

Development Management Report

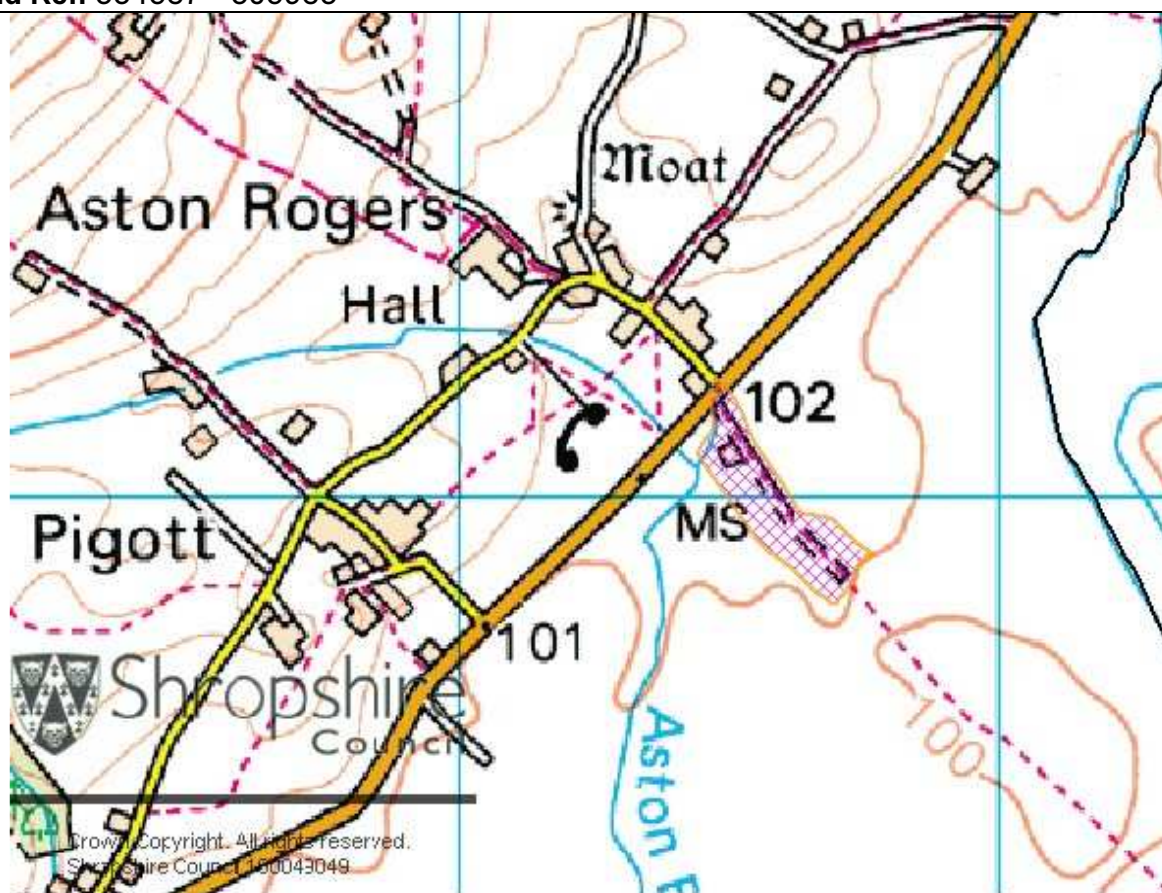
Responsible Officer: Tim Rogers

email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 13/03847/EIA	Parish:	Worthen with Shelve
Proposal: Construction of four poultry sheds and feed bins, ancillary works, alterations to existing vehicular access, installation of solar photovoltaic panels and associated landscaping		
Site Address: Land south-east of Aston Rogers, Westbury, Shropshire		
Applicant: JS Jones and Son		
Case Officer: Peter Walker	email:	planningdmsw@shropshire.gov.uk

Grid Ref: 334587 - 305983



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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 proposes the development of a new intensive poultry rearing unit, comprising four poultry houses with feed bins and associated works, on land south-east of Aston Rogers, 2 miles south of Westbury and some 10 miles west of Shrewsbury. As a proposed large development for intensive poultry rearing, the application is accompanied by an Environmental Impact Assessment as required by the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

2.0 SITE LOCATION & DESCRIPTION OF DEVELOPMENT

- 2.1 The application site is located on the south side of the B4386 road immediately south of the hamlet of Aston Rogers, which lies 2 miles south of Westbury on the road to Worthen and Brockton. The site comprises an approximately rectangular field measuring some 330 x 100m, and surrounded by established field boundary hedges. The site is essentially level and lies within an almost flat landscape of large fields in the approximately one mile wide valley of the Rea Brook.
- 2.2 The application site is accessed via an existing track suitable for vehicular traffic, which emerges on to the B4386 road opposite the minor road leading into Aston Rogers. A public footpath runs along this track through the field, and continues south-eastwards across the valley towards Minsterley. There is a single portal-framed agricultural storage barn at the north-west end of the field, and this would be unaffected by the proposed development. The application site is 1.25 miles from the nearest part of the AONB.
- 2.3 The proposed poultry unit development would occupy the majority of a broadly rectangular field extending approximately south-eastwards from the south side of the B4386 road south of Aston Rogers. The development would comprise four large poultry rearing houses, arranged in pairs towards the south-eastern end of the field, and aligned so that their narrow ends face towards the road. The poultry houses would each measure 97.5 x 24.4m, with a small control room measuring 8.5 x 3m at the end of each building. The shallow pitched roofs of the poultry houses would rise from 2.4m high at the eaves to 4.6m high at the ridge.
- 2.4 The poultry houses would be of steel portal frame construction, and would be clad throughout in profiled steel sheeting, coloured slate blue. Small ventilation cowls would be located at intervals along the roof slopes, and the majority of the south-west facing roof slope of one of the buildings would be covered by solar PV panels to generate electricity for the development. Between the pairs of poultry houses would be a total of 8 cylindrical feed bins some 7.5m in height, and a concrete surfaced area allowing access for vehicles delivering feed, and stocking and emptying the buildings.

- 2.5 The site would be accessed via the existing track which runs along the north-east edge of the field, but at the point where this meets the B4386 road a new section of entrance drive (some 50m long) would be constructed on a new alignment, to provide an entrance with a recessed gateway some 15m south-west of the existing field gate. This would provide a more conveniently aligned and safer point of access to the site for HGV traffic.
- 2.6 To the north-east side of the group of poultry houses a swale would be formed to attenuate surface water run-off from the buildings' roofs and adjacent hard surfaces; the capacity of the swale would be sufficient to hold the anticipated run-off from a 1 in 100 year rainfall event, plus an additional allowance for climate change. The submitted Flood Risk Assessment indicates that the site is at a very low risk of flooding, and that rainfall run-off collected by the proposed swale would be subsequently dispersed to watercourses in the valley, without adding to flood risk further downstream.
- 2.7 The total floor internal area of the four sheds, including the control rooms, would amount to some 9,500 sq m, and the total number of birds expected to be housed within the whole development at any one time would be up to 180,000. The proposed development would follow the typical design for new intensive poultry units, and the scheme aims to follow best practice for the design and operation of such units. The development would require an environmental permit from the Environment Agency to regulate its operation. This provides a system for regulating poultry operators based on the general principle that operators should take all appropriate preventative measures against pollution, in particular through the application of Best Available Technique (BAT) enabling improvements in environmental performance.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 In accordance with the Council's adopted 'Scheme of Delegation' this application is required to be referred to the South Planning Committee for determination because the scheme falls within Schedule 1 of the Environmental Impact Assessment Regulations.

