

## Development Management Report

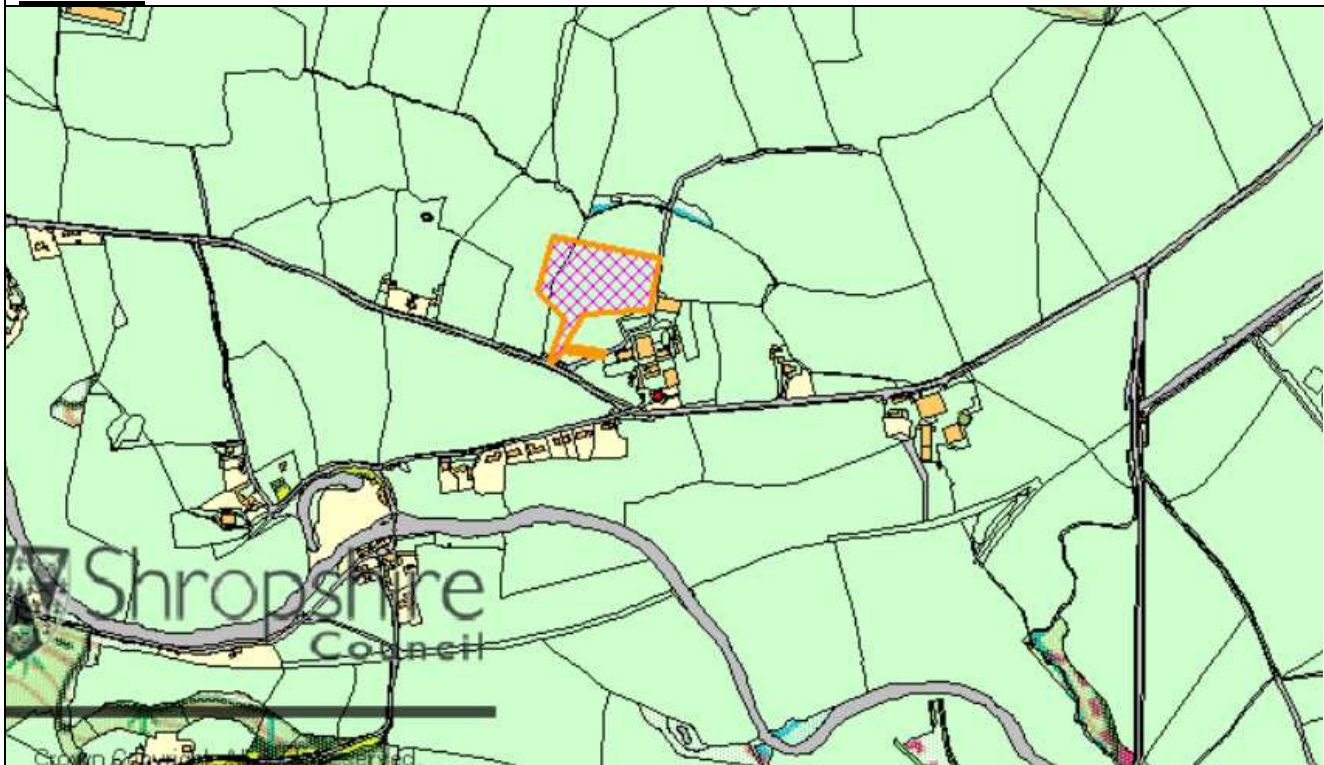
Responsible Officer: Tim Rogers

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

### Summary of Application

<b><u>Application Number:</u></b> 15/00452/EIA	<b><u>Parish:</u></b> Llanyblodwell
<b><u>Proposal:</u></b> Construction of two poultry sheds, feed bins and plant room; formation of new vehicular access with visibility splays (following closure of existing access); ancillary works and associated landscaping	
<b><u>Site Address:</u></b> Bryn-y-Groes Llanyblodwel Oswestry Shropshire SY10 8NB	
<b><u>Applicant:</u></b> DV & GE Wigley & Son	
<b><u>Case Officer:</u></b> Philip Mullineux	<b><u>email:</u></b> <a href="mailto:planningdmnw@shropshire.gov.uk">planningdmnw@shropshire.gov.uk</a>

