



Committee and Date  
Northern Planning Committee  
7<sup>th</sup> November 2023

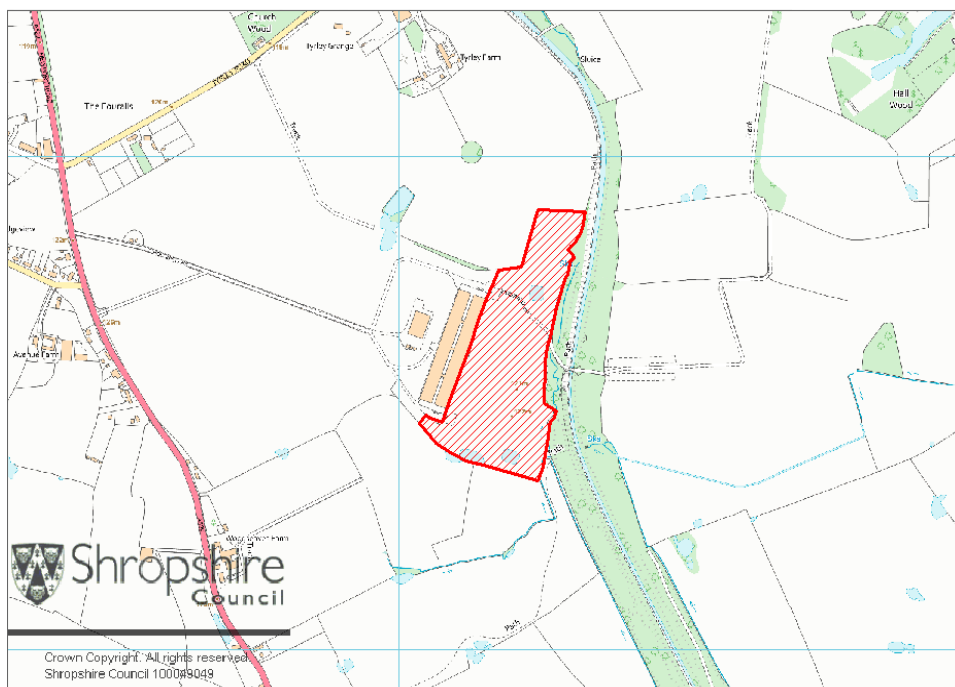
## Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

### Summary of Application

<b>Application Number:</b> 19/05127/EIA	<b>Parish:</b>	Sutton Upon Tern
<b>Proposal:</b> Construction of two poultry sheds, feed bins and associated ancillary works		
<b>Site Address:</b> Land South Of Hollins Lane Newport Road Woodseaves Market Drayton Shropshire		
<b>Applicant:</b> HLW Farms		
<b>Case Officer:</b> Kelvin Hall	<b>email:</b> kelvin.hall@shropshire.gov.uk	

**Grid Ref:** 368674 - 331691



Recommendation: That planning permission is **refused** for the following reason

The planning application is accompanied by an Environmental Statement which includes an Odour Impact Assessment. It is considered that there are omissions in this assessment of such significance that insufficient reliance can be placed on its findings. The submitted details therefore provide insufficient information to demonstrate that the proposed development would not result in an unacceptable impact on residential and local amenity due to adverse levels of odour. The proposed development is therefore contrary to Core Strategy policies CS6 and CS17, SAMDev Plan policies MD2 and MD7b; and NPPF paragraphs 130 and 185.

## REPORT

### 1.0 THE PROPOSAL

- 1.1 Planning permission for a poultry broiler unit at Hollins Lane was granted in 2015 (ref. 15/00924/EIA) and the operation commenced in 2016. At present the unit includes four poultry buildings, which are permitted to house up to 260,000 birds under an Environmental Permit. The current application seeks to add an additional four sheds to the site. These would take the form of two sets of linked buildings, as is the case for the existing ones. The proposed buildings would house approximately 232,000 birds (58,000 in each shed), on the same cycle as the existing ones. The buildings would be situated adjacent to the existing sheds. It should be noted that the proposed site has already been levelled for this purpose.
- 1.2 The poultry buildings would each measure 119 metres x 25 metres with a total unit length of 238 metres. Height to the eaves would be 2.64 metres and the ridge height would be 4.82 metres. The highest point would be the top of the fans at 5.41 metres. They would be of portal framed construction with insulated box profile metal sheeting to the walls and roofs. The walls would be finished in slate blue and the roofs in merlin grey colour to match the existing sheds. Air drawn from the sheds would be exhausted through 18no. ridge stacks for each of the four sheds. The proposed sheds would be fitted with heat exchangers in order to optimise energy efficiency. Each of the new poultry houses will be fitted with ammonia scrubbers, through which air would be drawn. It is also proposed that air scrubbers would be added to the eastern two existing poultry houses.
- 1.3 There would be four feed bins situated at each end of the buildings which would measure 6.6 metres in height and 2.8 metres in diameter. The buildings would be heated using the existing biomass boilers which are situated in the biomass building to the west of the existing building. Back up heating would be provided by LPG. The existing yard area would be extended to the ends of the buildings to provide access to all four buildings. Lighting on the site would be limited to a low-wattage, low intensity light above the openings to allow safe working during normal working hours during the winter. Additional lighting may be required during the removal of birds but this would be carried out in low light levels to minimise bird stress.

1.4 Proposed operation: The broilers would be brought in as day old chicks from a hatchery with the average crop cycle being 35-36 days plus the clean-out period which is 10 days on average. At the end of the growing period the birds would be collected and transported to a processing plant. This would result in around 7 crops per year. All manure arising from the proposed operation would be exported off site to an anaerobic digester plant or other licensed waste management facility.

1.5 Modifications to planning application since original submission:  
Since the application was first submitted the following additional information has been submitted:

- Updated Landscape and Visual Impact Assessment
- Submission of Landscape Management and Maintenance Plan
- Revised Odour Impact Assessment
- Updated plans to show air scrubber units
- Updated Ammonia Emissions Impact Assessment
- Revised details of manure management
- Updated Transport Note
- Updated Ecological Appraisal
- Further drainage calculations and clarification
- Updated noise assessment
- Updated Environmental Statement

## **2.0 SITE LOCATION/DESCRIPTION**

2.1 The site is located at the existing Hollins Lane poultry unit, which is approximately 2.5km to the south-east of Market Drayton, and approximately 500 metres to the east of the settlement of Woodseaves. The application site is approximately 8.5 hectares in size and includes the four proposed poultry buildings and associated infrastructure and ancillary buildings, and an area of proposed woodland planting to the east and south of the sheds. The existing poultry sheds are adjacent to the site, to the west, and beyond those is a biomass boiler building which houses eight biomass boilers to heat the buildings. Approximately 200 metres further west is the site for a battery energy storage facility for which planning permission was granted earlier this year. Other surrounding land is in agricultural use for the growing of miscanthus. Approximately 60 metres to the east of the site boundary is the Shropshire Union Canal which runs in a cutting. This section of the canal (over the Shropshire border) is designated as a Conservation Area and a Local Wildlife Site. The Tyrley Canal Cutting SSSI is approximately 330 metres to the south-east. Access to the site would be gained via the existing track which serves the poultry operation and which connects to the A529 to the west.

2.2

The nearest residential properties are those at Tyrley Farm and Tyrley Road to the north, approximately 440 metres away; and those along the A529 to the west, the nearest of which is approximately 530 metres away.

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

3.1 The proposals comprise Schedule 1 EIA development and the Council's Scheme of Delegation requires that such applications are determined by Planning Committee.

## **4.0 COMMUNITY REPRESENTATIONS**

### **4.1 Consultee Comments**

#### **4.1.1 Sutton upon Tern Parish Council**

Comments made 9/12/19: Strongly objects, as this is a doubling of the number of sheds on the site and the environmental impact such a development would have on the local amenity of the area. The application would also create additional traffic hindering walkers on Hollins Lane and the potential conflict/danger that would cause on the A529 already receiving a large amount of additional highway investment because it is so dangerous. The application would also have a detrimental effect on the environment particularly so close to the canal and the impact that will have on the areas flora and tourism.