4.0 COMMUNITY REPRESENTATIONS

4.1.0 Consultee Comments

- 4.1.1 **Worthen with Shelve Parish Council** – confirms that it supports the proposal, with a recommendation that the access to/from the road to the site be improved and not just the first 15 metres as agreed with Highways Agency [*sic*]. The feed silos should be kept to a minimum height in accordance with the needs of the business.

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- 4.1.2 Public Protection Officer – Having considered the application I am satisfied that it is unlikely that odour will have a significant effect on the locality. Sufficient land is available for spreading manure and space away from nearby residential properties is available for any stockpiling of manure prior to spreading. I therefore have no further comment on this aspect of the operation as the Environmental Agency regulated permit will control aspect of odour from the

buildings. However, I would remind the applicant that if unsuitable storage areas are used which result in an unreasonable odour being perceived at residential receptors in the area that there is legislation to investigate this and legal notice could be served requiring the removal of manure from a particular location(s). As a result careful thought should be given when choosing where to stockpile manure to avoid both odour and fly nuisances at nearby residential dwellings.

- 4.1.3 With regard to noise from the development the Environmental Agency permit will place controls on aspects relating to the operation itself, however vehicle movements fall outside of the remit of the permit. However, there are no residential properties within close proximity of the junction where the most noise will be created by vehicles accelerating and decelerating. As a result it is my opinion that noise from vehicle movements will not have a significant detrimental effect and I therefore have no comments in relation to noise from this source or indeed on this application as a whole.
- 4.1.4 Flood and Water Management Team – The use of soakaways should be investigated in the first instance for surface water disposal. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 20% for climate change. (Reason: To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner.)
- 4.1.5 The applicant should submit details of how the contaminated water in the yard from spillages or cleaning of sheds will be managed / isolated from the main surface water system. (Reason: To ensure that pollution does not enter watercourses or groundwater.)
- 4.1.6 As the development is within Flood Zone 2, the Environment Agency should be consulted on this application. The applicant should consider employing measures such as the following: Water butts / Rainwater harvesting system / Permeable surfacing on any new driveway, parking area or paved area / Grey water recycling system.
- 4.1.7 Highways Development Control Officer – The highway authority raises no objections to the granting of permission. If permission is granted a condition should be imposed requiring construction of the approved access works prior to the development being first brought into use (see recommendation).
- 4.1.8 The application contains details of the existing and anticipated vehicle movements from the site and I am able to concur with the logical process that has been used to arrive at these figures and hence would accept them to be a realistic representation. I am however unable to verify the existing vehicle movements and must assume these to be correct. The presented figures suggest an average daily increase in mixed vehicle movements of 6 above the current movements; however it is the nature of broiler units to generate more intense movements at specific points in the crop cycle and then have periods of very little activity.

- 4.1.9 The access to the site leads directly onto the B4386 which is a Class 2 highway that I consider to have the capacity to accommodate the level of additional traffic proposed and carry this to the wider highway network without any adverse highway effects. There is an existing access here which emerges onto a relatively straight section of derestricted speed limit carriageway where vehicle speeds appear to often be approaching that limit. The carriageway undulates in parts, limiting visibility along it for drivers but I consider that the design and associated works proposed to improve this access will maximise visibility for emerging drivers along the highway and produce a layout suitable to accommodate the types of additional vehicle movements generated by the scheme.
- 4.1.10 It is assumed in the access design that all major HGV movements will be to / from the Shrewsbury direction. Although this cannot be guaranteed, as commercial conditions in the future may result in a change in the processing plant used, I concur with the applicant's reasoning to limit the lengths of hedge requiring removal by the design proposed.
- 4.1.11 Rights of Way Team – Based on the plans provided, it appears that no public rights of way will be affected by the development itself; however it should be noted that footpath 79Y Worthen with Shelve Parish appears to run along the access track being used to serve the development itself. It would appear that the farm driveway/track could be used for access and egress to the site. If permission is granted an informative should be added regarding the protection of the public right of way at all times (see recommendation).
- 4.1.12 Senior Archaeological Advisor - The proposed development site is located between Minsterley and Aston Rogers and approximately 0.45 kms north-west of a slightly elevated platform within an area of low lying land of the Rea Brook floodplain. A discreet area of peat deposits is located adjacent to the development site. The surrounding area contains a number of non-designated heritage assets including Hem Ring (HER PRN 00646) thought to be a medieval 'ringwork' but which may have earlier origins. Recent aerial photography has revealed a single ditched sub-circular enclosure 650m north-west of Lower Hogstow (HER PRN 28741) which may have a co-joined extension.
- 4.1.13 In a wider context issues of setting may affect a number of designated and non-designated heritage assets including the scheduled monuments of Caus Castle: a small multivallate hillfort, a motte and bailey castle and a medieval borough (National Ref: 1020147), Hawcocks Mount ringwork castle 200m north east of Hawcocks Farm (National Ref: 1013494), Moated site at Leigh Hall (National Ref: 1019010), Small enclosed Iron Age settlement at Leigh Wood, 180m south of Leigh Hall (national Ref: 1021276) and Grade I, II* and II listed buildings.
- 4.1.14 No specific Heritage Impact Assessment, recommended in a scoping opinion submitted in June 2013, is included as part of this EIA. However, a Landscape and Visual Impact Assessment (LVIA) contains a section 5.8 (Heritage Assets in the Local Landscape) that comments on the contribution those heritage assets make to the landscape character but not on the significance of the assets. Those comments take into consideration all known heritage assets, both in the

immediate vicinity and in a wider landscape context and conclude that any impact would be minor and not significant. It supports this conclusion with a reasoned understanding of the inter-connectivity of monuments of a similar period and how those monuments would have been viewed in their landscape setting. I concur with these findings in respect of issues of setting and visual impact and offer no further comments in that respect. The LVIA acknowledges the presence of buried archaeology in the surrounding area, some of which was only recently observed through aerial photography, but makes no comment on the potential for buried remains within the proposed development boundary.

- 4.1.15 In view of the above and in line with National Planning Policy Framework (NPPF), it is recommended that a programme of archaeological work be made a condition of any planning permission for the proposed development that made provision for a watching brief during groundworks (see recommendation).
- 4.1.16 Conservation Officer – It is necessary to consider the impact of the proposals on the setting of listed buildings in accordance with the 1990 Planning (Listed Buildings and Conservation Areas) Act and the significance of designated and non-designated heritage assets in accordance with the NPPF. There are a number of listed buildings which could potentially be affected by the proposals. I have therefore considered the impact of the proposals on these buildings.
- 4.1.17 No Heritage Assessment has been submitted, however, the Landscape and Visual Impact Assessment which has been submitted identifies the listed buildings and from the information provided and my site visits I am satisfied that given the location of the proposed poultry farm and the proposed landscape mitigation, the proposals will only have a minor impact on the setting and significance of the listed buildings at Aston Rogers and even less impact on the listed buildings at Aston Piggott. They will have no significant impact on any listed buildings further away from the proposed site or on any non-designated heritage assets.
- 4.1.18 The minor impact on the listed buildings at Aston Rogers can be balanced against the benefits of the proposals and I do not therefore object to the proposals on these grounds. The Landscape and Visual Impact Assessment does however suggest that there may be wider impacts on the surrounding landscape and on both close and distant views of the site that may need to be taken into consideration. I suggest that the advice of a qualified landscape professional is sought in assessing these impacts.
- 4.1.19 Planning Ecologist – I have read the above application and the supporting documents including the Extended Phase 1 Habitat Survey conducted by John Champion Associates Limited (July 2013); Ammonia Screening Assessment Sheet provided by the Environment Agency (dated 13 March 2014); Natural England formal comments (dated 21 October 2013).
- 4.1.20 Natura 2000 Sites: - Shropshire Council has received detailed ammonia screening from the Environment Agency, which they have produced when screening this application under the requirements of the Habitats Regulations. Shropshire Council and Natural England understand and agree with the

