

**NORTH PLANNING COMMITTEE****SCHEDULE OF ADDITIONAL LETTERS****Date: 7<sup>th</sup> November 2023**

**NOTE: This schedule reports only additional letters received before 5pm on the day before committee. Any items received on the day of Committee will be reported verbally to the meeting**

| <b>Item No.</b> | <b>Application No.</b> | <b>Originator:</b> |
|-----------------|------------------------|--------------------|
| 5               | 17/05151/EIA           | Public objection   |

The decision to defer to the next meeting was taken at the planning committee on 10th October. As no minutes have been published of that meeting on the Northern Committee website page and in that period a large amount of additional documentation has been submitted by the applicant, there has not been a reasonable or sufficient amount of time for those documents to be adequately reviewed and commented upon. As this is an EIA application, I believe that the Council must re-consult for a minimum of 30 days before a decision can be taken. As the planning meetings are only 28 days apart that supports that there has been insufficient time for review and responses to be made.

With the short timescale I wish to make the following comments.

Odour - the recent appeal decision (APP/L3245/W/21/3289216) was quite clear in that the Inspector felt that ignoring the effect of clearing out operations (on the odour modelling and the overall odour impact of the proposal) was incorrect and was part of his reasoning for refusing the appeal.

In appendix 1 of the newly submitted papers, the applicant (through RSK ADAS who have submitted this extra report) confirms that clearing out operations are not included in the odour modelling; attempts to justify this at great length (using non-peer reviewed data which I do not see how the Planning Committee can rely on); and does state that odour from clearing out could be 36% higher than other peak odours. A figure of 36% higher emissions, said by the applicant to be not important, rather makes the Inspector's point for him. I do not see how the Planning Committee can simply ignore the recent appeal decision. The reliance on only odour modelling ignores other ways of measuring the effect of odour - like sniff tests for example.

The extra odour information from RSK ADAS also includes contradictions and weaknesses.

1. They say they will avoid weekend clear outs or when the wind is in the wrong direction. but then say it wouldn't be possible to do this anyway.

2. Why mention these mitigations unless they are necessary? Surely these mitigations are only necessary if clearing out operations create unacceptable odour. Yet elsewhere the report downplays any clearing out odour as not serious.

3. Some figures relate to one shed but what about all four sheds together, which would mean 16-20 hours of peak odours?

4. The case study quoted is from Worcestershire and is from 2014 for which no external peer review reference is given, so I assume is only an internal non-peer reviewed study. Why is there nothing more recent or local or peer-reviewed quoted? Even if we are to accept the data, there is no information on the methodology used or how similar the buildings and location are.

Overall, it seems that the Planning Committee are being asked to make a decision based on data they have not seen in detail, cannot challenge, and for which there is no third-party or peer-reviewed basis. Plus it is 7 years out of date.

As we have said all along, we are not NIMBY's. We already have an intensive chicken operation close to us (at Felton Butler) that causes us to suffer odour. We do not complain as we knew about it when we moved to the area. What we object to is the building of another unit so close to the existing one. This will double up every peak odour - hot days, clearing out and so on.

Environment and bio-security - data shows me that there are 38 intensive chicken sheds on 6 sites within about 3 km of the proposed site, with a collective capacity for just under 2 million birds. See the list below. This gives the Nesscliffe area an absurdly high density of intensive chicken operations. As a result of the recent bird-flu outbreak, DEFRA have changed their guidance on intensive chicken operations. To quote: "When planning new sites, consideration should be given to providing the maximum possible distance between the proposed site and existing sites to improve biosecurity. A useful guide is the 3km distance that defines the radius of a Protection Zone in the control of notifiable diseases such as highly pathogenic avian influenza."

