

## HABITATS REGULATIONS ASSESSMENT (HRA)

### 1.0 INTRODUCTION

As required by Regulation 63 of the Conservation of Habitats & Species Regulations 2017 (as amended), before Shropshire Council (the competent authority) can grant planning permission for a project that has the potential to affect an internationally designated site, the council has to undertake a Habitat Regulations Assessment.

This is a record of the Habitat Regulations Assessment (HRA) (including Screening for Likely Significant Effects and Appropriate Assessment where required) carried out by Shropshire Council relating to the following planning application.

NAME OF PLAN OR PROJECT AND DESCRIPTION:	<p>17/05151/EIA</p> <p>Proposed Poultry Units NW Of North Farm, Felton Butler, Montford Bridge, Shropshire</p> <p>Erection of four poultry rearing buildings, eight feed bins, biomass store and amenity building including landscaping and tree planting</p>
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### 2.0 HRA STAGE 1 – SCREENING

This stage of the process aims to identify the likely impacts of a project upon an international site, either alone or in combination with other plans and projects, and to consider if the impacts are likely to be significant. Following recent case law (*People Over Wind v Coillte Teoranta C-323/17*), any proposed mitigation measures which are not an integral part of the project but which are put in place to avoid or reduce adverse impacts are not taken into account in Stage 1. If such measures are required, then they will be considered in stage 2, Appropriate Assessment.

NAME AND DESCRIPTION OF SITE(S) SITE SCREENED IN FOR CONSIDERATION:	<p>Fenemere</p> <p>Fenemere Midland Meres and Mosses Ramsar Phase 1 (16.34ha) is a particularly rich and interesting mere with eutrophic water. Fenemere is also important for its rich aquatic invertebrate fauna. It is included within the Ramsar Phase for its open water, swamp, fen, wet pasture and Carr habitats with the species <i>Cicuta virosa</i> and <i>Thelypteris palustris</i>.</p>
POTENTIAL EFFECT PATHWAYS:	<ul style="list-style-type: none"> <li>Airborne ammonia and nitrogen deposition</li> </ul>
IS THE PROJECT DIRECTLY CONNECTED WITH OR NECESSARY TO THE MANAGEMENT OF THE SITE (PROVIDE DETAILS)?	<p>No</p>
ARE THERE ANY OTHER PROJECTS OR PLANS THAT TOGETHER WITH THE PROJECT BEING	<p>Yes. Planning applications pending a decision, permitted developments yet to be built and permitted developments which came into use after the last update of the APIS background levels</p>

ASSESSED COULD AFFECT THE SITE (PROVIDE DETAILS)?	which would give rise to ammonia emissions/nitrogen deposition on the designated site of Fenemere Ramsar.
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## 2.1 ARE SIGNIFICANT EFFECTS LIKELY?

In the absence of the proposed mitigation (ie the fitting of ammonia scrubbers & woodland planting) ammonia emissions from an additional 200,000 free range birds, within 10km of Fenemere Ramsar is likely to give rise to significant adverse effects upon the designated site, through airborne ammonia emissions and/or nitrogen deposition.

## 2.2 SCREENING CONCLUSION

Following Stage 1 screening, Shropshire Council has concluded that the proposed development is likely to have a significant effect on the Midland Meres and Mosses Phase 1 Ramsar – constituent site – Fenemere. An Appropriate Assessment is therefore required.

## 3.0 HRA STAGE 2 – APPROPRIATE ASSESSMENT

### 3.1 PREDICTED IMPACTS - ALONE

Information from the air quality report regarding existing and proposed ammonia emissions and nitrogen deposition upon designated sites is shown below.

#### FENEMERE RAMSAR/SSSI

Proposed\* Process Contribution % of Critical Level: 0.069%

Proposed\* Process Contribution % of Critical Load: 0.054%

*\* proposed scenario with emission factors for the proposed poultry units with ammonia scrubbers (mitigation) fitted plus taking 5.5 ha of existing arable land out of agricultural production.*

The modelling shows that the proposal will result in small increases in the existing ammonia and nitrogen process contributions at the above designated site, however, these increases are so small as to be insignificant.

### 3.2 PREDICTED IMPACTS – IN-COMBINATION

A search of applications currently undecided or not in the background has identified one other site which needs to be assessed in combination with this application. This is 18/04877/FUL Burlton Lane Farm which has been decided but is not yet operational, so not yet in the background.

The results of the in-combination assessment for Fenemere Ramsar/SSSI are shown below:

Project reference	Process Contribution (ug/m3)	% of Critical Level	Process contribution (kg-N/ha/yr)	% of Critical Load
17/05151/EIA*	0.001	0.069	0.005	0.054
18/04877/FUL	0.008	0.08	0.06	0.6
<b>COMBINED</b>	<b>0.009</b>	<b>0.149</b>	<b>0.065</b>	<b>0.654</b>

This demonstrates that with the scrubbers and taking c. 5.5 ha of arable land out of agricultural use as mitigation for air quality impacts, that impacts upon Fenemere RAMSAR will be insignificant. The combined air quality impacts will not exceed 1% of Fenemere’s critical level or load.

### 3.2 COUNTERACTING (MITIGATION) MEASURES

The following BAT measures are proposed:

- Ammonia scrubbers fitted on the proposed new poultry buildings at North Farm, Felton Butler

In addition, 5.5 hectares of currently arable land will be taken out of agricultural use. Woodland planting will be undertaken of no less than 30,114m<sup>2</sup> and the land take of arable land under the buildings themselves will cover 2.5 hectares.