However, if Shropshire Council is minded to grant permission some form of Section 106 agreement would be required for the applicant to invest in the reinstatement of the footpath/bridle way along Hollins Lane given the additional traffic that would be generated and the conflict between the traffic and walkers with additional investment into the junction onto the A529. An Environmental impacted assessment should also be commissioned by the applicant to minimise/reduce the developments impact on the areas ecology and 'green' tourism on the canal.

Comments on further information made 3/5/23: The Parish Council previous objections still stand in that the doubling of the size of the site and environmental impacts will have a detrimental effect on the surrounding area and its population. The Parish Council is also not entirely convinced that proposing some ammonia removal filtration system will reduce the output into the atmosphere. Also given the local and national impacts of the substantial growth of intense poultry units across the country with run off of waste placed on farmland affecting water courses then the Parish Councils OBJECTION still stands.

The application is further compromised by the claimed route which is currently with The Planning Inspectorate (ROW/3308466) awaiting the appointment of an Inspector to determine the appeal in 2023. As the application is so close to the County Boundary between Shropshire and Staffordshire a view from neighbouring authorities would also be very welcome.

#### **4.1.2 Environment Agency**

Comments made 25/5/23 following submission of further information: The application now proposes additional infrastructure in the form of acid scrubbers to treat some of the ventilated air leaving the poultry farm (both within the two proposed additional units and two of the existing) in order to reduce odour and ammonia emissions. Based on our current position, we would not make detailed comments on these emissions as part of the current planning application process. It will be the responsibility of the applicant to undertake the relevant risk assessments and propose suitable mitigation to inform whether these emissions can be adequately managed. We would not therefore

comment on the efficiency of such infrastructure or whether this new ventilation design would be odour abatement ready. These are matters for your Council to consider and assess where appropriate as part of your planning application determination.

We are likely to consider odour impact through the Environmental Permit (EP) variation process and/or through the compliance/enforcement of that regulatory regime.

Manure Management: Manure disposal within the applicant's ownership (fields) is controlled through the EP. As part of the permit determination, we do not require a Manure Management Plan. However, EP holders are required to operate under a Manure Management Plan, which consists of a risk assessment of the fields on which the manure will be stored and spread, in cases where this is done within the applicant's land ownership. It is used to reduce the risk of the manure leaching or washing into groundwater or surface water. The permitted farm would be required to regularly analyse the manure and the field soil to ensure that the amount of manure which will be applied does not exceed the specific crop requirements i.e. as an operational consideration. More information may be found in appendix 6 of the document titled "How to comply with your environmental permit for intensive farming." Intensive farming: comply with your environmental permit - GOV.UK ([www.gov.uk](http://www.gov.uk))

As mentioned previously, we do regulate any pollution to water from manure storage or spreading. We also regulate Nitrate Vulnerable Zone (NVZ) compliance. This is undertaken as part of a farm visit or any potential notified operational breach.

In terms of manure management, the application proposes that additional manure from the proposed poultry sheds will be sent to a regulated anaerobic digestion (AD) plant. The AD facility is at a different farm and is managed by a different legal entity to the poultry farm. As the receiving AD facility is subject to an EP, we would control emissions associated with such to land, air and water. Any wider disposal from that facility may be subject to a deployment/digestate spreading 'permit to land spread' or use as product (PAS compliance).

Environmental Permit: The increase in number of birds at this site will require a variation to the existing permit. While a permit variation application was initially received back in February 2020, further information was requested to support this. To date no subsequent variation has been received.

Complaints: We have received a large number of odour complaints from a single sensitive receptor at this location. We have not been able to substantiate any of these complaints however we have only carried out monitoring on a small number of occasions. It is likely that the gardens of the dwelling (external areas) are mainly impacted during times when cooler (denser) air descends to ground level for example late evenings, night times to early mornings. At other times of the day when the air is warmer and rising, the high velocity roof fans will disperse the odour sufficiently for it not to become a nuisance.

An Odour Management Plan (OMP) and Noise Management Plan (NMP), as required under the EP, should help reduce emissions from the site, but it will not necessarily

completely prevent all odour and noise. The OMP can reduce the likelihood of odour pollution but is unlikely to prevent odour pollution when residents are in proximity to the units and there is a reliance on air dispersion to dilute odour to an acceptable level.

Previous comments 19/12/19:

The Environmental Permit (EP) controls day to day general management, including operations, maintenance and pollution incidents. The Environmental Permit (EP) will include the following key areas:

- Management – including general management, accident management, energy efficiency, efficient use of raw materials and waste recovery.
- Operations - including permitted activities and Best Available Techniques (BAT).
- Emissions - to water, air and land including to groundwater and diffuse emissions, odour, noise and vibration, monitoring.
- Information – records, reporting and notifications.

Our consideration of the relevant environmental issues and emissions as part of the EP only apply to the proposed poultry installation and where necessary any Environment Agency regulated intensive farming sites.

Bio-aerosols and dust: Intensive farming has the potential to generate bio-aerosols (airborne particles that contain living organisms) and dust. It can be a source of nuisance and may affect human health. Sources of dust particles from poultry may include feed delivery, storage, wastes, ventilation fans and vehicle movements.

As part of the permit determination, we do not normally require the applicant to carry out dust or bio-aerosol emission modelling. We do require a 'risk assessment' be carried out and if there are relevant sensitive receptors within 100 metres of the installation boundary, including the farmhouse or farm worker's houses, then a dust management plan is required. A dust management plan (DMP) will be required similar to the odour and noise management plan process. This will secure details of control measures to manage the risks from dust and bio-aerosols. Tables 1 and 2 and checklist 1 and 2 in ['assessing dust control measures on intensive poultry installations'](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/297093/g_eho0411btra-e-e.pdf) (available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/297093/g\\_eho0411btra-e-e.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/297093/g_eho0411btra-e-e.pdf)) explain the methods the operator should use to help minimise and manage these emissions.

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

Buildings which have roof or side ventilation extraction fans present, may deposit aerial dust on roofs or "clean" yards which is washed off during rainfall, forming lightly contaminated water. The EP will normally require the treatment of such water, via french drains, swales or wetlands, to minimise risk of pollution and enhance water quality. For information we have produced a Rural Sustainable Drainage System

Guidance Document, which can be accessed via: <http://publications.environment-agency.gov.uk/PDF/SCHO0612BUWH-E-E.pdf>

#### 4.1.3 **Natural England** No comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice. Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland. The application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment.

#### 4.1.4 **SC Ecologist**

Comments made 28/6/23 following submission of further information:

No objection. Conditions have been recommended to ensure the protection of designated sites, irreplaceable assets and protected species and to provide ecological enhancements under NPPF, MD12 and CS17.

Ecological Appraisal: An up-to-date Ecological Appraisal has been submitted and the ecology team concur with the conclusions and recommendations of this report.

Ammonia emissions: Ammonia emissions and nitrogen deposition upon sensitive sites has been assessed in 'Hollins Lane, Woodseaves, Ammonia Emissions: Impact Assessment, Report Ref 01.0101.006 v1' by Isopleth dated January 2023.

The following BAT measures are proposed:

- Ammonia scrubber retro-fitted to two of the existing poultry buildings at Land South of Hollins Lane, Newport Road, Woodseaves
- Ammonia scrubbers fitted on the two proposed poultry buildings at Land South of Hollins Lane, Newport Road, Woodseaves

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

#### ECO 2 & 3 BURNT WOOD SSSI

Maximum Existing Process Contribution % of Critical Level: 1.4%

Maximum Proposed\* Process Contribution % of Critical Level: 1.1%

Change in Critical Level from existing to proposed: -0.003 ug/m<sup>3</sup>

Existing Process Contribution % of Critical Load: 1.1%

Proposed\* Process Contribution % of Critical Load: 0.8%

Change in Critical Load from existing to proposed: -0.023 kg/ha/yr

#### ECO 4, 5, 6 & 7 THE DINGLE ANCIENT WOODLAND

Maximum Existing Process Contribution % of Critical Level: 10.6%  
Maximum Proposed\* Process Contribution % of Critical Level: 7.1%  
Change in in Critical Level from existing and to proposed: -0.035 ug/m<sup>3</sup>

Existing Process Contribution % of Critical Load: 8.3%  
Proposed\* Process Contribution % of Critical Load: 5.5%  
Change in Critical Load from existing to proposed: -0.278 kg/ha/yr

\* proposed scenario with emission factors for the existing and proposed poultry units with ammonia scrubbers fitted.