assessment undertaken by the Environment Agency, a competent authority. The Environment Agency has stated that emissions resulting from the proposal will be within acceptable levels for statutory nature conservation sites and that further modelling is not required. As such Shropshire Council has concluded that the proposal will not have a likely significant effect on designated sites within 10km of the proposed application. A Habitat Regulation Assessment matrix has been completed and must be included in the Planning Officer's report for the application and be discussed and minuted at any committee at which the planning application is presented.

- 4.1.21 SSSI: - Natural England has been formally consulted on this application. 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 SSSI sites have been notified. They therefore advise that the SSSIs identified do not represent a constraint in determining this application.
- 4.1.22 Local Sites: - There is one Ancient Woodland Local Site within 2km of the application site. The Locally Designated Sites screen out and it can be assumed, based on the EA modelling, that there will be no significant effects at these sites.
- 4.1.23 The site has the potential to support foraging and commuting bats, and to support nesting birds. In the event of permission being granted, appropriate conditions and informatives should be attached (see recommendation).
- 4.1.24 Tree & Woodland Amenity Protection Officer – confirms that no objection is raised to this proposal.
- 4.1.25 **Natural England** – The application site is in close proximity to a Midland Meres & Mosses – Phase 1 RAMSAR site as well as The Stiperstones & The Hollies Special Area of Conservation (SAC), areas that have been identified for inclusion in the Natura 2000 network. The National Planning Policy Framework (paragraph 118) applies the same protection measures (i.e. those set out in Regulations 61 and 62 of the Habitats Regulations) to any listed or proposed Ramsar sites, sites formally proposed as European wildlife sites, and sites identified or required as compensatory measures for adverse impacts on European site interest. Natural England therefore advises that, in accordance with the National Planning Policy Framework, Shropshire Council as competent authority should follow the steps set out within Regulations 61 and 62, to undertake a Habitats Regulations Assessment for Midland Meres & Mosses – Phase 1 RAMSAR site as well as The Stiperstones & The Hollies Special Area of Conservation (SAC).
- 4.1.26 No comment is given on landscape impact - from the information available Natural England is unable to advise on the potential significance of impacts on the Shropshire Hills AONB. We therefore advise Shropshire Council to seek the advice of the Shropshire Hills AONB Partnership.

- 4.1.27 No objection is raised regarding impact on Sites of Special Scientific Interest. This application site is in close proximity to Minsterley Meadows, Betton Dingle & Gulley Green, Hope Valley Meadows, The Stiperstones & The Hollies, Pennerley Meadows and Marton Pool - Chirbury. However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on these sites as a result of the proposal being carried out in strict accordance with the details of the application as submitted. We therefore advise Shropshire Council that these SSSIs do not represent a constraint in determining this application.
- 4.1.28 Protected Species - It is noted that a survey for European Protected Species has been undertaken in support of this proposal. Natural England does not object to the proposed development. On the basis of the information available to us, our advice is that the proposed development would be unlikely to affect any European protected species.
- 4.1.29 Domestic species - We have not assessed the survey for badgers, barn owls and breeding birds, water voles, white-clawed crayfish or widespread reptiles. These are all species protected by domestic legislation and you should use our protected species standing advice to assess the adequacy of any surveys, the impacts that may result and the appropriateness of any mitigation measures.
- 4.1.30 Biodiversity enhancements - This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF.
- 4.1.31 **Environment Agency** – The proposed development would be subject to the Environment Agency’s environmental permitting regime, and an Environmental Permit for the project has been applied for. Lengthy and detailed comments on the application have been received from the Environment Agency, and these can all be viewed in the submitted representations on the Council’s on-line planning register. Additional information has been requested from the applicant by the Agency regarding issues such as noise, odour, dust and ammonia emissions, storage and spreading of manure, water management (clean surface water and dirty water), fluvial flood risk, and pollution prevention. Following the receipt of various additional information, the Environment Agency indicates that it is broadly satisfied on all the issues examined, and that it is likely to be able to grant an Environmental Permit, based on the information provided.
- 4.1.32 **English Heritage** – does not wish to comment
- 4.1.33 **Shropshire Hills AONB Partnership** – no comments received
- 4.1.34 **Shropshire Wildlife Trust** – no comments received
- 4.1.35 **Ramblers Association** – no comments received

4.1.36 Open Spaces Society – no comments received**4.2.0 Public Comments**

4.2.1 The public consultation period ended on 8 October with numerous representations received from members of the public about the application. The occupiers of two properties in Aston Pigott (some 600m north-west of the application site) have expressed support for the proposal on the following grounds:

- Aston Rogers is in an agricultural area and it is farmers such as the applicants who maintain and preserve the countryside. The proposed development would be for agriculture, not industry, and it is agriculture that sustains the economy of the valley.
- The proposed development would be sited in an appropriate location with convenient access from a main road, avoiding any need for heavy goods vehicles to enter the nearby villages to reach the applicants' land.
- The proposed development would be sufficient distance from local dwellings to avoid causing any odour or noise nuisance.
- More home-grown chicken production is required to feed the population of Britain.
- The applicants have demonstrated that they take care of the land and their farm and they can be expected to operate the proposed poultry unit responsibly.

4.2.2 Objections to the application have been received from 24 households, 6 being within Aston Rogers, one from Aston Pigott (0.5 miles west of the site), one from Yockleton (4 miles north-east of the site) and the remainder from more distant locations in Shropshire (Shrewsbury, Ellesmere, Oswestry, Wellington, Craven Arms, Ludlow), Herefordshire, Powys and Cheshire. The grounds of objection (full details of which can be viewed in the submitted representations) are as follows:

- The proposed development would be of an industrial scale and would be out of keeping with the character of farming in the local rural community. If permitted, the development would set a precedent for the area and any similar developments would then prove difficult to resist.
- The proposed development would have an adverse impact on the natural beauty of the surrounding countryside and it would be an entirely unsuitable type of development in this location.
- The impact of the development on the rural landscape could adversely affect tourism, a major industry in Shropshire, thereby adversely affecting other local businesses and generally decreasing wealth and the number of jobs. However, the employment generated locally by the proposed development would be minimal.
- The proposal would give the site and surrounding area an industrial character which would represent a blot on the landscape throughout the Rea Brook valley, which is an extensive area. The proposed development would be clearly visible from public footpaths in the vicinity. This landscape should be left for future generations to see and enjoy.
- The proposed feed bins could be expected to be significantly higher than the poultry sheds, thus adding to the visual intrusiveness of the development. Proper clarification and accurate details should be submitted regarding this

point.

