the component parts of the international sites. These SSSIs include Fenemere, Brownheath Moss, Sweat Mere and Crose Mere and Hencott Pool.

Please note that we are not seeking further information on other aspects of the natural environment, although we may make comments on other issues in our final response.

On receipt of the information requested, we will aim to provide a full response within 21 days of receipt. Please be aware that if the information requested is not

supplied, Natural England may need to consider objecting to the proposal on the basis of potential harm to the above designated sites.

4.5 **SC Highways** raises no objections. The response indicates:

No Objection – subject to the development being carried out in accordance with the approved plans and the following condition and informative.

Observations/Comments: [s/v 15/5/17]

The application proposes a 16,000 bird poultry shed for free range egg production which is in addition to the five existing buildings which have previously been permitted and constructed.

From the information contained within the Environmental Statement (ES) it is proposed to increase the bird population to a maximum of 91,999 laying hens and this number is to be achieved by de-stocking the current buildings upon completion of the new poultry shed.

The increase in bird numbers is related to the expected number of vehicle movements within the submitted Highways Assessment (Part 6 of the ES). Based upon the vehicle movement figures provided, the increase in traffic for the operation of the business once the building is completed is not considered to be significant in terms of the capacity of the highway network. The submitted information does identify the traffic associated with the construction phase over a period of 7 weeks which will be significant for one day within week 4 when the concrete deliveries are scheduled.

It is noted that a previous planning permission resulted in funding for passing bays along the route between the site access and the main road which links the A528 and B4397. Site observations confirm that the passing bays are in place and available for use.

It is, however, noted that the site access to the Highway appears to be formed from an unbound material which is considered to require consolidation. A condition is therefore, recommended below for the reconstruction or resurfacing of the access to the Highway before the new poultry shed is brought into use.

#### Conditions

Pre-occupation/bringing into use:-

1. Prior to the proposed poultry building being brought into use, the site access to the Highway shall be reconstructed or resurfaced in a bound material for a distance of 20 metres from the Highway carriageway edge.

Reason: In the interests of Highway safety.

The following informative note is relevant in carrying out the above condition.

Informatives:

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
- ❑ undertake the disturbance of ground or structures supporting or abutting the publicly maintained highway

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details

<https://www.shropshire.gov.uk/street-works/street-works-application-forms/>

Please note: Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together with a list of approved contractors, as required.

#### 4.6 **SC Planning Ecology** have responded indicating;

The final response to this application concluded indicating:

##### Summary

Based on the above mitigation & enhancement measures SC Ecology considers that there will be no effect on Fenemere Ramsar, and therefore the proposal does not need to be considered in-combination with other plans or projects.

Please note: The applicant has provided detailed modelling (Steve Smith, dated January 2018). The detailed modelling does not take into consideration Natural England's Ramsar Catchment, but it does demonstrate that SCAIL modelling is 'precautionary' at this site (i.e. detailed modelling shows that the Process Contribution is 0.25kg/ha/yr at Fenemere, and SCAIL shows 0.70kg/ha/yr). SC Ecology is therefore satisfied that what is proposed as Mitigation is sufficient, and ultimately a net gain for biodiversity.

The proposed works under application 17/01961/EIA will not have a likely significant effect on Fenemere Ramsar & SSSI. The proposed works under application 17/01961/EIA will not have an impact on the integrity of the Fenemere Ramsar & SSSI site.

I have attached a Habitat Regulations Assessment Matrix to this response, no further information is required to support ecology providing the following planning conditions are on a decision notice and are enforceable;

##### Habitat Regulation Assessment Conditions;

1. The development hereby permitted shall not be occupied by birds until evidence is submitted to and approved in writing by Shropshire Council to demonstrate that the area of land, buffered and provided as mitigation for impact on Fenemere



Ramsar/SSSI (0.85 hectares as shown on site plan 00 REV A dated 4th December 2017), is marked out by <900mm high posts at 20m intervals.

Reason: To protect features of recognised nature conservation importance, in accordance with the Habitats & Species Regulations (2017), MD12, CS17 and section 118 of the NPPF.

2 The development hereby permitted shall not be occupied until a mitigation monitoring strategy has been submitted to, and approved in writing by, the local planning authority. The purpose of the mitigation monitoring strategy is to demonstrate; 1) that no application of artificial fertiliser is applied to 0.85 hectares of land identified on site plan 00 REV A dated 4th December 2017 for the lifetime of development, 2) the area of 0.85 hectares adjacent to Fenemere Ramsar/SSSI is managed as permanent semi natural vegetation for the lifetime of development, 3) the area of newly planted tree belt in close proximity to Marton Pool LWS (Drawing W17/2504/03 – Strategic Landscape Plan) is in place and retained for the lifetime of the development.