The modelling shows that the proposal will result in a betterment to the existing ammonia and nitrogen process contribution at all the sites scoped in for assessment. This is considered acceptable.

It is noted that an in-combination assessment is not required as the proposals do not give rise to any residual effects, i.e. there is a betterment in terms of the reduction of ammonia from the existing to the proposed situation.

Recommended conditions: It is recommended that conditions are added to require: submission of contingency measures in the event that operation of one or more of the scrubbing units is not possible; submission of evidence that air scrubbers have been installed; use of air scrubbers at all times; bird numbers limited to 232,000; appointment of Ecological Clerk of Works; erection of bat and bird boxes.

4.1.5 **Historic England** Does not wish to offer any comments. Suggests that the views of the Council's specialist conservation and archaeological advisors are sought, as relevant.

Further information:

Thank you for your letter of 25 April 2023 regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

4.1.6 **SC Conservation** The proposal site lies adjacent the Shropshire Union Canal and Hollings Bridge (number 58) which is grade II listed building, where these heritage assets lie just over the border within Newcastle under Lyme Borough, Staffordshire. In considering the proposal due regard to the following local and national policies and guidance has been taken, when applicable: policies CS6 and CS17 of the Core Strategy and policies MD2 and MD13 of SAMDev, and with national policies and guidance, National Planning Policy Framework (NPPF) revised and published in February 2019 and the relevant Planning Practice Guidance. Sections 16, 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended).



Having consulted the submitted Heritage Statement by Richard K Morriss and the Visual Assessment (photos 3 and 4 in particular), it is considered that the proposal would have a negligible impact upon the setting of the relevant heritage assets (Hollings Bridge and the Shropshire Union Canal Conservation Area), where there is a degree of existing screening in the form of existing trees and vegetation along the embankment, where the canal sits within a deep cutting. Whilst there is disagreement with the concluding statements of the Heritage Statement in terms of 'no impact/no harm', there are no principle objections subject to conditions with regards to further supplementary landscaping, such as the construction of a bund type structure in order to safeguard long-range views into the site.

4.1.7 **SC Archaeology** No comments to make.

4.1.8 **Shropshire Council's landscape consultant**

Executive summary: The LVIA concludes that the proposed development will lead to one beneficial landscape effect, 3 adverse landscape and visual effects, 8 negligible effects and 2 no effects. None of the effects are predicted to be significant.

Our review concludes that the assessment of landscape and visual effects has been carried out to a robust and compliant standard for an EIA project, and that its findings may be relied on in making an informed planning decision.

All recommendations made in our previous reviews have been adequately addressed and we consider that the proposed development will not lead to unacceptably adverse effects on landscape and visual amenity, and complies with Local Plan policies on landscape and visual amenity.

Conclusions & Recommendations: The assessment of landscape and visual effects has been carried out to a compliant standard for an EIA project in accordance with GLVIA3. None of the effects are predicted to be significant and the findings of the LVIA are set out below:

	At completion	After 5 years
<b>Landscape effects</b>		
Vegetation of the Site and its boundaries	Negligible	Slight Beneficial
Landform of the site	Slight adverse	
Principal Settled Farmlands	Negligible	
Sandstone Hills and Heath	Negligible	
<b>Visual effects</b>		
Users of PRoW 0228/1/2 and PRoW 0228/1/1	Moderate adverse	Slight adverse
Users of PRoW 57 and PRoW 0204/2/2	No effect	
Users of Tyrley Road	Negligible	
Users of A529	Negligible	
Residents of Woodseaves Grange	Negligible	

Residents of Woodseaves Farm and properties near its south	Negligible
Residents of properties east of the Shropshire Union Canal	No effect
Residents of Tyrley Road and Upper Castle Barn	Negligible

All outstanding recommendations from our previous reviews have been satisfactorily addressed and we consider that the proposed development will not lead to unacceptably adverse effects on landscape and visual amenity, and that it complies with Local Plan policies on landscape and visual amenity

4.1.9 **Ministry of Defence – Defence Infrastructure Organisation** Recommends a condition.

The application site is approximately 5.04km from the centre of the runway at RAF Ternhill and falls within the birdstrike statutory safeguarding zone surrounding RAF Ternhill.

Birdstrike: Within this zone, the principal concern of the MOD is that the creation of new habitats may attract and support populations of large or flocking birds close to the aerodrome. The principal concern of the MOD with this development is the extension to the attenuation pond which has the potential to attract and support hazardous flocking birds such as gulls and other bird species. Therefore, the MOD has concerns that this has the potential to increase birdstrike risk to aircraft safety at RAF Ternhill.

To address the potential of the development to provide a desirable habitat, or spaces for hazardous birds a condition for the submission of a bird hazard management plan is required to prevent the breeding and nesting of gulls and other bird species. To prevent access to the water, the attenuation pond will need to be surrounded by goose proof fencing and dense emergent vegetation.

MOD requests that a condition is imposed to require that a Bird Hazard Management Plan is submitted for approval.

4.1.10 **Ministry of Defence – Defence Infrastructure Organisation No objections.**

The application site is situated 4.5km north east from the end of runway 22 for Ternhill airfield. Ternhill airfield is a relief training ground for the Defence Helicopter Flying School based at RAF Shawbury, as well as providing support for Chetwynd and Nesscliffe Training area.

The county of Shropshire as well as parts of adjacent counties is designated by the Ministry of Defence as Low Flying Area (LFA 9), an area utilised for dedicated training of military helicopter crew which requires intensive low-level flying activity. At Tern Hill, RAF Shawbury and associated training areas (Chetwynd and Nesscliffe) routine activity includes extremely low flying and manoeuvring, helicopters remaining operational (rotors turning) for extended periods after landing and helicopters hovering

at full power for several minutes at a time (occasionally between 5 and 10 minutes). This activity, in support of front-line activity, produces a significant amount of low frequency noise which can be disturbing. This low-level helicopter activity tends to be scheduled between Monday and Friday, from 8.30-5pm though night flying is carried out from this airfield. Night Flying operations tend to be completed by 2am though it should be noted that 24-hour flying may occur on any day of the week where operationally required.

On reviewing the submitted noise assessment, it relates to the original 2013 planning application prior to the units being in situ. The report primarily addresses the proposed noise from the development and only references highway noise as an external environmental factor and not military air traffic.

The MOD advises the development will be exposed to noise from aircraft activities at Ternhill airfield. The MOD would not accept responsibility for any losses caused by aircraft, training or any associated activity or noise. This is on the basis the applicant (and successors in title) would be deemed to have full knowledge of the immediate location, including the location of the application site in context to RAF Shawbury and the general nature of training activity taking place.

Please note this development also occupies the statutory aerodrome and birdstrike safeguarding consultation zone surrounding Tern Hill airfield. Therefore, my colleagues within the DIO Safeguarding Team as statutory consultees will be submitting their comments independently.

#### 4.1.11 **Canal & River Trust** Recommends conditions.

The main issues relevant to the Trust as statutory consultee on this application are:

- a. Implications for the stability of the canal cutting
- b. Implications on water quality
- c. Protection of heritage assets
- d. Protection of biodiversity

Based on the information available our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is to advise that suitably worded conditions are necessary to address these matters.

Land instability and drainage The Trust has reviewed the further clarification on land stability and drainage matters provided within the agent's email of 9th September 2023 and notes that the plan indicates no run-off will enter the canal due to the existing ditch between the SUDS pond, the drainage system and the canal. We therefore raise no further concerns regarding the details contained therein, and request the use of suitable compliance-style conditions relating to these submissions on any forthcoming planning consent. This would accord with Policies CS6 (Sustainable Design and Development Principles) and CS18 (Sustainable Water Management) of the Shropshire Core Strategy 2011 and policies MD2 and MD12 of the Shropshire Council (SAMDev) Plan (2015).

Water quality The Trust has reviewed the further clarification regarding water quality matters provided within the agent's email of 9th September 2023 and notes the proposed provision of pit sumps to further control sediment and prevent pollution. We therefore raise no further concerns to the details contained therein, and request the use of suitable compliance-style conditions relating to these submissions on any forthcoming planning consent, to accord with Policies CS6 (Sustainable Design and Development Principles) and CS18 (Sustainable Water Management) of the Shropshire Core Strategy 2011 and policies MD2 and MD12 of the Shropshire Council (SAMDev) Plan (2015).