DEFRA publication, see pages 15 and 16:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/694013/meat-chicken-code-march2018.pdf#:~:text=Adherence%20to%20these%20recommendations%20will%20help%20keepers%20to,Committee%20%28FAWC%29%20and%20known%20as%20the%20%E2%80%98Five%20Freedoms%E2%80%99](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/694013/meat-chicken-code-march2018.pdf#:~:text=Adherence%20to%20these%20recommendations%20will%20help%20keepers%20to,Committee%20%28FAWC%29%20and%20known%20as%20the%20%E2%80%98Five%20Freedoms%E2%80%99)

There are already 6 sites within 3km and this proposal will take that to 7 and to 2.2 million birds. This site is unsafe from a bio-security point of view.

Ammonia - Data shows that the total number of birds across Shropshire is probably at least 16 million, plus about 6 million upstream in the Powys Severn catchment. This is a similar volume as the catchment area of the River Wye, where pollution from intensive chicken units has caused so many well documented problems, which we have previously referenced. The ammonia issues from this proposed site have also been the subject of many reports. With this large concentration of birds across Shropshire, looking at any one site is irrelevant. Total ammonia emission from intensive chicken operation within the 3km around Nesscliffe (2 million birds) must be the criteria.

To add to that number cannot be good or acceptable.

List of sites (based on planning applications):

Site No. of sheds Capacity for birds

Felton Butler 7 sheds 490,000 birds

Great Ness/Rodefern 7 sheds 350,000 birds

Ensdon 4 sheds 200,000 birds

Little Ness Foxholes 8 sheds 450,000 birds

Little Ness (old site) 4 sheds 80,000 birds (estimate as old site)

Kinton 8 sheds 400,000 birds

Total 38 sheds 1,970,000 birds

| Item No. | Application No. | Originator:  |
|----------|-----------------|--------------|
| 6        | 23/03515/OUT    | Case Officer |

The Summary of Application on the front sheet of the committee report should state that the applicant is Mr John & Mrs Kate Le Brun and not Shropshire Council.

Paragraph 6.6.1 should read that there are five trees proposed to be removed to facilitate the proposed development and not seven.

| Item No.   | Application No.              | Originator:                  |
|--|------------------------------|------------------------------|
| 7  | 23/01422/FUL – Barker Street | Case Officer.                |
| <p>As a result of a recent walkabout in Shrewsbury Town centre, I recommend if members are mindful to support the Officer recommendation that an additional condition is attached to the list of conditions to refer to window detail being submitted for approval prior to any above ground works taking place. This needs to ensure windows are of a suitable design and are recessed rather than flush with the external walls. Reason: In consideration of the Conservation Area and setting of listed buildings.</p> <p>12. Prior to the above ground works commencing details of the window design which will all be recessed and not flush fitting, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.<br/>Reason: To ensure that the external appearance of the development is satisfactory in consideration of the surrounding Conservation Area and setting of listed buildings</p> |                              |                              |
| Item No.   | Application No.              | Originator:                  |
| 7  | 23/01422/FUL – Barker Street | Member of the public.        |
| <p>One further letter of objection received from members of the public. No further planning issues raised to those as covered in the report.</p>   |                              |                              |
| Item No.   | Application No.              | Originator:                  |
| 7  | 23/01422/FUL – Barker Street | Applicants.                  |
| <p>The applicants have submitted an ecology survey in relation to the trees located outside the application site in order to identify if these trees were being used by any protected species. (Bats).</p> <p>The survey has revealed that no potential bat roosting features were identified in the six Whitebeam trees and the nearby single Cherry tree. There is some fluting and an old tear out wound on the trunk of a Norway Maple. The fluting is shallow and has no potential to support roosting bats. The wound is showing some early signs of rot; however, no dome or spire cavity has yet developed within the tree and as a consequence the tree (currently) has no potential to support roosting bats.</p> <p><u>Officer comments.</u></p> <p>Whilst the trees are located outside of the application site, the ecology survey is welcomed in consideration of the removal of these trees and clearly reveals no concerns in relation to habitat for protected species.</p>                     |                              |                              |
| Item No.   | Application No.              | Originator:                  |
| 8  | 19/05127/EIA                 | Applicant's odour consultant |
| <p>In relation to the EHO comments, my responses would be:</p> <p><i>EHO comments: "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".</i></p>   |                              |                              |

