



Committee and date

Central Planning Committee

16 July 2015

Development Management Report

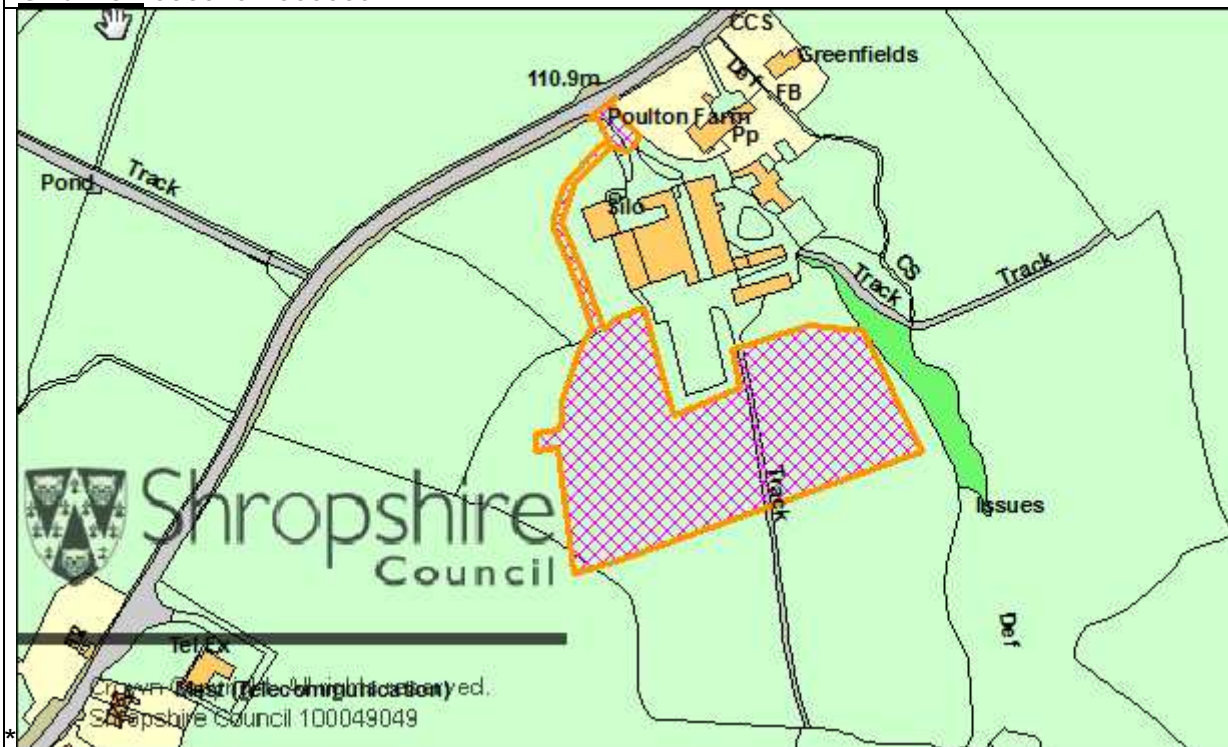
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Summary of Application

Application Number: 15/00487/EIA	Parish: Minsterley
Proposal: Erection of 2 no. poultry sheds and feed bins, ancillary works, improvements to existing access, and associated landscaping works	
Site Address: Poulton Farm Little Minsterley Minsterley Shrewsbury SY5 0BW	
Applicant: D P & M A Jones	
Case Officer: Philip Mullineux	email: planningdmnw@shropshire.gov.uk

Grid Ref: 338345 - 305589



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Contact: Tim Rogers (01743) 258773

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

REPORT

1.0 THE PROPOSAL

- 1.1 Application proposes construction of 2 no. intensive broiler poultry sheds and 3 feed bins, ancillary works, improvements to existing access, and associated landscaping works on land to the rear of Poulton Farm, Little Minsterley, Minsterley, Shrewsbury, SY5 0BW.
- 1.2 The application is accompanied by an Environmental Statement which includes a planning policy statement, heritage assessment, odour impact assessment, ammonia report, noise assessment, transportation assessment, landscape visual impact assessment, flood and drainage assessment and ecological report. Also accompanying the application is a set of proposed elevation and floor plans, site location plan and block plan.
- 1.3 The application falls into the remit of the Town & Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (as amended) Schedule One development, and therefore an Environmental Statement is mandatory to accompany any planning application for development on site. The threshold for schedule one development is 85,000 broiler birds, this application proposes housing for up to 100, 000 birds on site. As such the application was advertised by the Council as Development accompanied by an Environmental statement.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site equates to an area of 1.16 hectares, being grade 3 agricultural classification land, and is located to the rear of an existing working farmstead, comprising of a farmhouse and range of traditional and modern farm buildings. The farming unit amounts to 45 hectares, (110 acres), owner occupied land with a further 61 hectares, (150 acres) on a farm business tenancy. The enterprise is mainly livestock rearing comprising of a sheep and beef cattle with a small amount of corn grown for consumption by livestock reared on the farming unit.
- 2.2 The development site itself is set on slightly undulating ground which in general slopes upwards from the existing buildings towards the south of the site. The land then slopes up towards Poles Coppice and the edge of the Shropshire Hills AONB. Pontesbury is located to the north-east. (approx.1.3 km in distance), To the north the land drops down towards the Rea Brook and Minsterley is located to the south-west. The nearest dwelling to the farmstead is located approx. 150 metres away and this dwelling is occupied by the applicant's parents who have an interest in the farming business.
- 2.3 The buildings will each measure 115.82 metres by 26.61 metres (360ft x 80ft) and 5.76 metres high and will be situated directly adjacent to the existing farm buildings at Poulton Farm. The buildings are to be of standard construction, comprising portal

frame and profile sheet cladding, and will be fully insulated to reduce energy consumption. Access to the site will be gained from the existing farm access off the adjacent A488 highway.