- Existing hedging around the application site would not provide effective screening of the proposed development, and no effective tree planting is proposed.
- The proposed development would be visible from the grounds of a Grade II Listed Building and would therefore adversely affect its setting. Many historic properties in the vicinity are on higher land than the site and would therefore have views of it, to the detriment of the character of those properties.
- Views from dwellings in the vicinity would be significant and adversely affected by the scale and unsympathetic, intrusive appearance of the development.
- Glare from sunlight on the solar panels would be intrusive in views of the poultry unit.
- The proposed development would generate pollution through noise, odour, ammonia, contamination of ground water and watercourses, and would be harmful to wildlife and their habitats. The proposed development would also give rise to huge numbers of HGV movements each year, with consequent pollution through fumes and noise.
- The polluting emissions from the development and related HGV traffic would have a significant adverse impact on the amenities of nearby residents, and at times the smell would be intolerable.
- The noise generated by the numerous ventilation fans in the poultry unit (as well as that of the thousands of chickens) would be well above existing background noise levels, which are low in this open countryside location. The noise of vehicle movements would be even higher, and complaints regarding noise nuisance would be likely.
- The high levels of increased HGV traffic that would result from the proposal would affect not only nearby residents but also those all along the B4386 road to Shrewsbury, resulting in sleep disturbance and deprivation, to the detriment of residents' health and well-being.
- It is totally unreasonable that the applicants' wish to increase profits should take precedence over the need of numerous residents in villages along the poultry HGV route to have regular and undisturbed sleep to sustain good health. This contravenes Article 25 of the UN Declaration of Human Rights and would be contrary to national and local policies promoting good health.
- The spreading of large quantities of fresh manure on the surrounding land would give rise to smell and lead to pollution of watercourses with bacteria, dangerous organisms, and chemicals such as growth hormones.
- There is already an unacceptable growth in the number of large intensive poultry rearing facilities of industrial scale and character in this part of Shropshire. The number of such units is now beyond the levels that should be tolerated by local residents, whose amenities suffer as a result.
- The value of all residential properties in the vicinity would suffer as a result of the development.
- The HGV traffic associated with the operation of the poultry unit would represent a highway hazard, due to the site access being opposite a junction and on a section of road where traffic speeds can be very high. A local school bus stops at the road junction opposite the site and this would add to the potential highway hazards.

- There are many places along the B4386 road where the HGVs generated by the poultry unit would create highway hazards, as currently evidenced by numerous accidents or 'near-misses'. The Winsley bends only one mile north-east of the application site are particularly dangerous.
- Flooding could occur on neighbouring land, as a result of water run-off from the proposed development. Flooding is a major problem in the Rea Brook valley and is becoming worse, exacerbated by the lack of money being spent on cleaning out the river. The applicant has in past years spent money trying to deal with flooding on the land.
- The applicants' consultation with the local community about the siting of the proposed development was inadequate. Agricultural development such as this proposal could be supported by some local residents if it was only in the right place. A more suitable alternative site would be in a small valley on the applicants' land immediately west of Aston Rogers, where it would be much more hidden from view. This site would require a new access road directly to a safe point on the B4386 road.
- The proposals would contravene many criteria of Shropshire Core Strategy policies CS5, CS6, CS17 and CS18 and would be an inappropriate development within the countryside which cannot be regarded as sustainable development.
- Intensive poultry units are overcrowded, filthy, inhumane and barbaric, causing intolerable pain, suffering and stress to the many thousands of birds that would be in the units.
- Intensive poultry production is ethically wrong and insupportable, and the Council should oppose such developments on principle and set an example to the rest of the country.
- The exploitation of birds to provide intensively produced chicken also has a very damaging impact on the rural landscape and this should also be regarded as unacceptable on principle.

5.0 THE MAIN ISSUES

- 5.1
 - Purpose and principle of the proposed development
 - Planning policy context
 - Impact on rural landscape
 - Impact on heritage assets
 - Impact on highway safety
 - Impact on water resources
 - Impact on wildlife
 - Impact on residential amenities

6.0 OFFICER APPRAISAL

6.1 Purpose and principle of the proposed development

- 6.1.1 The proposed poultry unit is intended to diversify the applicant's existing agricultural business, and to contribute to the production of chicken meat within Britain in order to reduce the growing reliance on imported meat. The proposed development is also expected to provide an employment opportunity at the farm for one full time manager for the unit. It would also contribute to the local rural economy through feed contracts, building contracts and veterinary employment.

- 6.1.2 Demand to build large poultry houses, for either free range or intensive poultry production, is increasingly common at present in the local agricultural economy. Increasingly rigorous livestock welfare requirements are contributing to a need for new and larger poultry buildings in order to maintain production capacity. In principle such buildings required for agricultural purposes can be considered acceptable in the rural area, where agriculture is the primary commercial activity, subject to their design, size and siting being suitable and their impacts on the local area being acceptable. These issues will be considered in detail later in this report. In recent years a number of such poultry buildings have been permitted within the County, including within the Shropshire Hills AONB. The NPPF supports the principle of such agricultural diversification, whilst recognising the need to conserve and enhance the natural and historic environment.
- 6.1.3 As an intensive poultry production unit with a capacity of over 85,000 birds (the proposed development would accommodate more than twice that number) the proposal falls within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, and therefore the required Environmental Impact Assessment is submitted as part of the application. This analyses in detail the various potential environmental impacts of the development, and has been supplemented by additional information during the processing of the application.
- 6.2 Planning policy context**
- 6.2.1 The principal Government planning guidance and development plan policies having a bearing on this case are addressed below. The National Planning Policy Framework (effective from March 2012) replaces all previous Planning Policy Guidance and Statements, and some sections are of particular relevance to this proposal. The NPPF is supportive of sustainable economic development (including agricultural and rural development in appropriate locations) whilst emphasising that the desirability of economic development must always be balanced against other relevant environmental considerations such as ecological, historic, landscape protection and neighbour amenity factors.
- 6.2.2 The National Planning Policy Framework refers to the need for planning decisions to be in accordance with the development plan unless material considerations indicate otherwise (paragraph 11). It states that the Government is committed to securing economic growth (18) and that the planning system should support and encourage sustainable economic growth (19). The NPPF emphasises its presumption in favour of sustainable development, i.e. approving without delay development proposals that accord with the development plan, unless their adverse impact would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole (14). Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise (196) and should apply the presumption in favour of sustainable development (197).
- 6.2.3 The NPPF is supportive of a prosperous rural economy, including supporting the sustainable growth and expansion of all types of business and enterprise in rural areas (including through well designed new buildings), and promoting the development and diversification of agricultural and other land-based businesses

(28). The need to conserve and enhance the natural environment is highlighted (109, 113, 117-8).

- 6.2.4 The NPPF states that the Government attaches great importance to the design of the built environment (56) and refers to the integration of new development into the natural, built and historic environment (61). The importance of weighing the impact of new development on designated heritage assets and their settings is highlighted (65), as is the need to conserve and enhance the historic environment (126, 128-9, 131-5).
- 6.2.5 Other significant paragraphs in the NPPF with relevance to the current application include references to proposals which would generate traffic (32 & 34), and to pollution control, noise and amenity issues (120, 122-3), and principles relating to planning obligations (203-4).
- 6.2.6 The Shropshire Core Strategy (effective from March 2011) contains various policies having a bearing on the current application and the most significant are referred to below.
- 6.2.7 Policy CS5 concerns the countryside and Green Belt, and states that development proposals on appropriate sites, which maintain and enhance countryside vitality and character, will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits. Among the types of new development which would be considered appropriate is agricultural development, although proposals for large-scale new development will be required to demonstrate that there are no unacceptable adverse environmental impacts.
- 6.2.8 Policy CS6 sets out sustainable design and development principles to be applied to new proposals. These relate to issues such as the safeguarding of residential and local amenity, high quality design of appropriate scale and pattern (which takes into account local context and those features which contribute to local character), accessible location, and appropriate landscaping.
- 6.2.9 Policy CS7 refers to issues of transport and sustainable development, whilst Policy CS13 relates to supporting business development in Shropshire, and recognises the continued importance of farming for food production and the need to support rural enterprise and the land-based sector, including food production. Policy CS16 refers to the economic importance for tourism, culture and leisure of Shropshire's landscape, cultural and historic assets.
- 6.2.10 Policy CS17 relates to environmental networks of natural and historic assets, and (among other points) emphasises that all development should protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment, and should not adversely affect the visual, ecological, geological, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors.