The content of the strategy shall include the following;

- a) Aims and objectives of monitoring to match the stated purpose.
- b) Identification of adequate baseline conditions prior to the start of the development.
- c) Appropriate success criteria and targets against which the effectiveness of the various conservation measures being monitored can be judged.
- d) Methods of gathering and analysing
- e) Locations and monitoring
- f) Timing and duration of monitoring
- g) Responsible persons and lines of communications

A report describing the results of monitoring shall be submitted to the local planning authority at intervals identified in the strategy. The report shall also set out (where the results of the monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The monitoring strategy will be implemented in accordance with the approved details.

Reason: To protect features of recognised nature conservation importance, in accordance with the Habitats & Species Regulations (2017), MD12, CS17 and section 118 of the NPPF.

Planning conditions;

3. The development hereby permitted shall not be occupied until a landscaping plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

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

The plan shall be carried out as approved, unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect features of recognised nature conservation importance, in accordance with the Habitats & Species Regulations (2017), MD12, CS17 and section 118 of the NPPF.

4. A Habitat Management plan shall be submitted to, and approved in writing by, the local planning authority prior occupation of the development. The content of the Habitat Management Plan shall include the following.

- a) Description and evaluation of the features to be managed;
- b) Ecological trends and constraints on site that may influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a works schedule (including an annual work plan and the means by which the plan will be rolled forward annually);
- g) Personnel responsible for implementation of the plan;
- h) Detailed monitoring scheme with defined indicators to be used to demonstrate achievement of the appropriate habitat quality;
- i) Possible remedial/contingency measures triggered by monitoring;
- j) The financial and legal means through which the plan will be implemented.

The plan shall be carried out as approved, unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect and enhance features of recognised nature conservation importance, in accordance with MD12, CS17 and section 118 of the NPPF.

#### Local Sites and Ancient Woodlands

There are 7 Natural Assets in 2km of Lower Fenemere Farm proposal. SC Ecology has identified one Environmental Permit which could act in-combination with 'The Yesters' Local Wildlife Site only. As there has not been a planning application for the identified new permitted site, and as there are no other plans or projects which would act in-combination, (since January 2016 when APIS background levels have been updated), then SC Ecology has not identified any plans projects which should

be assessed in-combination with the 7 Natural Assets.

NRW Guidance Note GN020 has been followed to establish what impact this planning application may have on Natural Assets i.e. using a 1% significance threshold to screen sites out of further assessment (please note 1% is not deterministic and sites need to be considered in-combination with other plans and projects when known).

Following Steve Smith's AS Model all Natural Assets screen out below a 1% Critical Load significance threshold, apart from Marton Pool LWS at 1.3% of the Critical Load.

In order to mitigate for 1.3% the applicant has proposed to plant a tree belt close to the sensitive receptor. Please refer to Drawing W17/2504/03 – Strategic Landscape Plan, which shows an additional buffer of 166m x 5m of planting between the proposed shed and Marton Pool.

The PC is only slightly above the significance threshold for ammonia deposition and mitigation has been proposed. If the mitigation is conditioned SC Ecology does not object to this application with regard to effects on the Marton Pool LWS. The planner should consider MD12 when making a planning decision.

The conditions set out above will ensure protection of Natural Assets.

As earlier response indicated:

Additional information is required relating to impact on;

- Midland Meres & Mosses Phase 2
- Midland Meres & Mosses Phase 1
- Fenemere SSSI

In the absence of this additional information (detailed below) I recommend refusal since it is not possible to conclude that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010).

Recommendation:

Additional information is required relating to designated sites.

In the absence of this additional information refusal is recommended since it is not possible to conclude that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010). (For further detail in relation to the Ecology response please refer to the Ecology response dated 9<sup>th</sup> August 2017).

An earlier response indicated:

The proposal is for an additional 16,000 Bird Free Range Poultry Shed. From the Design & Access Statement the applicant currently has an 80,000 bird capacity. The Environmental Issues and Emissions report submitted in support of the

proposal details that the site has an Environmental Permit for 91,999 laying hens.

There are no mature trees on the site, however, the site has been subject to a recent planting regime associated with previous planning applications resulting in immature mixed species.

Protected species do not restrict the proposed development. Pearce Environment conclude that the planting of native tree species would enhance the site with respects to nesting birds. Additional information is required relating to the potential impacts on designated sites. SC Ecology has emailed the Environment Agency for the required supporting evidence.

### Designated Sites

The proposed application will require an Environmental Permit from Environment Agency. Shropshire Council and Environment Agency strongly encourage applicants to 'twin track' the applications for planning permission and the Environmental Permit.

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 Environment Agency Permit should be provided by the applicant. A copy of the Ammonia Screening Tool (AST) assessment sheet should also be provided (this may be an excel sheet or a pdf).

The AST assessment sheet should contain the full modelling for all designated sites (European designated sites within 10km, SSSI in 5km and local sites in 2km). The AST assessment sheet should show the critical load/level of each designated site and the process contribution from the application as a % of the critical load/level.