**Grid Ref:** 324526 - 323061



**Recommendation:- Approval subject to the conditions set out in Appendix 1.**

## REPORT

### 1.0 THE PROPOSAL

- 1.1 Application proposes construction of two intensive broiler units and associated infrastructure for the housing of up to 100,000 broilers on land situated to the rear, (north west), of an existing farmstead in the control of the applicants.
- 1.2 Each unit will measure 113 metres x 26.6 metres with height of 6.05 metres to the ridge vents. Three ancillary feed bins and a feed control building are to be located on land between the two broiler units. Also proposed is construction of a 'plant room' measuring 10 x 7 metres floor space for the housing of ground source heat pump exchanges and related infrastructure. Information in support of the application indicates that the external construction of the two broiler units and plant room will be of portal frame construction with steel cladding finished in Juniper Green colour code BS12B29. The application also proposes re-location of the farm access off the adjacent public highway to serve the proposed development and the existing farmstead.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is located on farmland which forms part of a 'bowl' within the landscape and is located to the rear north west side of 'Bryn-y-Groes' Llanyblodwel. This is a traditional mainly livestock rearing unit typical of the surrounding area, that amounts to approx 87 hectares. To the rear of the site is open farmland.
- 2.2 Access to the site is proposed along a new farm access directly from the B4396 public highway which passes to the south of the application site. The new access is proposed to replace an existing farm access directly off the B4396 highway. Alongside this highway are various other dwellings that are outside the control of the applicant.
- 2.3 The application is accompanied by an Environmental Statement, as the application is within the criteria of Schedule 1 (17a), Environmental Impact Assessment Regulations 2011, and therefore an ES in support of the application is mandatory.
- 2.4 Also accompanying the application is a design and access statement, set of elevation and floor plans, landscape and visual impact assessment, tree survey, drainage and flood risk assessment, ecology survey, heritage assessment, odour impact assessment and highways statement.
- 2.5 The application proposes 'broiler' production which entails day old chicks being bought into the broiler units on site where they are retained on site for an average of 35-36 days with at least a 10 day turn around period. It is anticipated that up to 7 crops will be produced on site annually. The chickens will be grown for a food processing company that supplies chicken to the retail trade. In order to supply the retail trade, all farmers must as a minimum, be members of the independently

audited Red Tractor Farm Assured Chicken Scheme (formerly ACP). The scheme requires farmers to comply with strict management requirements such as stocking at a maximum of 38kg/m<sup>2</sup>. Some retailers now require the supply of “Higher Welfare Chicken” (HWC), which includes those endorsed by the RSPCA Freedom Foods Scheme stocked to a lower rate of 30kg/m<sup>2</sup>. At the end of the growing period they will be collected and transported to a processing plant.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The proposal is for schedule '1' EIA development and therefore Committee consideration is mandatory in accordance with the Council's scheme of delegation.

### 4.0 Community Representations

4.1.1 Llanyblodwel Parish Council has responded to the application indicating that they do not object to the application but they would like to submit the following comment

*'The Parish Council has no objection to the application but in order to reduce the impact of the sheds on the landscape the council would wish to see the gable ends of the sheds clad in Yorkshire board so that they blend with the existing buildings and overall agricultural appearance of the area'.*

### 4.2 Consultee Comments

4.2.1 **Natural England** raises no objections. Their response indicates that they do not consider that this application poses any likely or significant risk to those features of the natural environment for which we would otherwise provide a more detailed consultation response and so does not wish to make specific comment on the details of this consultation.

4.2.2 **The Environment Agency** raises no objections. Their response indicates: (Reproduced here in full owing to the sensitivity of the site and the requirements for an Environmental Permit in order for the development as proposed to operate).