- 6.2.11 Policy CS18 sets out design principles for the integration within new developments of measures for sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity within Shropshire, including groundwater resources, and provide opportunities to enhance biodiversity, health and recreation.
- 6.2.12 The above policies indicate that there is strong national and local policy support for well conceived agricultural diversification proposals, which can provide employment to sustain and enhance the vitality of rural communities. It is also recognised that the current proposals would support local food production which is a key business sector in Shropshire. It is also necessary, however, to assess the extent to which the proposals would satisfy policies relating to other relevant material considerations (for example the natural environment, heritage assets, highways, impact on residential amenities) in order to judge the overall level of sustainability of the proposals. These matters are considered in succeeding sections of this report.

6.3 Impact on rural landscape

- 6.3.1 The application site lies within the largely level landscape of the Rea Brook valley, with the rising land of the lower slopes of Long Mountain immediately to the north, and the lower slopes of the hills over one mile to the south. The landscape of the valley floor, which is not subject to any protective landscape designation, is characterised by fields of varying sizes and shapes with boundary hedges. Within this generally level area it is considered that long, low buildings like the proposed poultry houses would be relatively well screened by the field hedges, with hedgerow trees providing additional filtering of views. Whilst the proposed feed bins would be some 60% higher than the poultry houses themselves, they would be concentrated at one point near the centre of the development and it is not considered that they would be unduly prominent in their own right.
- 6.3.2 The existing field boundary hedges would be retained all around the proposed development, with additional hedge planting being implemented to close gaps and strengthen some sections of hedging. The hedges surrounding the site would be maintained at a height of 4.5m, this being approximately the roof ridge height of the poultry houses, and hence when grown to this height the hedges would provide effective screening of the buildings from views within the valley floor. New individual native trees would be planted within the existing hedges at intervals to break up views of the poultry houses, and two small groups of new trees would be planted immediately to the north-west and east of the buildings in order to provide more substantial screening. As a result, once established these new trees would be effective in screening views of the development, and particularly through breaking up views of the full length of the buildings.
- 6.3.3 Although blocks of woodland are not common in this part of the valley floor, the proposed new tree planting would be in sufficiently small groups that it is considered that they would not appear incongruous in their landscape context. From the adjacent road the proposed new copse at the north-west end of the poultry houses would be effective in obscuring views of the gable ends of the buildings through the access gateway to the site. For users of the road the

largely continuous roadside hedges would prevent distant views of the proposed poultry unit, whilst the new individual trees and copses would break up any closer views.

- 6.3.4 There would inevitably be views of the development from rising land around the valley, particularly from public footpaths climbing the slopes of Long Mountain from behind Aston Rogers, but in such more distant views the poultry unit would be seen in the context of the wider landscape and thus would be somewhat less prominent. Again, from this direction the proposed small copse at the north-west end of the poultry houses would be effective in screening the potentially prominent gable ends.
- 6.3.5 As with many public rights of way passing through farms, there would be very close views of the poultry unit from the public footpath sharing the access track through the site. However the close views of the proposed development would be confined to a section of some 600m along the footpath, and beyond 200m south-east of the site the buildings would be largely unseen from the footpath when the hedges have grown higher and the new trees planted.
- 6.3.6 Having regard to the present character of the valley floor and the existing and proposed hedging and tree planting, it is considered that the proposed development could be integrated satisfactorily into the surrounding landscape and that it would not be an unduly prominent built feature. Its visual impact on the rural landscape can therefore be regarded as acceptable in this case.
- 6.3.7 The application site lies within the Principal Settled Farmlands landscape type area of the Shropshire Landscape Typology. The key characteristics of this landscape type are identified by the Landscape Typology as mixed farming land use and a varied pattern of sub-regular hedged fields. The typical characteristics of this landscape type are described as 'creating medium scale landscapes with predominantly filtered views'.
- 6.3.8 A Landscape and Visual Impact Assessment (LVIA) has been submitted, which analyses in great detail the landscape within which the application site lies and assesses the potential visual impact of the scheme. The conclusions of the LVIA bear out the analysis above, namely that the field hedges and trees of the existing landscape, as augmented by the additional intended planting, would provide effective screening and filtering of views of the proposed poultry unit. The LVIA therefore concludes that whilst the potential visual impact of the proposed development would vary from the wide range of viewpoints (both public and private) in the surrounding area, in general terms the adverse visual impacts of the scheme would be minor and not significant. The study recognises that as the proposed new tree planting and the management of the height of boundary hedges progressively screen the new buildings, the visual impact as seen from many viewpoints after 10 years would be negligible.
- 6.3.9 Several alternative sites within the applicants' ownership were considered for the poultry unit, although these were largely on land adjacent to the application site and some were nearer to Aston Rogers. Hence in terms of their impact on the local landscape or on the amenities of nearby residents there would have been

relatively little difference between the alternative sites. However in terms of the combination of its proximity to and direct access from the B4386 road, and its distance from dwellings in and adjoining Aston Rogers, the selected site is considered to be a logical and sensible choice which represents an appropriate balance between the various potential impacts and issues of local concern.

6.4 Impact on heritage assets

- 6.4.1 The relevant historic environment consultees indicated that the proposed development would have no significant impact on Listed Buildings, protected archaeological sites, or any other non-designated heritage assets. The nearest Listed Buildings are in Aston Rogers at a distance of some 600m, and those in Aston Pigott at a distance of 600 to 800m. There is no Conservation Area in Aston Rogers or Aston Pigott.
- 6.4.2 The nearest scheduled ancient monument is over a mile away to the north, although there are two non-designated sites of possible archaeological interest within 0.5 mile of the site. A precautionary archaeological WSI is therefore recommended as appropriate in case of any archaeological evidence or remains being on the site.
- 6.4.3 Because the proposed development would be well screened by existing hedges and new tree planting it is considered that it would have no adverse impact on the immediate setting of any historic buildings or sites. There would be a limited impact on the wider landscape context of such historic sites, but it is not considered that this would be unacceptable.