This is a misrepresentation of the IAQM Guidance recommendations. Which are as follows:

IAQM Guidance:

“Modelling is a valuable tool and plays a major role in odour assessment; however, it is important to remember that models, even though quantitative, are a simplification of the real situation. If the model is a good representation of the system in operation (the odour release and its dispersion in the atmosphere) and the assumptions and input data are reasonable, then we can use models to make predictions of what might happen.”

Even when the model is a good representation of the real situation and the assumptions and input data are reasonable, the uncertainty for predictions from dispersion modelling can be considerable. It therefore useful to use empirical, observational tools where they are available and applicable, and combine these with modelling where appropriate.”

.....

There is no recommendation that ‘at least two’ (there are only two) methods must be used in any one assessment. The Guidance is clear that additional methods may be useful where appropriate.

I would challenge the Council to provide evidence of any odour assessment for a poultry, turkey or pig farm in Shropshire Council which has been supported by a field odour survey. Each of the following are examples of schemes in Shropshire where the odour dispersion modelling has been (correctly) accepted by the Council as being sufficient: 22/03828/EIA, 22/02001/EIA, 20/03976/EIA.

IAQM Guidance:

“4.3 Selecting the appropriate odour assessment tools In designing the odour assessment strategy, the Air Quality Practitioner needs to select odour assessment tools that suit the study situation. It is therefore normal practice for practitioners to consult with the Local Planning Authority (and/or its air quality specialists) and other statutory consultees to gain agreement on the approach and methodology that will be used.”

.....

As the Council is aware, Isopleth Ltd consulted fully and in some detail with Shropshire Council in relation to this matter. At no point was it raised that the Council had any concerns relating to the odour complaints received from the single complainant. It is the statutory duty of these regulators to fully and fairly investigate such allegations.

Indeed the Committee report confirms that both the EA and the Council are aware of the complaints, have investigated and have not validated the complaints or taken the issue any further.

There can only be two possible reasons for this:

- 1) That the EA considers that their investigation is sufficient and that the EHO has accepted this; or
- 2) The EA and / or Shropshire Council have not fulfilled their duty to investigate the allegations.

It is not appropriate to penalise the applicant in either case.

IAQM Guidance:

“Ultimately though, it is up to the Planning Applicant to decide on how much weight they wish to give to the views of third-party organisations on the approach they will be using, informed by the professional judgement of their Air Quality Practitioner.”

Isopleth has taken an approach at Hollins Lane which is more robust than any other poultry application in Shropshire. In particular the odour monitoring on two occasions and real-time monitoring of ventilation over a full 12 months is significantly more advanced than the applications above (which were approved).

*EHO comments: "Mr Stirling 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".*

This is not a correct interpretation. Dr Bull refers to odour concentrations in an old EA study at another farm in order to claim that the concentration is likely to be much higher than modelled. As I describe above (and have also described in the report and subsequent discussions with the EHO) site specific odour testing has been completed at the Hollins lane site.

*EHO comments: "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".*

There is a history of complaint allegations which the EA and the Council have not validated / upheld. As I note above the IAQM Guidance suggests that where a model is uncertain then other methods can be used, I consider the model inputs to be as (or more) robust than any other application that has been made in the County.

*EHO comments "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".*

This cannot be accurate. It is the statutory duty of these regulators to fully and fairly investigate such allegations and in this case the committee report states that the case was dropped, relying instead on the EA to investigate and regulate it considers that there is a breach of the Permit. In this case the EA has not issued any CAR forms or CCS scored the site and the only reasonable conclusion is that the EA does not consider there to be any breach of the permit at the existing site.