### Habitat Regulation Assessment

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

A Habitat Regulation Assessment matrix will be updated and sent to the planning case officer once the supporting evidence from the EA is received. The HRA matrix must be included in the Planning Officer's report for the application and must be discussed and minuted at any committee at which the planning application is presented.

Natural England must be formally consulted on 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 Designated site.

4.7 **SC Archaeology** raises no objections. The response indicates:

A Heritage Assessment is included as Part 9 of the Environmental Statement. We confirm that this satisfies the requirements of Paragraph 128 of the NPPF and Policy MD13 of the Local Plan with regard to the archaeological interest of the proposed development site. The Statement finds that there is nil to low potential for archaeological remains to be present on the site. We concur with this assessment and on this basis we no further comments to make with respect to archaeological matters.

4.8 **SC Drainage** raises no objections. The response indicates:

The proposed surface water drainage is acceptable in principle.

The following drainage details, plan and calculations should be conditioned if planning permission were to be granted.

1. Details and plan on how the contaminated water in the yard from spillages or cleaning of sheds will be managed/ isolated from the main surface water system should be submitted for approval.

Reason: To ensure that polluted water does not enter the water table or watercourse.

2. Informative: On the Surface Water Flood Map, the south east corner of the site is at risk of surface water flooding. The applicant should ensure that the finished floor level is set above any known flood level or at least 150mm above the ground level.

Reason: To minimise the risk of surface water flooding

4.9 **SC Regulatory Services** raises no objections. The response states:

Having considered the proposals I have no objections and no conditions to recommend having taken into account all pollution sources and the potential for pests. The site is covered by an Environmental Permit issued and regulated by the Environment Agency. This will ensure that controls are in place in respect of noise, odour, water and pests.

4.10 **Public Comments**

No comments received from members of the public at the time of writing this report.

5.0 **THE MAIN ISSUES**

- ☐ Environmental Impact Regulations
- ☐ Policy and principle of development
- ☐ Siting, scale and design of structures and visual landscape impact.

- ☐ Residential amenity.
- ☐ Ecology

## 6.0 OFFICER APPRAISAL

### 6.1 Environmental Impact Assessment.

6.1.1. The Town and Country Planning (Environmental Impact Assessment) Regulations 2015 as well as the 2017 edition specify that Environmental Impact Assessment (EIA) is mandatory for proposed development involving the intensive rearing of egg laying poultry where the number of birds is 60,000 or more. As such it is considered necessary that the proposal which is part of a wider development needs to be considered in relation to EIA Regulations. The site has planning permission for 75,999, egg laying birds. Taking into account the further birds on site as referred to in the Environmental Statement submitted in support of the application, the development on site as a whole is considered to also fall into the remit of schedule 2 : 13(b)(i). development on cumulative impacts, as it is considered the development as changed or extended “may have significant adverse effects on the environment”.

6.1.2 The Environmental Statement in support of the application makes reference to a sequential site selection and Officers consider detail as set out on site selection in accordance with the circumstances and statutory consultee responses received is considered satisfactory in principle, with consideration to the farming business concerned and the location and impacts etc subject to satisfactory statutory consultee responses to this application.

### 6.2 Policy and principle of development

6.2.1 The National Planning Policy Framework (NPPF) 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 enterprises, 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 Policy CS6 of the Shropshire Core Strategy: ‘Sustainable Design and Development Principles’ requires development to protect to conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local

context and character. The development should also safeguard against both residential and local amenity, ensuring that sustainable design and construction principles have been incorporated. This is further reiterated within SAMDev MD2 which reinforces for the need for proposals being on appropriate sites that take into consideration their local surroundings.

6.2.3 Policy CS13 of the Shropshire Core Strategy: 'Economic Development, Enterprise and Employment' seeks to develop and diversify Shropshire's economy, through supporting existing enterprises and delivering sustainable growth. Particularly in rural areas, where it is recognised that a continued importance in diversification is essential in achieving a prospering economy.

6.2.4 The proposed development is for an extension to an existing large scaled intensive egg laying unit which is run on 'free range egg principles'. As noted earlier in this report a variation to the site's environmental permit has been granted which allows for the increase in bird numbers the subject of this application. The permit will control, on site operations and emissions and this is controlled and monitored by the Environment Agency.

### 6.3 **Siting, scale and design of structures and visual landscape impact.**

6.3.1 Core Strategy Policy CS6 seeks to ensure that development is appropriate in scale and design taking into account local context and character, having regard to landscape character assessments and ecological strategies where appropriate. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. Policy MD12 of the SAMDev also puts emphasis on the avoidance of harm to Shropshire's natural assets and their conservation, enhancement and restoration. It is noted that the site is not located within an area designated for landscape value.

6.3.2 The application proposes one egg laying unit measuring 67.400 metres long by 19.80 metres wide. The building is 3.353 metres to the eaves and 6.037 metres high to the ridge. The building will be external steel clad and coloured slate blue to match existing buildings adjacent to the site. There will also be two associated feed bins and hard standing area turning area. The building will form part of a group (five existing), of similar intensive egg laying units, all in the control of the applicant.