Regarding the potential for contaminated surface water runoff during construction and before the drainage system is installed, the Trust also continues to recommend submission of a CEMP outlining suitable water quality mitigation measures during construction and operation. It is noted that the applicant is agreeable to the application of a planning condition to this effect, upon which we request to be consulted further so that we can advise the Council on the adequacy of measures proposed to protect the waterway network during construction and thereafter operationally. These requests accord with Policies CS6 (Sustainable Design and Development Principles) CS17 and CS18 of the Shropshire Core Strategy 2011 and policies MD2 and MD12 of the Shropshire Council (SAMDev) Plan (2015).

Heritage Further to comments included within our responses of 9th June and 31st August 2023 the condition of listed bridge 58 is unchanged since our initial response. It does not appear to be identified for use within the application submissions but for the avoidance of doubt we continue to request that no HGV access to the site via this bridge be conditioned within any future planning consent. This accords with Policy CS6 (Sustainable Design and Development Principles) of the Shropshire Core Strategy 2011 and Policy MD13 (Historic Environment) of the Shropshire Council (SAMDev) Plan (2015).

Biodiversity Further to comments included within our responses of 9th June and 31st August 2023, the Trust welcomes the submission of an updated Ecological Assessment and Landscape Management details and notes that the 10-year management plan appears sufficient. We therefore request the use of suitable compliance-style conditions on any forthcoming planning consent, to accord with Policy CS6 (Sustainable Design and Development Principles) of the Shropshire Core Strategy 2011 and policies MD2 and MD12 of the Shropshire Council (SAMDev) Plan (2015).

#### 4.1.12 **SC Public Protection**

##### Comments 26/10/23

The report submitted by Michael Bull and Associates and also the response provided by Isopleth has been reviewed.

Dr Bull has raised some very detailed points regarding the Odour assessment modelling methodology and there appears to be some queries he has raised that may

not have been fully answered but Dr Bull would be best placed to respond to this. While I have reviewed the odour assessment report and have accepted the method used and assumptions made by the experts in the reports submitted, it should be noted that I am not a specialist in this field.

Dr Bull and Mr Stouling both have a specialist knowledge in odour assessment for such processes and a detailed understanding of the modelling methodology, indeed they were both involved in the writing of the IAQM guidance. Recent appeal decisions have raised detailed queries regarding how effective the recognised modelling process is at assessing likely odour impacts. This is a very specialised area and Environmental Protection does not have the expertise to comment in detail on the modelling methodologies discussed in the expert reports and at the appeal hearings. It is recommended that the Environment Agency would be better placed to comment in this regard as the statutory consultee and regulatory authority for the Environmental Permit.

Nonetheless Dr Bull does raise a significant point that should be taken into consideration. He highlights that the IAQM guidance recommends that at least two methods of assessment are used to provide a comprehensive assessment and the guidance also states that where the source exists, considerable weight should be given to observational methods such as sniff testing and complaints analysis.

Mr Stouling seems to be suggesting that the monitoring carried out within the existing sheds represented the sniff testing to which Dr Bull was referring. However, my interpretation of the guidance and Dr Bull's comments is that this is recommending sniff test monitoring is carried out at locations representative of receptors and that an analysis of the complaints history should also be presented. As there are currently 2 existing poultry sheds and a history of complaints, also considering the IAQM guidance and the recent appeal hearings it would seem prudent to consider such assessments.

It is recognised that the 150 odour complaints from one receptor have not been verified. It should however be highlighted that the Environment Agency have only been able to attend to monitor on a handful of occasions and therefore while the complaints have not been verified, they have also not been invalidated.

#### Comments 21/9/23

The revised noise report has assessed the potential noise impact with the proposed air scrubbers included. The assessment concludes that noise from the extraction fans and air scrubbing units are not likely to have an adverse impact on the nearby sensitive receptors. It should be noted this assumes a fan with a sound pressure level of 68dB (LpA) at 2m, the report highlights that the choice of fan model is currently not fixed however it should be noted that alternative fans must be selected to achieve the same noise limits. Previous reports had assumed ridge fans with a higher sound pressure level of 70dB (LpA) at 2m.

The report states that all vehicle movements associated with de-population will occur between 0200-0700hours. As highlighted in Environmental Protections previous comments the increase in HGV movements to 32 movements per hour during de-

population is likely to have an adverse impact on nearby receptors particular the property at the site entrance which is located just 30m from the entrance although this will only occur for 1night at the end of each flock cycle and occur approximately 7 times a year.

### Comments 6/7/23

Odour: A revised odour report (Isopleth report dated January 2023 ref: 01.0101.006/Odour v1) has been provided which uses monitoring data from the existing poultry sheds to model likely cumulative odour emissions from both the existing poultry units and the proposed additional units. The odour report models the cumulative impact of the existing and proposed development with the proposed mitigation in place. The proposed mitigation is for scrubbers to be fitted to all new poultry buildings and also retrofitting scrubbers to one of the 2 existing poultry buildings, the remaining will operate as existing. The scrubbers will reduce the ammonia emissions and technical data indicates that it is predicted to reduce odour by 40%.

The model results are presented as the 98th percentile of hourly average concentrations of odour (ouE/m<sup>3</sup>), these values take into account the metrological data from the entire cycle including the days of peak emissions. This methodology is in accordance with the institute of Air Quality Management (IAQM) guidance on the assessment of Odour for planning and the Environment Agency's H4 guidance on Odour Management.

The IAQM guidance provides the following guidance on classifying the impact of odour from intensive agricultural facilities as;

- 'negligible' at, or below 3 ouE/m<sup>3</sup> as a 98th percentile of hourly means; or
- 'slight adverse' from 3 ouE/m<sup>3</sup>- 5 ouE/m<sup>3</sup> as a 98th percentile of hourly means; or
- 'moderate adverse' impact above from 5 ouE/m<sup>3</sup> as a 98th percentile of hourly means.

The H4 guidance uses of installation-specific exposure criteria based on the 98th percentile of hourly average concentrations of odour modelled over a year at the site/installation boundary. The benchmarks are: 1.5 odour units for most offensive odours; 3 odour units for moderately offensive odours; 6 odour units for less offensive odours.' Intensive livestock rearing is generally classified as moderately offensive.

As highlighted in Environmental Protection's previous comments (dated 10th February 2020) the threshold of 3 odour units at nearby sensitive receptors is the maximum limit that this service considers as acceptable to ensure that section 185 of the NPPF are adhered to and the amenity of sensitive receptors is protected.

The assessment indicates that the proposed additional poultry sheds will result in an increase of the 98th percentile of hourly average odour concentrations measured as ouE/m<sup>3</sup> of between 0.1 and 1.2 ouE/m<sup>3</sup>. The 5 year average modelled odour concentration at the closest receptor, is predicted to be 2.9 ouE/m<sup>3</sup> as a 98th percentile of hourly means. This is just below 3ouE/m<sup>3</sup> which is the maximum threshold that is

considered acceptable to meet the requirements of the NPPF. (It should be noted that this is an average of the 98th percentile so this does take account of the peak levels).

It should be noted that the existing poultry sheds hold an environmental permit, regulated by the Environment Agency and the proposed expansion will require a variation application to be submitted for approval. Environmental Permitting guidance recommends that the permit applications and planning consents are twin tracked to make the process more efficient, both for the applicants and regulators.

Paragraph 188 of the NPPF makes it clear that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.

The environmental Permit regime is designed to prevent pollution, the Environmental Permitting Regulations define pollution as:

“pollution”, other than in relation to a water discharge activity or groundwater activity, means any emission as a result of human activity which may—

- (a) be harmful to human health or the quality of the environment,
- (b) cause offence to a human sense,
- (c) result in damage to material property, or
- (d) impair or interfere with amenities or other legitimate uses of the environment;

This definition suggests that you could assume this means impacts on the amenity such as odour and noise will be adequately regulated by the permit. Para 188 of the NPPF makes it clear that we should assume the permit is effectively regulated and should not be imposing conditions for the purpose of controlling emissions that are regulated by the permit, this includes emissions to air, water or land and emissions of odour and noise.