*'Intensive pig and poultry sites are regulated by us under the Environmental Permitting (England and Wales) Regulations (EPR) 2010. Farms that exceed capacity thresholds >40,000 birds require an Environmental Permit (EP) to operate. For completeness, the total number of bird places proposed (approximately 100,000 broilers) would exceed the capacity thresholds and require an EP to operate. We have just received an EP application for this proposal. We normally recommend the 'twin tracking' of the EP application alongside the planning application. The 'twin tracking' of applications allows for a more comprehensive submission. A cross reference with the permit requirements (those affecting land use decisions) would help demonstrate "the development itself is an acceptable use of the land" (NPPF, paragraph 120).*

For information, we have provided the applicant with an initial ammonia screening assessment as part of a pre-permit application consultation. Our report concludes that, based on the information provided, the applicant would not need to submit detailed modelling with their EP application'

Under the EPR the EP and any future variations cover the following key areas of

potential harm:

- Management – including general management, accident management, energy efficiency, efficient use of raw materials, waste recovery and security;
- Operations – including permitted activities and operating techniques (including the use of poultry feed, housing design and management, slurry spreading and manure management planning);
- Emissions – to water, air and land including to groundwater and diffuse emissions, transfers off site, odour, noise and vibration, monitoring; and
- Information – including records, reporting and notifications.

Development Proposals:

Key environmental issues that are covered in the EP include odour, noise, ammonia, bio-aerosols and dust. These relate to any emissions that are generated from within the EP installation boundary.

Based on our current position, we would not make detailed comments on these emissions as part of the planning application process.

As part of the EP application it is the responsibility of the applicant to undertake the relevant risk assessments and propose suitable mitigation to inform whether these emissions can be adequately managed. For example, management plans may contain details of appropriate ventilation, abatement equipment etc.

Should the site operator fail to meet the conditions of an EP we will take action in-line with our published Enforcement and Sanctions guidance.

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

Water Management:

The Water Framework Directive (WFD) waterbody in closest proximity to the proposed development site is the 'River Tanat - confluence River Rhaeadr to confluence River Vyrnwy' (Waterbody Reference GB109054050050), which is classified as a 'moderate' waterbody. Any development should not cause any deterioration in water quality or hamper efforts to improve waterbody status to 'good' by 2027.

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

Shed roofs that have roof ventilation extraction fans present, may result in the build up of dust which is washed off from rainfall, forming lightly contaminated water. The EP will normally require the treatment of roof water, via swales or created wetland from units with roof mounted ventilation, to minimise risk of pollution and enhance water quality. For information we have produced a Rural Sustainable Drainage System (SuDS) Guidance Document, which can be accessed via:

<http://publications.environment-agency.gov.uk/PDF/SCHO0612BUWH-E-E.pdf>

**Flood Risk (Surface Water):**

Based on our 'indicative' Flood Map for Planning (Rivers and Sea), the proposed site is located within Flood Zone 1 which comprises of land assessed as having a less than 1 in 1000 annual probability of river flooding (<0.1%). In considering surface water run-off, the Environmental Impact Assessment (EIA) includes a 'Flood Risk and Drainage Assessment' by Woodsyde Developments Ltd (Appendix 10 and Chapter 13 of the ES). For applications subject to EIA we wish to provide 'strategic' surface water comments. We would recommend that your Flood and Water Management team are consulted on the detail of the surface water drainage proposals, as the Lead Local Flood Authority (LLFA). We acknowledge the proposals incorporate SuDS in the form of open and stone filled trenches with discharge to an existing watercourse limited to greenfield run-off rate for events up to a 1 in 100 year plus climate change (20% allowance) design standard.

We note that Appendix 10 and Chapter 13 of the ES make reference to a low risk of groundwater flooding; we would leave the detail of this for consideration by the LLFA.

For further information please refer to our LPA Process Note 'Operational Development (1ha) within Flood Zone 1'.

**Manure Management (storage/spreading):**

Under the EPR the applicant will be required to submit a Manure Management Plan, which consists of a risk assessment of the fields on which the manure will be stored and spread, so long as this is done so within the applicants land ownership. It is used to reduce the risk of the manure leaching or washing into groundwater or surface water. The permitted farm would be required to analyse the manure twice a year and the field soil (once every five years) to ensure that the amount of manure which will be applied does not exceed the specific crop requirements i.e. as an operational consideration. Any Plan submitted would be required to accord with the Code of Good Agricultural Policy (COGAP) and the Nitrate Vulnerable Zones (NVZ) Action Programme where applicable.

The manure/litter is classed as a by-product of the poultry farm and is a valuable crop fertiliser on arable fields.

We can confirm that the proposed site (as shown on the site plan submitted) is not located within a NVZ.