6.3.3 The site is relatively open mostly grade 3 agricultural classification farm land, to which it is acknowledged that development as proposed will have a visual impact. A landscape and visual impact assessment submitted in support of the application concludes that the proposed development is likely to generate no greater than a moderate visual effect, and a low effect upon the landscape setting. With consideration to the existing intensive poultry site as a whole in relation to the surrounding land topography and character, Officers accept this conclusion and consider the proposed development acceptable on the understanding that further landscape mitigation in the form of landscape planting enhancement is put in place and it is considered that this matter can be adequately addressed via the imposition

of suitably worded conditions to any approval notice subsequently issued.

- 6.3.4 As such with suitable mitigation measures, the development will have a moderate visual impact considered not significant. It is acknowledged that there will be an increase of delivery vehicles and people travelling to the works and in particular during construction on site.
- 6.3.5 On balance Officers share the conclusions in relation to landscape and visual impact and with consideration to the economic benefits of the proposal consider the development acceptable in relation to landscape and visual impact.
- 6.3.6 Whilst it is acknowledged that intensive poultry units can have a significant impact on the landscape character as well as a visual impact, consideration also has to be given to the economic benefits.
- 6.3.7 Paragraph 129 of the NPPF indicates that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal, (including by development affecting the setting of a heritage asset), taking account of the available evidence and any necessary expertise. The proposal therefore has to be considered against Shropshire Council policies CS6 and CS17 and with national policies and guidance including PPS5 Historic Environment Planning Practice Guide and section 12 of the National Planning Policy Framework (NPPF). Special regard has to be given to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses as required by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.3.8 Policies CS6 and CS17 of the Shropshire Core Strategy emphasise the need to protect and enhance Shropshire's historic assets. Policy MD13 of the SAMDev emphasising the requirement wherever possible that proposals should avoid harm or loss of significance to designated or non-designated heritage assets and this includes consideration to their settings.
- 6.3.9 A heritage impact assessment has been submitted as part of the application to which Officers share the conclusion of the report in that the assessment concludes that development on this site would not cause any direct or indirect physical impact on known heritage assets, and, in view of the low potential for sub-surface archaeological deposits, no mitigation in relation to this matter is considered necessary as a result of the development as proposed.
- 6..3.10 On balance whilst it is appreciated that the development is relatively large in scale, the proposal in relationship to landscape and visual impact as well as historic character impacts and settings is considered acceptable with conditions attached as discussed. The proposal has taken into consideration the landscape character topography and setting, being one of large open arable fields with significant tree cover in the surrounding distances from the site, overall development is considered to be in accordance with Policies CS5 and CS17 of the Core Strategy, Policies MD1, MD12 and MD13 of the SAMDev and the relevant sections of the NPPF,



which includes the section on Conserving and enhancing the historic environment and the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**6.4.1 Residential amenity.**

6.4.2 Detail in support of the application indicates that there is in the region of 75,999 birds on site. The development subject to this application is for an additional 16,000 bird places. As such the site will be regulated in accordance with the Environmental Permitting (EP), (England and Wales) Regulations (EPR) 2010 and as such the site requires a permit to be issued and monitored by the Environment Agency. As indicated earlier a site environmental permit variation has been granted by the Environment Agency. The usual legislation in relationship to these matters as applied by the Council's Public Protection is of course still relevant.

6.4.3 The closest dwelling to the site is approx.450 metres to the south-west of the site. Odour emission rates from the proposed poultry house have been assessed and quantified based upon an emissions model that takes into account the likely internal odour concentrations and ventilation rates of the poultry house. The odour emission rates so obtained have then been used as inputs to an atmospheric dispersion model which calculates odour exposure levels in the surrounding area. The modelling predicts that, at all nearby residences and commercial properties, the predicted 98th percentile odour concentrations would be below the Environment Agency's benchmark for moderately offensive odours, a maximum annual 98th percentile hourly mean concentration of 3.0 ouE/m<sup>3</sup>. This is considered to be an acceptable level in relation to Environment Agency guidelines in relation to amenity issues, and as such the Council's Public Protection Manager raises no objections on this matter.

6.4.4 The applicants have also submitted, in support of their application, a noise assessment which has considered background noise in relationship to extract fan noise on the chicken unit. (The proposed building will be vented by mechanical ventilation (tunnel ventilation) with roof mounted fans. This assessment concludes that there will be no adverse noise impacts in relationship to residential amenity issues to any dwellings outside of the applicant's control. (Nearest dwelling to the application site is approx. 450 metres to the south west). As such the proposal is considered acceptable on noise and dust issues with a condition attached to any approval notice issued with regards to hours of deliveries of feed to the site and its transportation on site from HGV to silo can be a noisy task. Whilst it is appreciated that the noise report in support of the application confirms that noise impact will be low and below the existing ambient environmental noise levels, this condition is recommended owing to background noise in this location considered very low and transportation of feed deliveries to the site as well as their unloading can be a noisy exercise. Controls in relation to poultry deliveries, is not considered necessary in relation to egg laying on site.