The only exception is where impacts might occur as a result of the development but are not within the boundary of the environmental permit and therefore would not be controlled by the permit. For example, if the development results in increased traffic flows that may impact on surrounding properties or where muck from an agricultural use is spread off site and hence may have an impact on the surrounding area. These issues may make a site unsuitable for the development.

This application indicates that additional manure from the poultry sheds will be sent to a regulated anaerobic digestion plant, emissions from such plant will also be regulated by the Environmental Permitting regime and therefore EP do not have concerns regarding offsite environmental impacts due to manure disposal.

- 4.1.13 **SC Highways Development Control** No objection. The site benefits from an access onto the A529 within the 40 mph speed limit that was constructed in connection with the biomass building and provides a 8 metres wide access with 10.5 metres junction radii. The access therefore has been constructed to a highway standard and provides visibility in both directions commensurate with DMRB standards.

As part of application 15/00924/EIA, two broiler units were constructed and the current application seeks a further two broiler units. A Transport Assessment has been submitted in support of the application and sets out the vehicle movements based upon the existing and proposed development. Overall the development would increase the capacity from 260,000 to 464,000 broilers operating over a 46 day cycle period.

The current development permissions include the routing of all HGV traffic travelling via the A529 southwards to the A41 at Hinstock and this is to remain the approved routing of all HGV traffic.

Whilst clearly the proposed development would increase HGV traffic movements significantly, it is considered that the highway network can adequately cater for the level of traffic movements anticipated. Moreover, it is considered that a highway objection would not be warranted on the grounds of traffic volume or highway safety. Highways therefore raise no objection to consent being granted.

- 4.1.14 **SC Drainage** No objection. The submitted drainage proposals are acceptable from a flood risk perspective.
- 4.1.15 **SC Rights of Way** The Council have a formal application on file to add a public bridleway along Hollins Lane which needs to be investigated. The applicant is advised to contact the Mapping & Enforcement Team to discuss the matter further. In respect of the planning application, the claimed route is already affected by the existing buildings therefore if an order is recommended to be made then it will require a subsequent diversion if successful.
- 4.1.16 **Fire and Rescue Service** As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Service's "Fire Safety Guidance for Commercial and Domestic Planning Applications". Further advice has been provided which can be included as informatives on the decision notice.
- 4.1.17 **Newcastle-under-Lyme Borough Council (adjacent authority)** No comments received.
- 4.1.18 **Staffordshire County Council (adjacent authority)** The development area measures 1.67 hectares for an extension to two existing poultry units. There are no objections to the proposals from the perspective of an adjoining minerals and waste planning authority because the site does not fall within a consultation zone associated with any permitted mineral or waste site in Staffordshire. Given the nature of the proposals and the risk of odour, however, Shropshire should consult Newcastle under Lyme Borough Council's Environmental Health (EHO) and Planning Teams so they can comment on the potential visual and air quality/ odour impacts.
- 4.1.19 **Stafford Borough Council (adjacent authority)** No comment to make in respect of application reference 19/05127/EIA, other than to suggest that, if not already consulted, the views of Staffordshire County Council should be sought in respect of



highways/transport impacts, public rights of way and landscape/visual assessment.

## 4.2 **Public comments**

4.2.1 The application has been advertised by site notice and in the local press. In addition 57 properties in the local area have been directly notified. Objections have been received from twelve individuals. There has been one letter of support. The full representations can be viewed on the planning register, and a summary of the concerns raised is below.

### 4.2.2 Objection comments:

- Adverse effect on landscape
- Increased traffic
- No business case for expansion
- Will double the pollutant emissions; impact on health
- Unacceptable odour levels
- Odour model is out of date
- Many complaints made about odour
- Closer to SSSI, Wildlife Site and Conservation Area/Canal Waterway
- Impact on Conservation Area and SSSI and listed buildings
- Impact on listed buildings due to odour
- Impacts on ecological sites from ammonia
- Need to consider cumulative ammonia levels
- Increase in nitrous oxides, dust and particulates
- Odour and dust impacts of shed clearing have not been assessed
- Additional noise
- Flies and rats
- Incomplete traffic information
- Traffic assessment underestimates traffic
- Impact on pond
- Pollution of canal
- Impact on water borehole
- Rainwater contaminated with silt/soil has been entering brook and canal since development started
- Unauthorised ground engineering works
- Approved earthworks were never completed in accordance with approved drawings
- Works have resulted in instability of the canal banks with rainwater polluted by orange clay which kills fish
- Pollution from spreading of manure; health impacts of this
- Increased risk of bird flu
- No demonstrable economic benefit to the locality
- Would not be carbon neutral

4.2.3 In addition a Review of Odour Assessment has been submitted by Michael Bull & Associates, a consultant in air quality and odour assessment, on behalf of Tyrley residents.

- The odour assessment uses a well established modelling technique to predict odour concentrations at nearby receptors. The approach to determining the

odour emission rates is considered to be of high quality but limited to measurement at the peak of the rearing cycle

- Assumptions have been made for other parts of the cycle based on published sources. However, the higher odour emissions from clearance of the housing and thinning have not been included in the assessment, this is a significant omission.
- The report erroneously quotes two references to justify potentially less stringent odour standards; neither contain any justification for a lower standard and one paper suggests the opposite; due to this, there is less confidence in other third party sources relied on in the assessment
- The result suggest a marginal compliance with the adopted odour standard of 3.0 ouE/m<sup>3</sup> as a 98th percentile of hourly means although there was one exceedance observed at one receptor for one year modelled
- Assessment has excluded any consideration of emissions during thinning and house clearance. Although these are not suitable to be included in the type of dispersion modelling undertaken, they should have been considered when discussing the outcome of the modelling.
- The modelled result for the existing case does not accord with the community's own observations of odour and the level of historic odour complaint relating to the operations at the site; the existing complaints are not mentioned in the assessment; the IAQM guidance states that considerable weight should be given to observational methods of assessment when the source exists; observational methods include complaints analysis and sniff testing; the IAQM method also recommends that at least two methods of assessment are used to provide a comprehensive assessment which has not been undertaken.
- Given the existing level of complaint and the discrepancy with the results of the odour modelling it is apparent that the results of the assessment cannot be relied on without further investigation. Sniff testing would be an ideal approach to investigate the impact during thinning and house clearance and to determine whether the results of the modelling are a reasonable assessment of the odour impacts of the housing in normal operation.
- Given that the complaints evidence suggests that the current operation of the site results in unacceptable odour impacts and the isopleth assessment concludes that odour exposure will increase, on the basis of the current evidence it can be reasonably concluded that the proposed development will exacerbate an already unacceptable odour environment

4.2.4 The reasons of support are as follows:

- Noise and odour impact would be controlled, and within acceptable limits
- Minimal impact on the locality
- Support expansion of the local business if controls are in place
- Location of sheds adjacent to existing ones is appropriate

## 5.0 THE MAIN ISSUES

### 5.1

- Environmental Impact Assessment
- Planning policy context; principle of development
- Siting, scale and design; impact upon landscape character

- Historic environment considerations
- Residential and local amenity considerations
- Traffic, access and rights of way considerations
- Ecological considerations
- Impact on water resources

## **6.0 OFFICER APPRAISAL**

### **6.1 Environmental Impact Assessment**

6.1.1 The planning application is accompanied by an Environmental Statement which has been prepared as the proposal is classed as Schedule 1 EIA development under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 due to the number of birds that would be housed as part of this intensive livestock unit.

### **6.2 Planning policy context; principle of development**

6.2.1 Planning applications are required to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In terms of the Development Plan, Core Strategy policy CS5 provides support for appropriate development within the countryside, which maintain and enhance countryside vitality and character where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to specified proposals including: agricultural-related development. Core Strategy policy CS13 states that, in seeking to develop and diversify the Shropshire economy, emphasis will be placed on matters such as supporting rural enterprise and diversification of the economy, in particular areas of activity which include the agricultural and farm diversification sectors.

6.2.2 The National Planning Policy Framework (NPPF) is a material planning consideration to be taken into account in the determination of this application. It states that planning decisions should help create the conditions in which businesses can invest, expand and adapt; and that significant weight should be placed on the need to support economic growth (para. 81). In terms of rural areas, the NPPF states that planning decisions should enable the sustainable growth and expansion of all types of businesses, and the development and diversification of agricultural and other land-based rural businesses (para. 84). The NPPF sets out a presumption in favour of sustainable development, which has three overarching objectives: economic, social and environmental.