**Pollution Prevention:**

Developers should incorporate pollution prevention measures to protect ground and surface water. We have produced a range of guidance notes giving advice on statutory responsibilities and good environmental practice which include Pollution Prevention Guidance Notes (PPG's) targeted at specific activities. Pollution prevention guidance can be viewed at:

<http://www.environment-agency.gov.uk/business/444251/444731/ppg/>

The construction phase in particular has the potential to cause pollution. Site operators should ensure that measures are in place so that there is no possibility of

contaminated water entering and polluting surface or ground waters. No building material or rubbish must find its way into the watercourse. No rainwater contaminated with silt/soil from disturbed ground during construction should drain to the surface water sewer or watercourse without sufficient settlement. Any fuels and/or chemicals used on site should be stored on hardstanding in bunded tanks.'

- 4.2.3 **SC Public Protection** have responded to the application indicating will be *no significant adverse impact on the amenity of the area. The permit issued and regulated by the Environment Agency will control these elements.*
- 4.2.4 **Shropshire Fire Service** raises no objections.
- 4.2.5 **SC Drainage** has responded to the application indicating that the surface water drainage design for the site is acceptable. The drainage details, plan and calculations could be conditioned if planning permission were to be granted.
- 4.2.6 **S.C. Highways.** The highway authority raises no objection to the proposed poultry shed development subject to conditions with regards to the new access and closing off the existing access being attached to any approval notice issued.
- 4.2.7 **SC Planning Ecologist** in their initial response to the application raised no objections subject to a satisfactory Phase 2 bat survey being submitted in support of the application in order to assess the presence/absence of bats in a mature Oak proposed for removal from site and conditions to be attached to any approval notice issued with regards to a wildlife protection plan, installation on site of 4 woodcrete artificial nests and a scheme in relationship to landscaping being submitted to the Council prior to any development on site.

Final comments in response to additional information received from the applicants in relationship to on site bat activity raises no objections.

Comments are made that the watercourse just beyond the northern boundaries of the grass field is narrow and was slow flowing at the time of survey. The water was silty with a maximum approximate depth of 0.3 m, which was likely to be a result of recent heavy rains. The earth banks are steep and sparsely vegetated due to the heavy shading from the trees that line the watercourse. The watercourse does act as a wildlife corridor and as such consideration must be taken to ensure protection of the watercourse from sediment and pollution run off during and post development works.

In relationship to the Habitat Regulation Assessment the response indicates that the proposed application is for 2 poultry sheds. Each building will house c. 50,000 birds. The Environment Agency (EA) Ammonia Screening Assessment has been based on a total of 120,000 broiler chickens and no issues of concern are raised. A copy of the HRA is attached to this report.

### 4.3 **Public Comments**

- 4.3.1 One letter of support has been received from members of the public. The letter states support for the proposal with consideration to its location and impact upon the landscape and also makes comment that the development is appropriate for the

farming business concerned.

## 5.0 THE MAIN ISSUES

- Principle of development
- Siting, scale and design of structure
- Visual impact and landscaping
- Residential amenity and public protection
- Ecological issues.

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

6.1.1 The National Planning Policy Framework, (NPPF), emphasises in paragraph 28 on Supporting a prosperous rural economy, that planning policies should support economic growth in rural areas, in order to create jobs and prosperity by taking a positive approach to sustainable new development and promote the development and diversification of agriculture and other land based rural businesses.

6.1.2 Policy CS5: Countryside and green belt in the Core Strategy states that new development will be permitted where it improves the sustainability of rural communities where development diversifies the rural economy including farm diversification schemes. The policy further states that large scale agricultural related development will be required to demonstrate that there are no unacceptable adverse environmental impacts.

6.1.3 Policy CS6: Sustainable design and development principles emphasises how development must be designed to a high standard using sustainable design principles and make the most effective use of land whilst safeguarding natural resources.

6.1.4 Policy CS13: Economic development, enterprise and employment, puts emphasis on diversifying the Shropshire economy, supporting enterprise and seeking to deliver sustainable economic growth and in rural areas recognising the continued importance of farming for food production and supporting rural enterprise and diversification of the economy and in particular areas of economic activity associated with agricultural and farm diversification.

6.1.5 The policies referred to above clearly support appropriate agricultural economic growth and diversification in context to the local environment.