6.5 Impact on highway safety

- 6.5.1 The traffic flows to and from the proposed poultry unit would vary, whilst following a fixed routine, throughout the 48 days of each 'crop cycle' (the term used for the whole period between stocking the poultry sheds with new chicks, removal of the fully grown birds and the cleaning of the empty buildings). As the poultry unit would operate continuously throughout the year the number of crop cycles annually would be 7.6. The most intensive traffic movements would occur at the time of the stocking, emptying and cleaning of the sheds. Throughout the rest of the crop cycle traffic movements would be very light, comprising deliveries of feed, removal of dead birds, and routine monitoring of the poultry unit.
- 6.5.2 The applicant's agent has calculated the current vehicle movements (with all types of vehicles e.g. HGVs, tractors and trailers, and smaller vehicles) typically using the access gate to the application site and adjacent fields, and compared them with the anticipated number of vehicle movements during the operation of the proposed poultry unit. The increase in the number of vehicle movements into or out of the site as a result of the proposed development is estimated to average 5.8 movements per day throughout the year (i.e. almost 3 vehicle visits to the site per day).
- 6.5.3 Whilst recognising that this average disguises a wide variation in traffic flows according to the poultry production cycle and other agricultural activities on the surrounding fields, the Council's Highways Officer considers that the traffic

figures provided appear realistic. He is satisfied that the capacity and alignment of the B4386 road is suitable to accommodate the additional traffic without adverse impacts on highway safety. The proposed formation of a new access to the site would make manoeuvring of agricultural traffic at this point in the road safer and more convenient than at present. The probable time of most intensive vehicle movements (when emptying the sheds of grown chickens) would normally occur at night, when there would be very little other traffic on the road. The application states that the emptying of the sheds would take place on 4 nights (2 pairs of consecutive nights approximately a week apart), using 8 HGVs on each occasion.

6.5.4 Since the site would be accessed directly from the B4386 road and not via minor local roads, there is considered to be no need for any traffic routing arrangements to be specified if permission is granted for the development. It is assumed that the majority of the HGV traffic related to the poultry unit would travel towards and from the Shrewsbury direction (and thence via the A5), although travel in the opposite direction on the B4386 (towards Welshpool and Newtown) would also be considered acceptable. In order to ensure safe arrangements for the movement of construction traffic related to the scheme, standard conditions relating to the management of this traffic are recommended.

6.5.5 Worthen with Shelve Parish Council has recommended that the entire access road to and from the site is improved and not just the first 15 metres. This has however not been requested by highway officers. The Rights of Way team also note that a public footpath runs along the length of the access road. It is considered on balance that the proposed access improvement would allow a satisfactory standard of access to the public highway to be maintained for the development. This is provided that a standard condition is imposed requiring appropriate maintenance of the access track and other circulation areas. Subject to this it is considered that the access upgrade would represent an improvement on the current situation and that the proposals can be accepted in highway terms.

6.6 Impact on water resources

6.6.1 The application site includes some areas within Flood Zone 2 (medium probability of flooding i.e. between 1 in 100 and 1 in 1000 annual probability) but the proposed buildings are outside of the flood plain. The submitted Flood Risk Assessment indicates that the site is at a very low risk of flooding, and that the rainfall run-off collected by the proposed swale would be subsequently dispersed to watercourses in the valley, without adding to flood risk further downstream. The Environment Agency has confirmed that it has no objections in relation to flooding issues. The Council's drainage section has recommended a condition covering surface water, soakaways and measures for dealing with dirty water and these are included in Appendix 1. Subject to this it is concluded that the proposals are compliant with the relevant drainage policy (Core Strategy Policy CS18).

6.7 Impact on wildlife

6.7.1 An ecological report concludes that no features of ecological interest would be adversely affected in this existing field area and the proposed landscaping works would provide a biodiversity enhancement. The potential impact of ammonia emissions from the development on protected species has been assessed by Natural England and the Environment Agency, who have concluded that the proposal would have no likely significant effect on European Designated Sites. Accordingly, Natural England and the Council's ecologist raise no objection to the proposal, subject to the use of a condition relating to external lighting and appropriate informatives.

6.7.2 This application must be considered under the Habitat Regulation Assessment process in order to satisfy the Local Authority's duty to adhere to the Conservation of Species & Habitats Regulations 2010 (known as the Habitats Regulations). The Planning Authority therefore has a duty 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. In this case the Council's ecologist advises that Natural England has been consulted and has not objected to the proposal, and that the Habitat Regulation Assessment concludes that this proposal would have no likely significant effect, either alone or in combination with other developments, on any European Designated Site or on its integrity. Consequently there is no legal barrier, under the Habitat Regulation Assessment process, to planning permission being granted in this case. (The Habitat Regulation Assessment matrix document is attached as an appendix to this report.)

6.8 Impact on residential amenities

6.8.1 Whilst the concerns of nearby residents in Aston Rogers and Aston Pigott about potential noise and odour generated by the proposed poultry unit are understandable, it is the considered view of the Council's Public Protection Officer that, on the basis of experience gained at other comparable sites, the proposal would have little or no adverse impact on residential amenities. The fact that no precautionary conditions are recommended relating to such issues indicates that the Public Protection team considers that, given the distance of the proposed development from the nearest dwellings (some 400m) the expected impact of noise or odour would be limited and acceptable. However, the detailed operation of the proposed poultry unit would be regulated by the Environment Agency through the necessary environmental permit.

6.8.2 Manure cleared from the poultry houses at the end of the poultry production cycle would be stored in a field 400m south-east of the buildings, prior to being spread on the applicants' land. It is the view of the applicant's agent that at the distance of some 800m from the nearest dwellings (to the east), and 950 - 1300m from those in Aston Rogers and Aston Pigott, this manure storage area would be less likely to give rise to odour than the existing manure stores of other farms nearer to local dwellings. At present the applicants already import substantial amounts of poultry manure from elsewhere in Shropshire in order to spread it on their land, and hence it is considered that this potential source of odour would be little changed from the current situation. However, it would lead to a reduction in the number of large farm vehicles travelling to the site to import

poultry manure sourced from elsewhere. The absence of objections from the Public Protection team would support this conclusion, whilst the recommended amenity complaints procedure condition would provide added reassurance in relation to this matter.

- 6.8.3 Regarding traffic noise from heavy goods vehicles travelling to and from the application site, particularly those HGVs used to empty the poultry houses at the end of the production cycle, it is recognised that this would represent a transient noise audible on occasion to residents along the B4386 in villages such as Westbury and Yockleton. However, this road is available for use by agricultural or other commercial traffic at any time and it is considered unreasonable to regard its use by HGVs associated with this proposed development as unacceptable. During the approximately 7-week interval between the emptying of the poultry houses it is unlikely that there would be any night time HGV traffic associated with the poultry unit. It is not considered that the level of night time vehicle movements during the temporary depopulation period would be sufficient to justify a planning refusal. It is recognised also in this respect that the nearest dwellings in Aston Rogers are located 130-200m from the B4386 (and in some cases further from the access to the site).
- 6.8.4 Regarding the potential views of the new development from local dwellings, such changes in outlook from individual properties would not be an issue material to the determination of the planning application. Likewise the perceived threat to property values would also not be a material planning consideration.

7.0 CONCLUSION

- 7.1 This proposal has attracted a number of objections from local residents in relation to amenity issues. These have been carefully evaluated, having regard to the comments of relevant consultees. It is considered on balance that appropriate control and mitigation measures are available to fully address these concerns, through the use of the recommended planning conditions and the Environment Agency's permitting process. It is not considered that there would be any unacceptably adverse impacts which would justify refusal of permission, after available mitigation and control measures are taken into account.
- 7.2 The proposed new intensive poultry rearing unit would comprise large functional structures, but these would be of a scale and design typical of modern agricultural buildings in lowland rural areas. It is considered that their visual impact can be mitigated through new planting and the management of existing established field boundary hedges. The drainage arrangements for the scheme would guard against risk of flooding or pollution of watercourses.
- 7.3 By reason of the site's distance from historic properties in Aston Rogers and Aston Pigott, it is considered that the proposal would not adversely affect the immediate setting of any Listed Buildings, or have an unacceptable impact on their landscape setting. The application site is considered to be sufficiently distant from local dwellings, in Aston Rogers and Aston Pigott and in the adjoining countryside, that odour and noise from the poultry houses and from its related traffic would not significantly impact on the amenities of nearby residents.