6.2.3 The proposal represents the expansion of an existing established rural business which has been operating since 2016. It would involve significant investment in the enterprise and would support jobs not only directly but also through the increased use of supporting industries. The proposal would therefore make a positive contribution to the rural economy. It is considered that the proposal would bring about economic and social benefits for which there is support under national and local planning policy.

6.2.4 Core Strategy CS5 states that proposals for large scale new development will be required to demonstrate that there are no unacceptable adverse environmental

impacts, and this is discussed in sections below.

### **6.3 Siting, scale and design; impact on landscape character**

- 6.3.1 Core Strategy policies CS6 and CS17 seek to ensure that development is appropriate in scale and design, and protect and enhance the diversity, high quality and local character of Shropshire's natural environment, and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. Policy CS6 states that development should take into account local context and character, having regard to landscape character assessments and ecological strategies where appropriate, and that development will be designed to a high quality using sustainable design principles. SAMDev Plan policy MD2 requires that development contributes to and respects locally distinctive or valued character and existing amenity value. SAMDev Plan policy MD7b states that applications for agricultural development should be of a size/scale which is consistent with its required agricultural purpose, and where possible sited so that it is functionally and physically closely related to existing farm buildings.
- 6.3.2 Siting and alternatives: The acceptability of the use of this area for poultry rearing has already been established through the existing planning permission. The proposed extension would utilise existing infrastructure such as access roads and attenuation ponds. The proposed development would also incorporate improvements to the existing operation through the installation of air scrubbers to two of the existing sheds. In addition the siting adjacent to the existing sheds has the potential to maximise operational efficiency of the business.
- 6.3.3 Landscape and visual impacts: A Landscape and Visual Impact Assessment (LVIA) has been undertaken as part of the EIA. This also takes into account the proposed mitigation plan which is being proposed, and which includes approximately 3.2 hectares of tree and shrub planting on the eastern and southern parts of the site, with approximately 8800 plant being proposed. In terms of visual receptors the LVIA considers that there would be a '91moderate adverse' impact on users of the public footpath which runs around the south-eastern boundary of the site, but that this would reduce to 'slight adverse' as screening vegetation establishes. It should be noted as well that this public right of way terminates at the Shropshire/Staffordshire border and therefore the significance of this path in the network is limited. It is considered that the mitigation planting is likely to have a significant benefit in the long-term, both visually and ecologically. The LVIA concludes that the proposed development would have no significant effects on any of the landscape of visual receptors assessed.
- 6.3.4 The Council's landscape consultant considers that the updated LVIA has addressed previously raised comments and that the proposal would not lead to unacceptably adverse effects on landscape and visual amenity. A 10-year Landscape Management and Maintenance Plan has been submitted and this sets out what works would be undertaken to ensure the successful establishment of the proposed landscape and ammonia mitigation planting, and this can form part of the approved documents should permission be granted.
- 6.3.5 Sustainable design matters: The proposal incorporates sustainable drainage techniques to minimise pressure on the water environment, and proposes that heating

would be provided by biomass boilers rather than conventional gas supplies. The proposal also incorporates air scrubbers which would remove significant quantities of ammonia from the process. It is considered that the proposed design incorporates appropriate sustainable principles in line with policy CS6.

- 6.3.6 Impact on canal: The proposed development is situated in proximity of the Shropshire Union Canal to the east. The potential impact of the development on the canal has been considered in detail by the Canal and River Trust and, following the submission of further clarification and information, they have confirmed that they raise no objections subject to the imposition of a number of planning conditions. These can be added to the decision notice if permission is granted, and are included in the listed of recommended conditions in Appendix 1 below.

#### **6.4 Historic environment considerations**

- 6.4.1 Core Strategy policy CS17 requires that developments protect and enhance the diversity, high quality and local character of Shropshire's historic environment. SAMDev Plan policy MD13 requires that heritage assets are conserved, sympathetically enhanced and restored by ensuring that the social or economic benefits of a development can be demonstrated to clearly outweigh any adverse effects on the significance of a heritage asset, or its setting.
- 6.4.2 A Heritage Impact Assessment (HIA) has been submitted and this identifies that the nearest listed building is the Grade II listed Hollings Bridge across the canal cutting to the east, but that this cannot be seen from the site. The HIA considers that the proposed development would have no impact on the character or setting of the listed bridge. In terms of the canal itself, this part is designated as a Conservation Area. The canal runs in the bottom of a deep cutting with wooded slopes either side, and the HIA considers that the proposed development would have a neutral impact on the character, setting or significance of the Conservation Area, even without the proposed tree planting. The HIA concludes that the proposed development would have either no impact on, or cause no harm to, the character, setting or significance of any designated or non-designated heritage assets.
- 6.4.3 The Council's Historic Conservation Officers considers that the proposal would have a negligible impact upon the setting of relevant heritage assets. It is acknowledged that the impact of odour on the setting of a listed building is a relevant consideration. In terms of listed buildings in the area, these include the listed bridge referred to above, a Grade II listed direction post approximately 470 metres to the north-east, another Grade II listed canal bridge approximately 535 metres to the north-east, and a number of Grade II listed cottages and locks approximately 750 metres to the north. Having taken account of the findings of the odour impact assessment in particularly regarding the level and frequency of potential odour emissions, and the location and type of listed buildings, it is not considered that the setting of listed buildings would be adversely affected by odour.
- 6.4.4 Taking into account the comments of the Council's Conservation Officer on the findings of the HIA it is considered that the requirements of section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 – that special regard is given to

the desirability of preserving the setting of listed buildings and preserving or enhancing the character or appearance of the Conservation area - have been met and the proposal is in line with policies CS17 and MD13.

## **6.5 Residential and local amenity considerations**

6.5.1 Core Strategy policy CS5 requires that proposals for large scale new agricultural development demonstrate that there are no unacceptable adverse environmental impacts. Policy CS6 requires that developments safeguard residential and local amenity. SAMDev Plan policy MD7b states that planning applications for agricultural development will be permitted where it can be demonstrated that there would be no unacceptable impacts on existing residential amenity.

6.5.2 **Environmental Permit:** The poultry operation takes place under an Environmental Permit which was issued by the Environment Agency (EA). The EA has advised that the proposed expansion of the operation would require a variation to this Permit to allow an increase in the number of birds at the site. The EA has confirmed that the Permit would control the day-to-day elements of the operation, including site management, operations and emissions, including those of odour and noise. This is therefore a separate regulatory regime which controls the day-to-day running of the poultry operation. Paragraph 188 of the NPPF states that the focus of planning decisions should be on whether the proposed development is an acceptable use of land, rather than the control of processes or emissions. Furthermore, that planning decisions should assume that these regimes will operate effectively. Nevertheless the EIA regulations require that likely effects of the development on the environment are identified and taken into consideration in the decision-making process. These effects will include matters that are also regulated by the EA. In addition, planning policy including the NPPF require that planning decisions should take account of the likely effects of pollution on living conditions.

6.5.3 **Manure management:** It is proposed that manure arising as part of the proposed operations would be removed from the site and taken to an anaerobic digester (AD) plant for processing or other licensed waste management facility, and would not be spread on farmland. This would ensure that the proposed expansion of the poultry operation would not result in additional amenity impacts that may arise due to the spreading operations, and is considered to be an acceptable arrangement.

6.5.4 **Noise:** An updated Noise Assessment has been undertaken which now includes details of the proposed air scrubbers. General vehicle movements would occur during the daytime period. Bird collections would take place at night-time. The report states that noise generated by the proposed extension would fall below the daytime and night-time noise limits. It also provides a cumulative noise assessment which includes noise from the existing poultry sheds and this concludes that that cumulative levels with all sources running concurrently would not exceed noise limits set out in guidance. In terms of noise from vehicles involved in bird collections the report states that this would result in a 3dB increase in noise level, and that this would be considered to be a 'slight' impact with the greatest impact being experienced at the property which is situated opposite the site access. As noted by the Council's Environmental Protection officer, this would occur once during each rearing cycle and a total of seven times per

year. It is not considered that this would be unacceptable levels of noise.