6.1.6 The development in principle is considered an appropriate form of farm diversification in relationship to the agricultural business concerned, proposing construction of two broiler units for the housing of up to 100,000 broilers on site at any one time as a form of diversification in relationship to a family owned and managed, mainly stock rearing, unit which amounts to 87 hectares. As such the principle of the development is considered acceptable and in accordance with relevant national and local planning policies as outlined above.

6.1.7 The location for the development is to the rear of an existing farmstead in the

control of the applicants, the site considered the most appropriate location for the development, and as such the sequential site selection in relation to all relevant planning issues is considered acceptable subject to satisfactory consideration to other planning issues as considered later in this report.

## **6.2 Siting, scale and design of the development and impact on surrounding landscape character and built environment.**

6.2.1 The development construction proposes two steel profile and clad broiler units each measuring 113 x 26.6 metres floor space with a height of 6.05 metres to the ridge vents. Also proposed is a plant room with floor space of 10 x 7 metres and this will house heat pumps and associated equipment which will be used to heat the poultry units. The application also proposes three feed silos alongside the units. As such it is acknowledged that the development is large scale which will have an impact on the landscape.

6.2.2 The location for the development is to the rear of the existing farmstead on a site which appears as a natural 'bowl' within the landscape topography and it is considered with additional landscape mitigation in the form of tree and hedge planting that the development can be incorporated into the landscape without a significant detrimental impact. Information in support of the application indicates that the proposed plant room and broiler units themselves will be finished in dark green profile sheeting, (colour code BS12B29), and with consideration to the location this is considered acceptable. However no indication is given in relationship to the external colour of the feed silos. These by the nature of their height and scale can appear conspicuous in the landscape and as such it is recommended that a condition is attached to any approval notice issued in order to ensure the whole of the development is finished in the dark green colour as suggested.

6.2.3 Impact on the surrounding built environment is considered acceptable. The development will have no significant detrimental impact on heritage assets.

6.2.4 On this basis the detail as indicated in the landscape and visual impact assessment submitted in support of the application is considered acceptable, the development on the whole considered to be in accordance with relevant national and local planning policies in relationship to siting, scale and landscape and visual impact.

## **6.3 Residential amenity and public protection.**

6.3.1 The proposed development is located some 150 metres from the nearest residential dwelling outside the control of the applicants. The National Planning Policy Framework in paragraph 122 states that 'local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively.

6.3.2 The applicants will need to obtain from the Environment Agency an Environmental Permit in order to operate from the site, this will control issues in relation to residential amenity. The Environment Agency's response to the application raises no objections indicating that they have received an environmental permit application from the applicants and that this will cover issues such as on site noise, emissions and waste generated on site and their management, the permit will also covers



issues of concern in relationship to surrounding residential amenity. An odour management plan will also form part of the Environmental Permit. The response also refers to planning advice as set out in the NPPF. Management operations are as outlined in the EA response as indicated in paragraph 4.1.3 of this report. The EA response indicates that they have provided the applicants with an initial ammonia screening assessment as part of a pre-permit application consultation and that their report concludes that, based on the information provided, the applicant would not need to submit detailed modelling on environmental issues with their EP application' It is noted Natural England raises no objections to the development.

- 6.3.3 Information submitted in support of the application, as part of the Environmental Statement is considered acceptable in relationship to residential amenity and it is noted that none of the statutory consultees raise any objections on this matter.
- 6.3.4 It is also noted that SC Public Protection have responded to the application indicating that, based on the information submitted in support of the application, there will be no significant adverse impact on the amenity of the area and that the permit issued and regulated by the Environment Agency will control these elements.
- 6.3.5 However the Environmental permit issued and monitored by the Environment Agency only covers on site activities and therefore feed deliveries to the site and manure movements off the farming unit concerned will not be covered by the permit, (other than on-site activities), and as such with proximity to the site of dwellings outside of the applicants control it is recommended that conditions are attached to any approval notice issued restricting times for feed deliveries and that any manure removed off site is done so in sealed and covered containers/trailers.
- 6.3.6 On balance the proposal is considered acceptable in relationship to surrounding residential amenity issues subject to the applicants obtaining an environmental permit for the operations as proposed from the EA. As such the proposal, on balance, is considered to be in accordance with relevant policies of the Shropshire Core Strategy and the National Planning Policy Framework on issues in relation to residential amenity and public protection.