- 7.4 The B4386 main road giving access to the site is considered to be suitable for the type of traffic which would be generated by the proposal, and the proposed new access arrangements would have the benefit of ensuring safer manoeuvring of vehicles into and out of the site. Whilst the noise of HGV traffic related to the development would be audible at properties close to the routes used, this would be transitory and would not occur sufficiently frequently to be regarded as unacceptable on a main rural road such as the B4386. An appropriate condition covering night time depopulations has been recommended to provide additional reassurance regarding the amenity of local roadside properties.
- 7.5 Against the environmental concerns raised by the objectors to the scheme must be balanced its economic benefits. The proposal would assist the diversification of the applicants' business, with the creation of one full-time job for a manager of the poultry unit. It is considered that there would also be a wider economic benefit in terms of the scheme's contribution to increasing the availability of home-produced food and reducing dependence on imported food. The encouragement of agricultural development and diversification is supported by both the National Planning Policy Framework and the Shropshire Core Strategy. However, the ethical concerns of some objectors regarding intensive poultry production are not an issue material to the determination of this planning application.
- 7.6 In conclusion, it is considered that the economic benefits of the proposal to the agricultural economy should be accorded greater weight than the concerns expressed about the environmental impacts of the scheme. On balance, it is considered that the proposal can be regarded as sustainable development which can be supported, and permission is recommended, subject to appropriate conditions and informatives.

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 - written representations, a 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 intervene 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 a) promptly and b) in any event not later than three months after the grounds for making 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 1970.

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.

10.0 BACKGROUND

Relevant Planning History

None of relevance at this application site

Relevant Planning Policies

Central Government Guidance: National Planning Policy Framework (March 2012)

Shropshire Core Strategy: CS1 - Strategic approach; CS5 - Countryside and Green Belt; CS6 - Sustainable design and development principles; CS7 - communications and transport; CS13 - Economic development, enterprise and employment; CS17 - Environmental networks; CS18 - Sustainable water management

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

Planning application 13/03847/EIA

Cabinet Member (Portfolio Holder): Cllr M Price

Local Member: Cllr H Kidd

APPENDIX 1**Planning Conditions****STANDARD CONDITIONS**

- 1 The development hereby permitted shall be commenced 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 hereby permitted shall be implemented strictly in accordance with the approved plans and drawings as specified in this decision notice. Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

CONDITIONS THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

- 3 The development hereby permitted shall not be commenced until full details of the materials and colours to be used on the exterior of the new poultry houses and feed bins have been submitted to and approved by the Local Planning Authority. Reason: To ensure that the appearance of the new buildings is appropriate in this rural location (and in accordance with Policy CS6 of the Shropshire Core Strategy).
- 4 The development hereby permitted shall not be commenced until full drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved drainage details. Reason: To ensure that the development is provided with a satisfactory means of surface water drainage, and also to reduce the potential risk of flooding (and in accordance with Policy CS18 of the Shropshire Core Strategy).
- 5 The development hereby permitted shall not be commenced until the applicants have secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation (WSI) which should make provision for a walkover survey and a watching brief during any ground works. This written scheme of investigation shall be approved in writing by the Local Planning Authority prior to the commencement of the development works. Reason: The application site is within an area of archaeological importance, and it is therefore important that any archaeological features and finds are properly recorded (and in accordance with Policy CS17 of the Shropshire Core Strategy).
- 6 The development hereby permitted shall not be commenced until a Construction Management Plan for traffic has been submitted to and approved by the Local Planning Authority; this Construction Management Plan shall be fully implemented in accordance with the approved details for

- the duration of the construction period. Reason: In the interests of highway safety (and in accordance with Policy CS6 of the Shropshire Core Strategy).
- 7 The development hereby permitted shall not be commenced until a scheme has been submitted to and approved by the Local Planning Authority for (a) parking of vehicles of site personnel, operatives and visitors; (b) loading and unloading of plant and materials; (c) storage of plant and materials used in constructing the development. Each of the above facilities shall be maintained throughout the course of construction of the development, free from any impediment to its designated use. Reason: In the interests of highway safety (and in accordance with Policy CS6 of the Shropshire Core Strategy).
- 8 The development hereby permitted shall not be commenced until details of measures to prevent mud being deposited on the public highway (from vehicles leaving the site during the construction works) have been submitted to and approved by the Local Planning Authority. The approved measures shall be implemented and retained throughout the duration of the construction period. Reason: In the interests of highway safety (and in accordance with Policy CS6 of the Shropshire Core Strategy).

CONDITIONS THAT REQUIRE APPROVAL DURING THE CONSTRUCTION / PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

- 9 Prior to the development hereby permitted being brought into use, the operator of the poultry unit shall submit for the approval of the Local Planning Authority a complaint procedures scheme for dealing with noise, odour and other amenity related matters. The submitted scheme shall set out a system of response to verifiable complaints of noise received by the Local Planning Authority. This scheme shall include: (a) Investigation of the complaint; (b) Reporting the results of the investigation to the Local Planning Authority; (c) Implementation of any remedial actions agreed with the Authority within an agreed timescale. Reason: To put in place agreed procedures to deal with any verified amenity related complaints which are received during the operation of the poultry unit (and in accordance with Policy CS6 of the Shropshire Core Strategy).

CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

- 10 Construction works on the application site shall not take place outside the hours of 06:30 to 19:00 on Mondays to Saturdays and at no time during Sundays and bank or public holidays. Reason: To protect the amenities of nearby properties (and in accordance with Policy CS6 of the Shropshire Core Strategy).
- 11 The development hereby permitted shall not be brought into use until the new vehicular access serving the site has been constructed in full accordance with the approved access design drawing no. SP003. The access and circulation areas within the site shall thereafter be maintained in an even and pothole free condition throughout the lifetime of the development. Reason: In the interests of highway safety and general amenity (and in accordance with Policy CS6 of the Shropshire Core Strategy).

- 12 No external lighting shall be installed at the development hereby permitted until a lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the approved lighting shall be retained thereafter for the lifetime of the development. The submitted lighting scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet 'Bats and Lighting in the UK'. Reason: To minimise disturbance to bats, which are a European Protected Species (and in accordance with Policy CS17 of the Shropshire Core Strategy).
- 13 All plant and machinery within the application site shall be installed in accordance with the specifications and data within the application, and shall be maintained thereafter in accordance with the manufacturer's recommendations. Reason: To protect the amenities of nearby properties (and in accordance with Policy CS6 of the Shropshire Core Strategy).
- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order, with or without modification), no development shall be carried out under Schedule 2 Class 6 Parts A and B without the prior grant of planning permission from the Local Planning Authority. Reason: The effect of carrying out additional development of the facility under agricultural permitted development provisions has not been assessed as part of this proposal. The Local Planning Authority needs to retain full planning control over any future development of the site in order to assess whether any potential impacts associated with further development may cause harm to interests of acknowledged importance.
- 15 The removal of poultry manure shall not take place outside the hours of 07.00 to 18.00 hours on Monday to Friday, 08.00 to 13.00 hours on Saturday and at no time during Sundays and bank or public holidays. Reason: To protect the amenities of nearby properties (and in accordance with Policy CS6 of the Shropshire Core Strategy).
- 16 Within the first planting season following the completion of the new poultry buildings hereby permitted, a scheme of new tree and hedge planting of native species, together with protection measures for the new planting, shall be implemented on and adjacent to the boundaries of the application site, in accordance with the submitted landscaping details (as indicated on landscaping plan no. RAL/192-01). Reason: To ensure that an appropriate scheme of new tree and hedge planting is implemented, in order to enhance the appearance of the site and mitigate the visual impact of the development on the adjacent rural landscape (and in accordance with Policies CS5, CS6 and CS17 of the Shropshire Core Strategy).
- 17 Any new trees and hedging planted as part of the approved planting scheme which, during a period of five years following implementation of the planting scheme, are removed without the prior written approval of the Local Planning Authority or die, become seriously diseased or are damaged, shall be replaced during the first available planting season with others of such species