- 6.5.5 **Dust:** Dust can be emitted through the ventilation system, and the application proposes that dust baffles would be fitted to minimise its release. A Defra research project confirmed that particulate matter returned to normal background levels at a distance of 100m from poultry buildings. The EA has advised that a risk assessment for dust or bio-aerosol emissions would need to be carried out as part of the Environmental Permit were there to be any relevant sensitive receptors within 100 metres. The Permit would cover any dust management plan and, given the location of the site and its distance from sensitive receptors, it is not considered that the proposed development raises significant land-use planning issues that warrant further consideration at the planning stage.
- 6.5.6 **Odour:** An Odour Impact Assessment (OIA) has been submitted which has been prepared by odour consultants and this has predicted odour levels at 29 receptors in the local area. These include the closest residential properties in each direction. The OIA notes that odour concentration increases with bird size and age of litter up to the point that thinning takes place at approximately day 31, when a proportion of the birds are removed. It states that odour levels at the point at which the sheds are fully cleared of birds will always be lower than at thinning stage. The OIA takes into account the proposed use of ammonia scrubbers on the proposed new buildings and on two of the existing ones. The proposed ammonia scrubbers would reduce odour emissions and the report states that this reduction would be expected to be more than 40%. The results show that odour levels would increase at each of the receptors. Other than at one of these, the odour concentration level would be below 2 ouE/m<sup>3</sup>. At the closest receptor location (the properties at Tyrley Farm to the north) the odour concentration is predicted to be at an average of 2.9 ouE/m<sup>3</sup>. The OIA refers to Institute of Air Quality Management (IAQM) guidance which states that an odour level at or below 3 ouE/m<sup>3</sup> is 'negligible'.
- 6.5.7 The OIA concludes that the dispersion modelling predicts that odour would be perceived at the closest locations, but that the proposed development would be unlikely to lead to odour impacts at a level which would be regarded by the EA as unacceptable, when operated in accordance with best practice. The Council's Environmental Protection team have raised no issues with the odour assessment and have noted that the odour levels predicted are 98<sup>th</sup> percentiles and so do take account of peak odour levels.
- 6.5.8 Review on behalf of residents: A review of the applicant's odour consultant's OIA has been carried out by another odour consultant, on behalf of local residents. The review concludes that the approach used in the OIA to determining odour emission rates is of high quality but limited to measurement at the peak of the rearing cycle. The review suggests that the higher odour emissions from clearance of the housing and thinning have not been included and that this is a significant omission. However the review also states that, whilst these should have been considered when discussing the outcome of the modelling, they are not suitable to be included in the type of dispersion modelling undertaken. The review states that IAQM guidance notes that where the process is operational, as is the case at the Hollins Lane site, "considerable weight" should be

placed on observational methods such as complaints analysis and sniff testing, and that the existing complaints have not been mentioned in the OIA. It states that this is an omission and that the results of the assessment cannot be relied on without further assessment. It states that the complaints evidence suggests that the current operation results in unacceptable odour impacts and that, as odour exposure would increase as part of the proposed expansion, it would exacerbate an already unacceptable odour environment.

- 6.5.9 In response the applicant's odour consultant emphasises that odour concentration and emission rates have been monitored from within the existing poultry houses rather than being based upon published data from elsewhere. The consultant also considers that, given the comprehensiveness of the site specific data for this existing operation, it would not be possible to have more robust input data for the modelling.
- 6.5.10 Odour complaints: The EA has advised that they have received a large number of odour complaints from a single sensitive receptor in the vicinity of the existing poultry farm. They advise that they have carried out monitoring on a small number of occasions, and have not been able to substantiate any of the complaints. They note that external areas of the dwelling may be impacted during times when there is cooler air, and that when air is rising during warmer conditions the high velocity roof fans would disperse odour sufficiently for it not to become a nuisance. They suggest that odour is likely to be detected at locations downwind of the site at certain times of the crop cycle. As noted in the OIA, the EA advise that peak odour levels occur during the thinning operation which takes place part way through the rearing cycle, and that there will also be odour generated when the sheds are cleared of birds and manure. They advise that these activities are short term. It is understood that no formal action has been taken regarding the odour complaints to date.
- 6.5.11 The Council has been copied in to odour complaints that have been sent to the Environment Agency, and also logged a complaint under the planning enforcement process in 2020. In relation to these the Council's Environmental Protection team have advised that they contacted the complainant to offer to investigate the matter on a number of occasions, but that the complainant advised that no investigation from their team was required as the matter was being pursued with the EA. Information from the complainant in one email suggested that the source of the odour may be from spreading of manure onto fields rather than direct emissions from the poultry houses. The planning enforcement case was subsequently closed down on the basis that the matter was the subject of an ongoing investigation by the EA and that the EA would be the appropriate body to pursue the matter through the regulation of the Permit.
- 6.5.12 The EA has advised that an Odour Management Plan would be required under the Environmental Permit and that this should help to reduce emissions from the site, but acknowledges that this would not necessarily prevent all odour. The EA advises that the Permit is unlikely to prevent odour pollution where there are residents in proximity of the site. The odour report states that potential odour impacts would be reduced further if odour control measures detailed in a site Odour Management Plan as part of the Permit are followed.



- 6.5.13 The proposed air scrubber units would reduce odour emissions, and this would mean that the doubling of the capacity of the poultry farm would not result in a corresponding level of increase in odour. This, in conjunction with the proposed transport of manure off site to an anaerobic digester facility rather than spreading it on local fields where it would release odour in the local area, would reduce the level of odour impact.
- 6.5.14 The lack of sniff testing at suitable locations, in line with the IAQM guidance, would appear to be a significant omission of the applicant's OIA, as is an analysis of the history of complaints. As noted by the Council's Environmental Protection Officer, whilst the numerous complaints have not been verified, the OIA has not fully investigated them either. It is considered that these omissions should be rectified in order to provide a more comprehensive odour assessment.
- 6.5.15 Officers recognise that residential receptors which are situated within proximity of poultry sites may experience some odour on some occasions. Whilst the modelling undertaken suggests that the increase levels of odour that would arise as part of the proposed operation would not be unacceptable, it is considered that the results cannot be fully relied upon given the omissions referred to above. Furthermore, whilst reiterating that the management of the site including emissions of odour is a matter that is regulated by the EA under the Environmental Permitting regime, it has not been demonstrated that the proposal which would result in increased levels of odour, would be acceptable in planning terms.
- 6.6 Traffic, access and rights of way considerations**
- 6.6.1 Core Strategy policy CS6 requires that all development is designed to be safe and accessible. SAMDev Plan policy MD8 states that development should only take place where there is sufficient existing infrastructure capacity. Policy CS17 seeks to protect and enhance environmental networks, including public rights of way.
- 6.6.2 The existing poultry farm is accessed directly from the A529 via a wide access which was constructed to accommodate both rigid and articulated heavy goods vehicles to and from the site. The access includes security gates which are set back from the public highway. All vehicles associated with the proposed operation would use this access. The submitted Transport Note states that at present there are approximately 113 2-way movements to and from the site per cycle that are associated with the poultry operation. The majority of these are associated with feed delivery (22 movements), bird collections (34 movements) and manure removal (33 movements). Traffic movements fluctuate throughout the cycle with the peak periods being during thinning on days 30-31 and during full collection on days 35-36. The proposed expansion of the operation would result in 2-way movements increasing from 113 to 198. Thinning and clearance operations would take place over a longer period.
- 6.6.3 The Council's highways team note that the proposal would increase HGV movements significantly but consider that these can be accommodated on the highway network and by the existing site access. The application states that the existing routing arrangements, which are that vehicles would approach from and leave to the south, would continue to apply. Overall it is considered that the proposal is acceptable in relation to highway safety matters.

6.6.4 Rights of way considerations: The Parish Council has requested that the applicant invests in the reinstatement of a footpath/bridleway along Hollins Lane given the additional traffic that would be generated and the conflict between traffic and walkers. It is understood that a matter relating to a claimed footpath route which crosses the site is being dealt with by an inspector. The Council's Rights of Way team has advised that if an order is made to include the route on the definitive map then, as the claimed route passes through existing site buildings, that a formal diversion would be required. It is considered that this is a matter which is separate to the consideration of the planning application and that it is not reasonable to require that the applicant provides a right of way across the site as part of any planning permission.