#### 6.4 **Ecological impacts**

- 6.4.1 The application is accompanied by an ecological assessment and further information has been received in relation to bats and potential habitat and the conclusions to the reports are considered satisfactory. A Habitat Regulations Assessment has been carried out and this is attached to the report for reference purposes and for members to note in the determination of the application.
- 6.4.2 Natural England and SC Ecology raise no objections and recommend the attachment of conditions to any approval notice issued with regards to a wildlife protection plan, nesting provision for small birds, and on site landscaping. Also recommended are the attachment of informatives' in order to remind the applicants/developer with regards to the provisions of the Wildlife and Countryside Act 1981, external lighting, trench excavation, storage of construction materials and badger protection
- 6.4.3 On ecological issues the proposal is considered acceptable and in accordance with Policy CS17: Environmental Networks of the Shropshire Core Strategy and other

relevant local plan policies as well as the National Planning Policy Framework.

## 6.5 **Other matters**

- 6.5.1 Impacts on public highways and transportation matters are considered acceptable. The development will have direct access from land in the applicants control onto the B4396 public highway and it is considered that this highway is capable of absorbing the additional traffic as a result of the proposal.
- 6.5.2 The application proposes closing off an existing farm access onto the B4396 and creation of a new farm access to serve both the existing farm operations and the proposed development. This is considered acceptable with attachment of conditions to any approval notice issued as recommended by the Council's Highways Officer, in relation to permanently closing off the existing access, creation of the necessary visibility splays and any necessary native hedgerow planting.
- 6.5.3 With consideration to the above-mentioned the development is considered satisfactory in relationship to transportation issues and as such is considered to be in accordance with relevant national and local planning policies on transportation and highway matters.

## 7.0 **CONCLUSION**

- 7.1 The proposal is for two intensive broiler units and supporting infrastructure which will house up to 100,000 birds on site, as part of an appropriate farm diversification venture for the existing family farming business.
- 7.2 The proposed development raises no adverse concerns from any of the statutory consultees to the application and with no objections from the local Parish Council or members of the public. The proposal will require an Environmental Permit to be issued and monitored by the Environment Agency in order to operate and this will control issues in relationship to residential amenity, noise and environmental matters.
- 7.3 The findings and conclusions as indicated in the Environmental Statement submitted in support of the application are considered acceptable.
- 7.4 As such the proposed development is considered acceptable and in accordance with relevant policies as set out in the Shropshire Core Strategy, the National Planning Policy Framework and other relevant planning guidance. The recommendation is therefore one of approval subject to conditions as attached to this report.

## 8.0 **Risk Assessment and Opportunities Appraisal**

### 8.1 Risk Management

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

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

The decision may be challenged by way of a Judicial Review by a third party.

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

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

## 8.2 Human Rights

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

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

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

## 8.3 Equalities

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

## 9.0 Financial Implications

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

## 10.0 Relevant Planning policies.

- 10.1 National Planning Policy Framework. (Key sections are considered to be),
- Building a strong, competitive economy.
  - Supporting a prosperous rural economy.
  - Conserving and enhancing the natural environment.

- 10.2 Shropshire Core Strategy –  
Policies CS4, CS5, CS6, CS7, CS13, CS16, CS17, CS18
- 10.3 Shropshire SAMDev.

11. Additional Information

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

Cabinet Member (Portfolio Holder)

Cllr M. Price

Local Member

Cllr Arthur Walpole

Appendices

APPENDIX 1 – Conditions

APPENDIX 2 – Habitats Regulations Assessment

## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans and drawings.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

#### CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

5. Within a period of 3 calendar months of the new access being brought into use, the existing access onto the B4396 shall be permanently closed in accordance with details and a specification to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

6. No development shall take place until a scheme of foul drainage and surface water flooding has been approved in writing by the Local Planning Authority. The scheme shall be completed before the development is brought into use and will pay particular attention to the north west area of the site which is considered to be at risk of surface water flooding from the adjacent watercourse. As the site is being cut into the existing ground, it should be demonstrated that measures have been taken to reduce the risk of flooding from this source.

Reason: To minimise the risk of surface water flooding.