### 3.3 ASSESSMENT OF ADVERSE EFFECTS ALONE

There will be no adverse effect on site integrity, alone.

### 3.4 ASSESSMENT OF ADVERSE EFFECTS IN COMBINATION

There will be no adverse effect on site integrity in-combination with any other projects.

### 3.5 SECURING OF MITIGATION MEASURES

The following conditions will secure the required mitigation:

Prior to the commencement of the development a scheme shall be submitted in writing detailing contingency measures to be adopted to in the event that the operation of the scrubbing unit is not possible, such as plant breakdown, and set out procedures to ensure that the time without the use of air scrubbing unit is minimised. The poultry rearing operation shall be undertaken in accordance with the approved scheme.

No birds shall be brought to any of the rearing units hereby permitted, unless the associated air scrubbing unit is in effective working order.

Prior to first beneficial use of the development, evidence (prepared by a suitably qualified industry professional) shall be submitted to the LPA to confirm that the air scrubbers as detailed in 'A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Broiler Chicken Rearing Houses and the Impact of Proposed Mitigation Measures at North Farm, near Felton Butler in Shropshire, Revision 11' (AS Modelling & Data Ltd, 13 October 2023), 'Air scrubber: Noise Impact Assessment' Report M1723/R03 (Matrix, 29 June 2020) and 'Addendum Report - Assessment of Odour Impact of Proposed Poultry Unit at North Farm, Felton Butler, Montford Bridge, Shrewsbury with Air Scrubbers' (ADAS, June 2020) have been installed and are fit for purpose. The air scrubbers shall be maintained and operated thereafter, in accordance with the manufacturer's instruction for the lifetime of the development.

The poultry laying units hereby approved shall be limited to occupation by 200,000 birds.

No development shall take place (including demolition, ground works and vegetation clearance) until a landscaping plan has been submitted to and approved in writing by the Local Planning Authority.

The plan shall include:

- a. Planting plans including an area of no less than 3 hectares of native woodland tree planting as shown in Figure 2 of 'A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Broiler Chicken Rearing Houses and the Impact of Proposed Mitigation Measures at North Farm, near Felton Butler in Shropshire', Revision 11 (AS Modelling & Data Ltd, 13 October 2023)
- b. Written specifications for establishment and aftercare of planting;
- c. Schedules of plants/seed mixes, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate; and

d. Implementation timetables.

Native species used are to be of local provenance (Shropshire or surrounding counties). The plan shall be carried out as approved, Any trees or shrubs which die or become seriously damaged or diseased within five years of completion of the development shall be replaced within 12 calendar months with trees of the same size and species. The approved plan shall be carried out as approved.

4.0 FINAL CONCLUSION

Following Stage 1 screening, Shropshire Council has concluded that the proposed development is likely to cause significant effects on the Midlands Meres and Mosses Phase 1 Ramsar through the listed pathways detailed in this HRA. Shropshire Council has carried out an Appropriate Assessment of the project, considering further information.

The Appropriate Assessment concludes that with the imposition of mitigation measures as detailed in this HRA, the proposed works under planning application reference 17/05151/EIA will not adversely affect the integrity of the Midlands Meres and Mosses Phase 1 Ramsar.

DATE OF COMPLETION FOR THE HRA SCREENING MATRIX:

30/10/2023

HRA COMPLETED BY:

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Specialist Practitioner (Ecology)  
Shropshire Council

## Appendix 1

### Guidance on completing the HRA Screening Matrix

#### The Habitats Regulations Assessment process

Essentially, there are two ‘tests’ incorporated into the procedures of Regulation 63 of the Conservation of Habitats and Species Regulations 2017, one known as the ‘significance test’ and the other known as the ‘integrity test’. If, taking into account scientific data, we conclude there will be no likely significant effect on the European Site from the development, the ‘integrity test’ need not be considered. However, if significant effects cannot be counted out, then the Integrity Test must be researched. A competent authority (such as a Local Planning Authority) may legally grant a permission only if both tests can be passed.

The first test (the significance test) is addressed by Regulation 63, part 1:

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

- (a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and
- (b) is not directly connected with or necessary to the management of that site,

must make an appropriate assessment of the implications for that site in view of that site’s conservation objectives.

The second test (the integrity test) is addressed by Regulation 63, part 5:

63. (5) In light of the conclusions of the assessment, and subject to regulation 64 ([consideration of overriding public interest](#)), the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).

In this context ‘likely’ means “if it cannot be excluded, on the basis of objective information, that it will have a significant effect on the site”, or “it may happen”, not merely that it is a fanciful possibility. ‘Significant’ means not trivial or inconsequential but an effect that is noteworthy – *Natural England guidance on The Habitat Regulation Assessment of Local Development Documents (Revised Draft 2009)*.

63. (6) In considering whether a project will adversely affect the integrity of the site, the authority must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which they propose that the consent, permission or other authorisation should be given.

#### **Habitats Regulations Assessment Outcomes**

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

**If it is not possible to establish this beyond reasonable scientific doubt then planning permission cannot legally be granted unless it is satisfied that, there being no alternative solutions, the project must be carried out for imperative reasons of over-riding public interest, and the Secretary of State has been notified in accordance with section 64 of the Conservation of Habitats and Species Regulations 2017. The latter measure is only to be used in extreme cases and with full justification and compensation measures, which must be reported to the European Commission.**

## **Duty of the Local Planning Authority**

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