**6.4.5 Manure management, disposal and storage.**

- 6.4.6 As part of the Environmental Permit the application will need to supply a manure management plan, this includes 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. The shed will be fitted with a multi-tier aviary system. The multi-tier system allows multiple perching levels within the building with manure belts situated below these raised platforms. The unit is also thoroughly cleaned down at the end of each 14month bird cycle. The manure belts deposit the manure onto an agricultural elevator which is emptied into an agricultural trailer. Manure would be removed from the poultry house twice weekly in sealed trailers and taken from the site to the receiving farms, to which it is understood each of these operate a 'Farm Manure Management Plan'. This ensures that the rates and area for spreading within the farm unit are sustainable and meet the DEFRA guidelines to meet:
- ☒ Protecting our Water, Soil and Air - A Code of Good Agricultural Practice for farmers, growers and land managers 2009 and
  - ☒ Manure Management Plan: a step-by-step guide for farmers – June 2003
- 6.4.7 The receiving farms vary dependent upon need and capacity, it is understood the applicant is currently delivering to Leaton Knolls Estate, Leaton Knolls, Berwick, Shrewsbury SY4 3HX and D R Burden, Nook Farm, Loppington SY4 5SG.
- 6.4.8 Poultry manure is considered a valuable agricultural fertiliser and there is high demand from the arable farming industry. Spreading manure provides nutrients to grow crops and also adds organic matter to the soil to improve soil structure. The storage and spreading of farmyard manure is controlled through the Nitrate Pollution Prevention Regulations 2015. These regulations dictate where manure can be stored, where it can be spread and the timing of spreading during the year. Compliance with the regulations is monitored by DEFRA under cross compliance legislation with fines in place for none compliance.
- 6.4.9 The legal process for the transfer of the waste from the site will require the applicant to record the dates and quantities of manure exported and the name address and farm holding number of the recipient farm. Once the manure reaches the recipient farm, the legal duty of compliance with the Nitrate Pollution Prevention Regulations 2015 passes to the recipient. The storage of manure in field heaps is regulated in Part 6 (para 23, sub section 3) of the Nitrate Pollution Prevention Regulations 2015 and the application of organic manure to land is controlled within Part 5 of the Nitrate Pollution Prevention Regulations 2015. The regular removal of the manure removes the potential breeding medium for flies. Essentially, using a manure belt system removes the potential for fly issues.
- 6.4.10 In accordance with the Environmental Permitting Regime, 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.

- 6.4.11 It is noted that neither the Environment Agency or the Council's Public Protection (Regulatory Services) Manager raises any issues of concern on these matters and this includes reference to potential fly problems. Officers consider information in support of the application on these issues to be acceptable with consideration to the required processing as discussed above.
- 6.5 It is recommended that conditions are attached to any approval notice if members are mindful to approve the application, in order to ensure adequate consideration to disposal of manure generated on site and its spreading on land and consideration to residential amenity, as well as impacts in relation to use of surrounding public footpaths by means of a manure management plan, and also a condition in order to ensure all manure removed off the intensive poultry site is done so in sealed and covered trailers. It must also be noted that the Council's Public Protection section has statutory powers to deal with any proven amenity issues as a result of the development.
- 6.5.1 On balance the proposal is considered acceptable in relation to surrounding residential amenity issues with consideration to measures as discussed in the paragraph above. As such the proposal is considered to be in accordance with relevant policies of the Shropshire Core Strategy, the Council's SAMDev and the National Planning Policy Framework on issues in relation to residential amenity and public protection.
- 6.6 Ecological issues.**
- 6.6.1 Policies CS5, CS6 and CS17 of the Shropshire Core Strategy and Policy MD12 of the SAMDev clearly indicate the requirement for development proposals to demonstrate that there are no unacceptable adverse environmental impacts. Applications should demonstrate a project level Habitats Regulations assessment for all proposals where the local planning authority identifies a likely significant effect on an internationally designated site. Developments should only be permitted if it can be clearly demonstrated there will be no likely significant adverse effects directly, indirectly or cumulatively in relationship to a number of criteria which includes reference to priority species, priority habitats important woodlands, trees and hedges, ecological networks, visual amenity, landscape character and local distinctiveness.
- 6.6.2 Both the Council's Planning Ecologist and Natural England initially raised concerns with regard to ecological issues, both requiring additional information relating to ammonia impacts on designated sites. In the absence of the required additional information, the Council's Planning Ecologist recommended refusal, indicating it is not possible to conclude that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010).