and size as the Authority may specify. Reason: To ensure as far as possible that the approved planting scheme is fully effective (and in accordance with Policies CS5, CS6 and CS17 of the Shropshire Core Strategy).

Informatives

The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (as amended); an active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. All clearance, conversion and demolition work should if possible be carried out outside the bird nesting season, which runs from March to September inclusive. If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active birds' nests should be carried out. If vegetation cannot be clearly seen to be clear of birds' nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

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

The applicant should consider employing measures such as the following: Water butts / Rainwater harvesting system / Permeable surfacing on any new driveway, parking area or paved area / Grey water recycling system.

It will be necessary to provide adequate access to the site 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 each building. This issue will be dealt with at the Building Regulations stage of the development; however, the Fire Authority advises 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.

During the construction period, measures should be implemented to minimise impacts on the amenities of nearby properties. It is therefore recommended that site preparation and construction works should not take place outside 07:00 to 18:00 hours on Monday to Friday, 08:00 to 13:00 on Saturdays, and at no time on Sundays, bank or public holidays. Airborne dust from site preparation and construction operations on site should be minimised by spraying with water or by carrying out other such works that may be necessary to suppress dust. Waste materials generated as a result of site preparation and construction operations should not be burnt on site, and all refuse should be disposed of by alternative approved methods of waste disposal.

A public footpath runs through the application site and the applicants are advised as follows:

- If damage is caused to the public right of way by contractors' or other vehicles they would be expected to make good the surface to the standard it was prior to development having taken place.
- Vehicular movements (i.e. works vehicles and private vehicles) must be arranged to ensure the safety of the public on the right of way at all times.
- If the safety of the public cannot be guaranteed, the developer should apply to the Shropshire Council's Outdoor Recreation Team for a temporary closure of the footpath (fees apply).
- Building materials, debris, etc. must not be stored or deposited on the right of way.
- There must be no reduction of the width of the right of way.
- The alignment of the right of way must not be altered unless amended by way of a legal order (i.e. as a result of a diversion application).
- The surface of the right of way must not be damaged, nor must it be altered without prior consultation with the Council's Outdoor Recreation Team.
- No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation by the Council's Outdoor Recreation Team as mentioned above.

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

APPENDIX 2**Habitat Regulation Assessment (HRA) Screening Matrix
& Appropriate Assessment Statement**

Application name and reference number:

13/03847/EIA**Land South East Of Aston Rogers, Westbury, Shropshire**

Construction of four poultry sheds and feed bins, ancillary works, alterations to existing vehicular access, installation of solar photovoltaic panels and associated landscaping.

Date of completion for the HRA screening matrix:

13th March 2014

HRA screening matrix completed by:

Nicola Stone, Assistant Biodiversity Officer 01743-252556

Table 1: Details of project or plan

Name of plan or project	13/03847/EIA Land South East Of Aston Rogers, Westbury, Shropshire Construction of four poultry sheds and feed bins, ancillary works, alterations to existing vehicular access, installation of solar photovoltaic panels and associated landscaping.
Name and description of Natura 2000 site	The Stiperstones and the Hollies SAC The Stiperstones and the Hollies SAC (601.46ha) represents a nationally important area of dry heath and also hosts a significant presence of sessile oak woodlands with <i>Ilex</i> and <i>Blechnum</i> . Annex I Habitats that are a primary reason for selection of site: <ul style="list-style-type: none"> • European dry heaths Annex I Habitats present as a qualifying feature but not a primary reason for selection of site: <ul style="list-style-type: none"> • Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles Midland Meres and Mosses (Ramsar phase 1) Marion Pool Marion Pool Midland Meres and Mosses Ramsar Phase 1 (17.21ha) is a natural lake of moderate fertility, somewhat detached from the main series of Shropshire meres. There are extensive areas of reedswamp and carr. It is included within the Ramsar Phase for its Open Water, Swamp and Carr habitats.
Description of the plan or project	Construction of four poultry sheds and feed bins, ancillary works, alterations to existing vehicular access, installation of solar photovoltaic panels and associated landscaping

Is the project or plan directly connected with or necessary to the management of the site (provide details)?	No Natural England, Shropshire Council and Environment Agency have identified that the proposed broiler units, application reference 13/03847/EIA, do not have the potential to impact upon the European Designated sites within 10km via the effect pathway of aerial emissions.
Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?	No

Appropriate Assessment Statement

The 4 poultry sheds covered by application reference 13/03847/EIA house up to 180,000 broiler units in total.

The Environment Agency's pre-application advice, reference EPR/FP3637ZV/A001, covers a total of 180,000 birds on the site.

There are 2 European Designated Sites within 10km of the proposed development:

- The Stiperstones & The Hollies SAC
- Midland Meres & Mosses Phase 1 Ramsar

There are 7 SSSI's within 5km

- The Stiperstones & The Hollies
- Betton Dingle & Gulley Green
- Snailbeach Mine
- Hope Valley Meadows
- Hope Valley
- Minsterley Meadows
- Granhams Moor Quarry

There is 1 Local Site within 2km:

- Ancient Woodland Local Site

Ammonia emissions at these sites have been assessed by Natural England and the Environment Agency.

A precautionary critical level of 1 µg/m³ has been used for all sites. All sites screen out below the thresholds advised by Natural England and Environment Agency. The threshold used has been based on there being no combination effect. The thresholds are 4% of critical level for SAC and Ramsars, 20% of critical level for SSSI and 100% of critical level for local sites.

The proposed applications therefore 'screens out' below the threshold and can be screened out of the Habitat Regulation Assessment process. Natural England and Environment Agency recommend that where an installation screens out below the threshold then an in-combination effects test is not required.

There is no likely significant effect on a European Site and no likely effect on integrity of a European Site and so an Appropriate Assessment is not required.

Shropshire Council is relying on the evidence and reasoning of Environment Agency and Natural England under Regulation 65 of the Habitats Regulations in completing this Habitat Regulation Assessment and Appropriate Assessment.

The Significance test

There is no likely significant effect alone, or in combination, from development proposed under planning application references 13/03847/EIA for a total of 180,000 broiler bird places in 4 units at Land South East Of Aston Rogers, Westbury, Shropshire.

The Integrity test

There is no likely effect on the integrity of any European Designated Site from planning application references 13/03847/EIA for a total of 180,000 broiler bird places in 4 units at Land South East Of Aston Rogers, Westbury, Shropshire.

Conclusions

There is no legal barrier under the Habitat Regulation Assessment process to planning permission being granted in this case.