8. No development or clearance of vegetation shall take place until a Wildlife Protection plan has been submitted to and approved in writing by the local planning authority. The plan shall include:
  - a. An appropriately scaled plan showing 'Protection Zone' where construction activities are restricted and where protective measures will be installed or implemented;
  - b. Details of protective measures (both physical measures and sensitive working practices) to avoid pollution and sediment impacts on the watercourse during and post construction.

Reason: To protect features of recognised nature conservation importance.

10. No development or clearance of vegetation shall take place until a scheme of landscaping is submitted and agreed in writing by the local planning authority and these works shall be carried out as approved. The submitted scheme shall include:
- Planting plans, including wildlife habitat and features (e.g. bird and bat boxes, bat lighting plan)
  - Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment)
  - Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate. Native species used to be of local provenance (Shropshire or surrounding counties)
  - Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works
  - Implementation timetables

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design.

11. On the Pluvial Flood Map, the north west area of the site is at risk of surface water flooding from the adjacent watercourse. As the site is being cut into the existing ground, it should be demonstrated that measures have been taken to reduce the risk of flooding from this source.

Reason: To minimise the risk of surface water flooding.

12. No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved scheme.

Reason: To ensure that effective drainage facilities are provided for the development and to ensure no adverse impacts occur to the surrounding environment.

13. Lighting schemes
- Prior to the installation of external lighting, complete details of all external lighting shall be submitted to and approved in writing by the Local Planning Authority.
  - The lighting scheme shall be installed in accordance with the approved scheme and shall thereafter be maintained.

Reason: To enable the Local Planning Authority to minimize light spillage beyond the site and thus minimize the potential for light pollution and nuisance.

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

3. The development hereby permitted shall not be undertaken other than in accordance with the procedures as set out in the Noise Management Plan submitted as part of the Environmental Impact Assessment.

Reason: To protect local and residential amenity from adverse noise impact.

9. A total of 4 woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be erected on the site prior to first occupation of the buildings hereby permitted.

Reason: To ensure the provision of nesting opportunities for wild birds.

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

7. Notwithstanding the approved plans the external colouring of the development hereby approved shall be to colour code juniper green BS12B29 or other dark colour approved in writing with the Local Planning Authority prior to any development on site.

Reason: In consideration of landscape and visual impact and to comply with Policies CS5, CS6 and CS17 of the Shropshire Core Strategy.

**APPENDIX 2****Habitat Regulation Assessment (HRA) Screening Matrix**

Application name and reference number:

15/00452/EIA

Bryngroes

Llanyblodwel

Oswestry

Shropshire

SY10 8NB

Construction of two poultry sheds, feed bins and plant room; formation of new vehicular access with visibility splays (following closure of existing access); ancillary works and associated landscaping.

Date of completion for the HRA screening matrix:

21<sup>st</sup> April 2015

HRA screening matrix completed by:

Nicola Stone

Assistant Biodiversity Officer

01743-252556

**Table 1: Details of project or plan**

Name of plan or project	15/00452/EIA Bryngroes Llanyblodwel Oswestry Shropshire SY10 8NB Construction of two poultry sheds, feed bins and plant room; formation of new vehicular access with visibility splays (following closure of existing access); ancillary works and associated landscaping.
Name and description of Natura 2000 site	<b>European Designated Sites within 10km:</b> Tanat and Vymwy Bat SAC Montgomery Canal SAC Midland Meres & Mosses - Phase 2 Ramsar  <b>NB</b> For completeness the SSSI's within 5km and local sites within 2km are listed below: <b>SSSI's within 5km</b> Llanymynech and Llyncllys Hills Craig Sychtyn Blodwel Marsh



	<p>Trefonen Marshes Sweeney Fen Montgomery Canal Llanymynech and Llyncllys Hills</p> <p><b>Local Sites within 2km</b> Moelydd Porth-y-Waen Meadow Cefn Lane Globe Flower Field-Nant Mawr Nant Mawr Reserve Nant Mawr Meadows new Steetley Fields Llyncllys Quarry Mount Zion Offa's Dyke - Nant Mawr Jones Rough Nant Mawr Nant Mawr Porth-y-Waen Bird Site Llanymynech Hill Wood Blodwell Hall Wood Llyncllys Hill Wood Plantation on Ancient Woodland Site</p>
Description of the plan or project	Construction of two poultry sheds, feed bins and plant room; formation of new vehicular access with visibility splays (following closure of existing access); ancillary works and associated landscaping.
Is the project or plan directly connected with or necessary to the management of the site (provide details)?	No
Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?	Not Applicable – Where no likely significant effect of the proposal is noted on a European Designated Site (see modelling from the Environment Agency) then consideration of the in-combination effects test is not recommended by Natural England or Environment Agency. Shropshire Council is taking advice from EA and NE throughout the Habitat Regulation Assessment Process.