## 6.7 Ecological consideration

6.7.1 Core Strategy policies CS6 and CS17 seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan policies MD2 and MD12 require that developments enhance, incorporate or recreate natural assets. Policy MD12 states that proposals which are likely to have a significant adverse effect, directly, indirectly or cumulatively, on specified ecological assets should only be permitted if it can be clearly demonstrated that:

- a) there is no satisfactory alternative means of avoiding such impacts through re-design or by re-locating on an alternative site and;
- b) the social or economic benefits of the proposal outweigh the harm to the asset. It states that in all cases, a hierarchy of mitigation then compensation measures will be sought.

6.7.2 The NPPF requires that planning decisions should contribute to and enhance the natural and local environment and provide net gains for biodiversity (para. 174). It states that if significant harm to biodiversity cannot be avoided, adequately mitigated, or compensated for then planning permission should be refused (para. 180).

6.7.3 The principal ecological issues relate to the direct impacts of the development on the ecological value of the area, and the indirect impacts due to the release of ammonia from the resultant poultry manure.

6.7.4 Direct ecological impacts: The application is supported by a Preliminary Ecological Appraisal which replaces the original one and is up-to-date. A preliminary roost assessment did not identify any trees or structures suitable for bats. The ecology report states that there is a very low likelihood of encountering great crested newt on the site, and no evidence of other protected species was found. The Council's ecologist concurs with the conclusions of the submitted report that no significant impacts upon protected species are likely subject to the implementation of the recommendations in the report. A planning condition can be imposed to require that these are adhered to. The proposed development would result in biodiversity enhancements in the area, including through the planting of substantial areas of woodland adjacent to the proposed poultry buildings.

6.7.5 Indirect ecological impacts: The principal potential indirect ecological impacts would

be from the release of ammonia from the poultry buildings and from any spreading of manure. Ammonia emissions can cause significant damage to sensitive ecological receptors. There are no sites with a European ecological designation within 10km of the site. The Tyrley Canal Cutting SSSI that is located to the south-east is a geological designation and is not sensitive to ammonia or nitrogen. There are two ammonia/nitrogen sensitive SSSIs within 10km of the site, and areas of ancient woodland.

- 6.7.6 An Ammonia Emissions Impact Assessment has been submitted with the application. The principal measures to limit ammonia emissions would be the use of ammonia scrubbing units on the four proposed poultry buildings, and on two of the existing poultry houses. With the incorporation of these scrubbers the Ammonia Assessment has calculated that the contribution of the proposed four additional sheds together with the existing ones on sensitive sites would be lower than at present. The proposed development therefore represents a betterment over the existing situation. The Council's ecologist has confirmed that the proposal is acceptable subject to condition. These conditions include a requirement to ensure that the scrubbers are in operation prior to the commencement of each rearing cycle and that a scheme for contingency measures is agreed.
- 6.7.7 Overall it can be concluded that the proposed development is in line with Core Strategy policies CS6 and CS17, SAMDev Plan policies MD2 and MD12, and relevant sections of the NPPF relating to ecological protection.

## **6.8 Impact on water resources**

- 6.8.1 Core Strategy policy CS18 seeks to reduce flood risk and avoid adverse impact on water quality and quantity. Policy CS6 requires that development safeguards natural resources, including soil and water.
- 6.8.2 Surface water drainage: The site is located within Flood Zone 1 which denotes areas where there is a low risk of surface water flooding. The proposals for surface water drainage would follow the same principles as for the existing development, and would include the collection of water from the buildings in a mix of open and stone-filled trenches. This would direct water to a piped system with the outfall to an existing attenuation pond, to be enlarged for this purpose, located adjacent to the site.
- 6.8.3 Dirty water drainage: Dirty water from the clean-out process would be collected through a dedicated sealed drainage system to an underground pumping chamber. This would then be emptied at the end of each cycle. The Environmental Permit would impose controls over this element of the operation.
- 6.8.4 In relation to public concerns raised over the potential for contaminated water to enter private water supplies it is not considered that there are any particular reasons why the drainage scheme would not be able to prevent this through satisfactory collection and management of dirty water. No issues have been raised by the Council's drainage team and it is considered that detailed designs for the drainage system can be agreed as part of an appropriate scheme to be submitted through a planning condition.

## 7.0 CONCLUSION

7.1 The proposed extension of the existing poultry rearing unit at Hollins Farm to provide a further four sheds represents a significant investment in the expansion of the rural business which has been in operation since 2016, and would bring about economic and social benefits for which there is national and local planning policy support. The proposed additional buildings would match the existing ones in terms of appearance and scale, and would be sited adjacent to them so as to minimise additional landscape impact. The siting, design and landscaping would ensure that significant effects on landscape and visual receptors would be avoided. It is not considered that the proposal would adversely affect the setting of heritage assets in the area, and the existing access and public highway can accommodate the additional traffic without adversely impact on highway safety. The use of air scrubbers to the proposed buildings, and on two of the existing ones, would provide betterment in terms of the amount of ammonia released from the operation. The drainage strategy is considered to be appropriate to avoid pollution and adverse impact on the nearby canal, and detailed matters can be agreed as part of a planning condition. Indirect impacts from manure spreading would be avoided through the proposed export of manure to anaerobic digester plant. Appropriate measures are incorporated within the designs to minimise dust emissions, and noise impacts, particularly in relation to traffic movements, are not anticipated to be unacceptable.

7.2 However there are concerns over the adequacy of the odour assessment submitted as part of the Environmental Statement. Numerous complaints regarding odour in relation to the existing operation have been received, and some investigations into these have been carried out by the Environment Agency as part of their controls under the Environment Permit for the facility. The proposal is predicted to increase odour levels at the nearest receptors, due to the additional number of birds that would be housed. The modelling provided in the Odour Impact Assessment predicts that this would be at a level that would be deemed to be 'negligible' under relevant guidance. The proposed operation, including matters relating to site management and emissions, would be regulated under the Environmental Permitting regime by the Environment Agency. Notwithstanding this, officers consider that there are omissions in the Odour Impact Assessment which mean that the conclusions cannot be fully relied upon to a satisfactory extent to demonstrate that the proposals would not result in an unacceptable impact on residential amenity due to adverse levels of odour. It is therefore recommended that planning permission is refused for this reason.

## 8.0 Risk Assessment and Opportunities Appraisal

### 8.1 Risk Management

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.

- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

## 8.2 Human Rights

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

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

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

## 8.3 Equalities

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

## 9.0 Financial Implications

There are likely financial implications of the decision and/or imposition of conditions if challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependant on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – in so far as they are material to the application. The weight given to this issue is a matter for the decision maker.

## 10. Background

### Relevant Planning Policies

Central Government Guidance:

## National Planning Policy Framework

## Core Strategy and Saved Policies:

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS13 - Economic Development, Enterprise and Employment

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD2 - Sustainable Design

MD7B - General Management of Development in the Countryside

MD12 - Natural Environment

Relevant planning history:

15/00924/EIA Erection of two poultry sheds and feed bins, ancillary works including access track and associated landscaping works GRANT 15th September 2015

11/04052/FUL Erection of a building for pelleting/storage of biomass crop (Miscanthus) with attached office; installation of roof mounted PV solar panels; provision of a weighbridge; provision of visibility splay and associated works; landscaping scheme to include earth bund (Amended Description) GRANT 5th April 2013

14/05167/SCO Scoping opinion for the erection of four poultry units, feedstock clamps and anaerobic digester plant SCO 17th February 2015

15/01108/MAW Installation of an 800kW agricultural Anaerobic Digester (AD) Plant and associated infrastructure GRANT 11th September 2015

17/05286/FUL Application under Section 73A of the Town and Country Planning Act 1990 for the alterations to approved agricultural building and installation of six additional biomass boilers and a drying floor GRANT 28th June 2018

20/02536/FUL Installation of ground source heat pumps; associated ground arrays, and enhanced ventilation units PCO

23/00223/FUL Installation of a battery energy storage system (BESS) compound GRANT 17th May 2023

## 11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q1C27JTDJC700>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) - Councillor Chris Schofield
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Local Member
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Cllr Rob Gittins
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Appendices  
None