- 6.6.3 The key issue of concern related to ammonia emissions as a result of the proposed development. All environmental sites need to be assessed in terms of ammonia screening. It is also considered necessary for the requirements for habitat enhancements as a form of ammonia mitigation which is required or should be demonstrated on a proposed landscape plan. (For further information on this issue please refer to paragraphs 4.4 and 4.6 above).
- 6.6.4 On receipt of further information in relation to ammonia outputs and mitigation and enhancement measures offered, the Council's Planning Ecologist considers that there will be no effect on Fenemere Ramsar, and as such the proposal does not need to be considered in-combination with other plans or projects. Natural England also concluded that without appropriate mitigation the application would: have an adverse effect on the integrity of Midlands Meres and Mosses Phase 1 Ramsar (Fenemere) and damage or destroy the interest features for which Fenemere Site of Special Scientific Interest has been notified, and that in order to mitigate these adverse effects and make the development acceptable, the mitigation measures outlined in the Council's Habitat Regulations Assessment (HRA) should be secured. (Copy attached as a separate document as annexe two to this report).
- 6.6.5 Natural England advised that mitigation should include taking areas of arable land adjacent to Fenemere out of agricultural production to be managed as semi natural vegetation, reduction of applications of fertiliser adjacent to the designated site, the production of a mitigation monitoring strategy and a management plan for the areas of land to be taken out of arable use. This could be secured by means of an appropriate planning condition or obligation attached to any planning permission in order to secure these measures.
- 6.6.6 With consideration to the issues as raised by both the Council's Planning Ecologist and Natural England, it is recommended that conditions as recommended by the Planning Ecologist in relation to a landscape plan, habitat enhancement and mitigation are attached to any approval notice issued as to the conditions set out in appendix one attached to this report.
- 6.6.7 With consideration to the above-mentioned and with additional mitigation and biodiversity enhancement it is considered that based on the further information received in support of the application that the concerns as initially raised by both Natural England and the Council's Planning Ecologist on ecological issues can be addressed satisfactorily and as such the development on balance now considered to be in accordance with Policies CS5, CS6 and CS17 of the Shropshire Core Strategy, Policy MD12 of the SAMDev and the overall aims and objectives of the NPPF in relationship to sustainable development and environmental and ecology matters.
- 6.6.8 **Other matters.**
- 6.6.9 **Drainage.**

6.6.10 The NPPF and policy CS18 of the Shropshire Core Strategy require consideration to be given to the potential flood risk of development. The site is located in Flood Zone 1 (low probability, in Zone rating) based on the EA indicative Flood Zone Map. The applicants have submitted a land drainage assessment in support of the application and its findings are considered acceptable. It is noted neither the EA or the Council's Drainage Manage raise any objections in relation to drainage matters. The latter recommending a condition with regards to how the contaminated water in the yard from spillages or cleaning of sheds will be managed/ isolated from the main surface water system should the application be approved. It is recommended that a condition with regard to a sustainable drainage system is attached to any approval notice issued. With consideration to such a condition the proposed development considered acceptable on drainage matters and in compliance with Policies CS5 and CS18 of the Shropshire Core Strategy and Policies MD2 and MD7b of the SAMDev and the NPPF on drainage matters.

## 6.7 Highway and transportation issues.

- 6.7.1 Highway and transportation issues are considered acceptable and it is noted that the Council's Highways Manager raises no objections in relation to the proposed development. The increase in bird numbers is related to the expected number of vehicle movements as referred to in the applicants Highways Assessment that forms part of their Environmental Statement. Based upon the vehicle movement figures provided, the increase in traffic for the operation of the business once the building is completed is not considered to be significant in terms of the capacity of the highway network. The submitted information does identify the traffic associated with the construction phase over a period of 7 weeks which will be significant for one day within week 4 when the concrete deliveries are scheduled.
- 6.7.2 It is noted that a previous planning permission resulted in funding for passing bays along the route between the site access and the main road which links the A528 and B4397. Site observations confirm that the passing bays are in place and available for use.
- 6.7.3 The Highways Manager's response to the application has noted that the site access to the Highway appears to be formed from an unbound material which is considered to require consolidation. A condition is therefore, recommended for the reconstruction or resurfacing of the access to the Highway before the new poultry shed is brought into use.
- 6.7.4 Overall, with consideration to the highway junction improvements as discussed above and vehicle movements as indicated by the applicants which includes consideration to HGV movements and the response from the SC Highways Manager, it is considered on balance that the proposed development is acceptable in relation to highway and transportation issues and overall in accordance with relevant local plan policies and the NPPF on highway and transportation matters.