### Statement

This site has had pre-application advice from Environment Agency reference EPR/VP3237WY/A001 for 120,000 broiler places.

Natural England has been formally consulted on this current planning application and has responded dated 17<sup>th</sup> April 2015 with no objection.

SC Ecology has contacted the Environment Agency in order to receive a copy of their Ammonia Screening Assessment. Kevin Heede has provided this on the 1<sup>st</sup> April 2015.

The relevant thresholds have been agreed between Natural England and Environment Agency for use with the Environment Agency detailed emissions model:

- Emissions of ammonia under 4% of the critical level for a European Designated Site (within 10km)
- Emissions of ammonia under 20% of the critical level for a SSSI (within 5km)
- Emissions of ammonia under 50% of the critical level for a local wildlife site or ancient replanted woodland (within 2km)

If any emission on a European Designated Site is over these thresholds then a full appropriate assessment would be required. Any emission under these thresholds is not considered 'significant' by Environment Agency and Natural England and is considered to have no in-combination effects.

All designated sites have screened out below the critical level of ammonia. The EA has stated that detailed modelling is not required to support this application.

#### **The Significance test**

Based on the Ammonia Screening output which has been provided by the Environment Agency, and using the modelling and thresholds agreed by Environment Agency and Natural England, there is no likely significant effect of the proposed activity under planning application 15/00452/EIA at Bryngroes, Llanyblodwel, Oswestry Shropshire SY10 8NB for the construction of two poultry sheds, feed bins and plant room; formation of new vehicular access with visibility splays (following closure of existing access); ancillary works and associated landscaping.

#### **The Integrity test**

There is no likely effect on the integrity of any European Designated Site from planning application 15/00452/EIA at Bryngroes, Llanyblodwel, Oswestry Shropshire SY10 8NB for the construction of two poultry sheds, feed bins and plant room; formation of new vehicular access with visibility splays (following closure of existing access); ancillary works and associated landscaping.

#### **Conclusions**

The Habitat Regulation Assessment screening process has concluded, supported by the evidence from Environment Agency, that there is no likely significant effect and no likely effect on integrity of the European Designated from planning application reference 15/00452/EIA at Bryngroes, Llanyblodwel, Oswestry Shropshire SY10 8NB for the construction of two poultry sheds, feed bins and plant room; formation of new vehicular access with visibility splays (following closure of existing access); ancillary works and associated landscaping on any European Designated Site.

An Appropriate Assessment is not required and there is no legal barrier under the Habitat Regulation Assessment Process to planning permission being issued in this case.

#### **Guidance on completing the HRA Screening Matrix**

##### **The Habitat Regulation Assessment process**

Essentially, there are two 'tests' incorporated into the procedures of Regulation 61 of the Habitats Regulations, one known as the 'significance test' and the other known as the 'integrity test' which must both be satisfied before a competent authority (such as a Local Planning Authority) may legally grant a permission.

The first test (the significance test) is addressed by Regulation 61, part 1:

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

(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and

(b) is not directly connected with or necessary to the management of that site,

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

The second test (the integrity test) is addressed by Regulation 61, part 5:

61. (5) In light of the conclusions of the assessment, and subject to regulation 62 (consideration of overriding public interest), the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).

In this context 'likely' means "probably", or "it well might happen", not merely that it is a fanciful possibility. 'Significant' means not trivial or inconsequential but an effect that is noteworthy – Natural England guidance on The Habitat Regulation Assessment of Local Development Documents (Revised Draft 2009).

#### **Habitat Regulation Assessment Outcomes**

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

**If it is not possible to establish this beyond reasonable scientific doubt then planning permission cannot legally be granted.**

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

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