## 7. CONCLUSION

- 7.1 The proposal is for one large egg laying unit, two feed silos and hardstanding area on a greenfield site as an extension to an existing intensive egg laying complex, which will house up to 16,000 birds.
- 7.2 It is acknowledged that the development is significant in scale and does have a limited impact on the landscape. However it is considered that the proposed development, with consideration to the surrounding landscape character, topography and field layout, with further landscape mitigation, can be successfully integrated into the surrounding landscape. This will also assist in relation to ammonia emissions which has been a contentious issue in relation to this application, a matter that has been subject to detailed and complex consideration, to which further mitigation as offered by the applicants has now resolved this concern. Consideration has also been given to impacts on the historic landscape.
- 7.3 On balance with consideration to the location, size and scale and cumulative impacts, it is considered that there will not be an adverse impact. Also the economic benefits to the business concerned and production of local food with further landscape mitigation in the form of native planting and the external colour of the development, is on balance acceptable in principle.
- 7.4 Public highway access and transportation issues are considered acceptable, as are residential amenity issues, with conditions attached to any approval notice with regards to a manure management plan and transportation of manure off site. It is also noted that matters in relation to on site issues in relation to amenity and day to day management of the site are subject to the Environment Agency's permitting regime. It is noted that the Local Parish Council support the application and that no letters of objections have been received from members of the public.
- 7.5 The findings and conclusions as indicated in the information submitted in support of the application and the Environmental Statement are on balance considered acceptable.
- 7.6 As such the proposed development overall is considered acceptable and in accordance with relevant policies as set out in the Shropshire Core Strategy, the SAMDev, the National Planning Policy Framework and other relevant planning guidance and legislation which includes the provisions of the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The recommendation is therefore one of approval subject to conditions as attached as appendix one to this report, with any modifications as considered necessary by the Head of Service.

## 8.0 Risk Assessment and Opportunities Appraisal

### 8.1 Risk Management

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

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

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

## 8.2 Human Rights

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

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

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

## 8.3 Equalities

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

## 9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of

defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

## 10. Background

### Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

National Planning Policy Framework

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS13 - Economic Development, Enterprise and Employment

Economic Development, Enterprise and Employment

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD2 - Sustainable Design

MD7B - General Management of Development in the Countryside

MD12 - Natural Environment

### RELEVANT PLANNING HISTORY:

NS/03/01115/DET Proposed details of single storey farm workers dwelling in accordance with Planning Permission N/02/1085/BA/579 Outline (design and external appearance only)

CONAPP 9th December 2003

NS/04/01132/FUL Renewal of planning permission for the erection of a single storey agricultural workers dwelling INVALID 5th November 2004

NS/04/01250/VAR Variation of condition 1 attached to PP N/043/1052/BA/579 Details to extend development commencement date of erection of agricultural workers dwelling by 6 months

CONAPP 10th January 2005

NS/04/01252/FUL Retention of polytunnel for sheep housing CONAPP 17th January 2005

NS/05/00476/DOC Single storey farm workers dwelling REC

NS/05/00741/AMP Revised porch ~ N/02/1085/BA/579 REC

NS/05/01034/FUL Erection of free range poultry building CONAPP 20th July 2005

NS/05/02253/AMP Amended plans for new dwelling. REC

NS/06/00377/FUL Erection of agricultural workers dwelling CONAPP 24th March 2006

NS/07/01184/FUL Erection of extension to existing free range poultry building CONAPP 7th September 2007

16/02178/SCO Erection of free range poultry shed to provide 16,000 birds EIA 21st June 2016

17/01961/EIA Erection of 16,000 Bird Free Range Poultry Shed (for Egg Production) and Associated Hard Standing and Feed Bins PDE

NS/02/01111/FUL Retention of residential caravan for agricultural worker (previously approved under N/99/861/BA/579 dated 13.12.99) CONAPP 24th April 2003



NS/02/01171/OUT Erection of a single storey dwelling in place of existing mobile home approved for person involved in agriculture. CONAPP 24th April 2003

NS/94/00028/FUL PROPOSED SITING OF RESIDENTIAL CARAVANS FOR AGRICULTURAL WORKER CONAPP 23rd September 1994

NS/94/00029/FUL ERECTION OF TWO POLY-TUNNELS FOR LAMBING PURPOSES CONAPP 26th September 1994

NS/96/00021/FUL RETENTION OF RESIDENTIAL CARAVANS FOR AGRICULTURAL WORKER CONAPP 17th September 1996

NS/96/00022/FUL LOWER FENEMERE FARM - BASCHURCH SHROPSHIRE SY4 2JF CHANGE OF USE OF AGRICULTURAL BUILDING TO WORKSHOP, OFFICE AND STORAGE BUILDING CONAPP 28th May 1996

NS/98/00019/FUL RETENTION OF RESIDENTIAL CARAVANS FOR AGRICULTURAL WORKER CONAPP 11th November 1998

NS/99/10021/FUL LAND ADJOINING LOWER FENEMERE FARM - BASCHURCH RETENTION OF RESIDENTIAL CARAVANS FOR AGRICULTURAL WORKER CONAPP 13th December 1999

NS/99/10022/FUL ERECTION OF ONE POLYTUNNEL CONAPP 8th November 1999

NS/04/00519/PN Prior notification for the erection of agricultural building PDDEV 26th May 2004

NS/08/01189/FUL Proposed conversion of outbuilding into annexe ancillary to existing farm house REFUSE 21st August 2008

09/70163/FUL Conversion of outbuilding to form ancillary accommodation GRANT 2nd June 2009

PREAPP/11/00535 1. Holiday cabins around the lake  
2. New poultry shed on the chicken unit PRRQD 12th April 2011

11/03275/FUL Erection of free range poultry shed and associated feed bins GRANT 15th December 2011

11/03501/FUL Conversion of redundant agricultural buildings into 1 dwelling with associated access, parking, amenity area and drainage WDN 10th August 2015

12/04493/FUL Conversion of former agricultural building into one holiday let property; formation of new vehicular access with visibility splay; formation of parking and amenity area; installation of septic tank drainage system GRANT 7th January 2013

14/04224/AMP Non Material Amendment attached to Planning Permission 11/03275/FUL for the erection of free range poultry shed and associated feed bins GRANT 29th October 2014

16/02961/FUL Conversion of Stables/Stores into Dwelling GRANT 13th September 2016

17/01961/EIA Erection of 16,000 Bird Free Range Poultry Shed (for Egg Production) and Associated Hard Standing and Feed Bins PDE

17/02579/AGR steel framed portal building clad in steel sheeting to match existing building PNR 4th July 2017

NS/02/00956/FUL Erection of free range egg production building WDN 26th November 2002

NS/03/00248/PN Prior Notification for the erection of a general purpose agricultural building PDDEV 18th March 2003

NS/96/00030/PN PRIOR NOTIFICATION FOR THE ERECTION OF A GENERAL PURPOSE AGRICULTURAL BUILDING PDDEV 18th June 1996

## 11. Additional Information

[View details online:](#)

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 R. Macey

Local Member  
Cllr Nick Bardsley

Appendices  
APPENDIX 1 - Conditions  
APPENDIX 2 – Habitat Regulations Assessment (HRA)

## **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 any development on site details will be submitted to the Local Planning Authority and approved in writing with regards to a sustainable drainage system which will take account of both surface and foul water, (contaminated), drainage.

Reason: In order to ensure an adequate drainage system is in place.

4. Prior to any development on site details will be submitted to the Local Planning Authority and approved in writing with regards to a Manure Management Plan which will consider the effects on residential amenity, any nearby public rights of way and ecological concerns from manure spreading to be effectively monitored and controlled.

Reason: In order to ensure adequate consideration to the residual affects of development on site and impacts of disposal of waste , (to which it is accepted manure produced on site is considered a valuable organic fertilizer), generated on site and its subsequent disposal.

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

5. The development hereby permitted shall not be occupied until a landscaping plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

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

The plan shall be carried out as approved, unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect features of recognised nature conservation importance, in accordance with the Habitats & Species Regulations (2017), MD12, CS17 and section 118 of the NPPF.

6. A Habitat Management plan shall be submitted to, and approved in writing by, the local planning authority prior occupation of the development. The content of the Habitat Management Plan shall include the following.

- a) Description and evaluation of the features to be managed;
- b) Ecological trends and constraints on site that may influence management;
  - c) Aims and objectives of management;
  - d) Appropriate management options for achieving aims and objectives;
  - e) Prescriptions for management actions;
- f) Preparation of a works schedule (including an annual work plan and the means by which the plan will be rolled forward annually);
  - g) Personnel responsible for implementation of the plan;
- h) Detailed monitoring scheme with defined indicators to be used to demonstrate achievement of the appropriate habitat quality;
- i) Possible remedial/contingency measures triggered by monitoring';
- j) The financial and legal means through which the plan will be implemented.

The plan shall be carried out as approved, unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect and enhance features of recognised nature conservation importance, in accordance with MD12, CS17 and section 118 of the NPPF.

7. Prior to the proposed poultry building being brought into use, the site access to the Highway shall be reconstructed or resurfaced in a bound material for a distance of 20 metres from the Highway carriageway edge.

Reason: In the interests of Highway safety.

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

8. All manure removed off site will be done so in sealed and contained trailers.

Reason: In consideration of surrounding amenity.

9. (a) The number of birds kept at the intensive poultry complex as a whole to which the approved building forms part of within the poultry enterprise shall not exceed 91,999 birds at any one time. (In accordance with detail as set out in the information submitted in support of the application).

(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: In consideration of the amenity and biodiversity of the surrounding area.

10. No feedingstuffs will be delivered to the site outside the hours of 8am - 6pm Monday - Saturday or at any times during a bank holiday.

Reason: In the interests of surrounding residential amenity.

11. Notwithstanding the approved plans all building development on site, (including all the feed silo's), are to be all externally coloured in accordance with colour code BS18B29, (dark blue).

Reason: In consideration of the visual impact and to mitigate the development into the surrounding landscape.

### **Informatives**

1. 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
  - undertake the disturbance of ground or structures supporting or abutting the publicly maintained highway

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details

<https://www.shropshire.gov.uk/street-works/street-works-application-forms/>

Please note: Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together with a list of approved contractors, as required.

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