- 2.4 The broilers will be brought in as day old chicks at a 50-50 mix of males and females. The 36 day growth period will lead to birds being around 2kg in weight by clear out. The chicks will be brought in from a hatchery with the average crop cycle being 35-36 days plus the clean-out period. 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 **Minsterley Parish Council** raises no objections, their response indicating that 'there must be a stipulation that the screening to the south covers the sheds'.

4.2 Consultee comments.

- 4.3 **Historic England (English Heritage) raises no objections.** They comment indicating that the development will impact upon the setting of the Scheduled Ancient Monument known as Callow Hill Camp: a small multivallate hillfort (UDS: 1019828) and that they are currently working with the owners of the hill fort to reduce tree cover on the Scheduled Ancient Monument which will make it more prominent in the landscape and increase the impact of the proposals on the monument. The response indicates that if the proposed development is approved, planning conditions should be applied which require the prior approval of design details and finished in order to minimise the visual impact on the Scheduled Ancient Monument.

- 4.4 **Natural England – No objection following receipt of additional comments 23rd June 2015.**

Withdrawal of objection

Natural England previously advised that further information was necessary in order to undertake a Habitat Regulations Assessment (HRA) in relation to this proposal, we note that your authority has received this information and undertaken a HRA. Your assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of information provided, Natural England concurs with this view.

Nationally designated sites – withdrawal of objection

This application is in close proximity to Marton Pool Chirbury, Minsterley Meadows, The Stiperstones & the Hollies and Earl's Hill & Habberley Valley Sites of Special Scientific Interest (SSSIs). Natural England is able to remove its objection based on the comments of your ecology team who have assessed the impacts of ammonia on

designated sites and consider that effects arising from the proposal are considered below the threshold for which the Environment Agency considers significant.

- 4.5 **SC Planning Ecologist** raises no objections. The response recommends conditions to be attached to any approval notice issued and that a copy of the Habitat Matrix report is attached to any Committee report for planning consideration.
- 4.6 **SC Drainage** raises no objections subject to conditions.
- 4.7 **SC Highways** raises no objections the response indicates that the existing farm site benefits from a direct access to the A488 principal road, where the junction sightlines have recently been improved considerably following the purchase of land from the applicant and the construction of the new footway/cycle route by the local highway authority to link Pontesbury and Minsterley. Given this direct access and the existing agricultural use, this would appear to be an ideal site for the proposed diversification by constructing the broiler units. We have examined the transport assessment provided with the application and we agree with the conclusions drawn that there should be no adverse highway impacts resulting from this proposal. Some outline details have been provided regarding the alterations to the access, however the construction details will require approval before work can commence on site and hence a road design condition is recommended above. Also, whilst it appears there is sufficient space provided for turning vehicles on the site, no turning movement information has been provided so again a pre-commencement condition for this is required to confirm these details.

The response recommending conditions to be attached to any approval notice issued in relationship to road design, parking/turning/loading and on site construction and an informative in relationship to a S184 license.

- 4.8 **SC Fire and Rescue Service** raises no objections.
- 4.9 **SC Archaeology** have responded to the application with no objections subject to conditions stating:

'The proposed development comprises two poultry sheds to be sited immediately south of the existing farmstead at Poulton Farm. The proposed development site is located c. 550m north of the Scheduled Monument of Callow Hill Camp (NHLE ref. 1019828). Poulton itself has been included on the Historic Environment Record as a deserted/ shrunken medieval settlement (HER PRN 03667). The Heritage Impact Assessment submitted with the application states that this settlement is first recorded in the late 13th century, with later documentary sources indicating that it is always likely to have remained a small settlement. However, the extent of any below ground archaeological remains associated with this settlement remains unknown. The proposed development site is therefore considered to have low-moderate archaeological potential.

RECOMMENDATION:

A Heritage Impact Assessment by Richard K Morriss & Associates has been submitted with the application to satisfy the requirements set out in Paragraph 128 of the NPPF. In their consultation response of 10 March 2015 English Heritage state

that they consider the proposed development will impact on the setting of the Scheduled Monument, taking account of ongoing management works to reduce scrub and tree cover over it. They therefore recommend appropriate conditions requiring prior approval of materials and finishes are included on any planning permission, so that visual impact on the monument is reduced through design measures. An appropriate standard condition is advised below.

In view of the recommendations contained in the Heritage Impact Assessment, and in line with Paragraph 141 of the NPPF, it is advised that a programme of archaeological work be made a condition of any planning permission for this part of the proposed development. This would comprise an archaeological watching brief during all ground works. An appropriate condition of any such consent would be: -

4.10 SC Historic Built Environment raises no objections the response indicating:

This proposal affects the farmstead known as Poulton Farm, north east of Minsterley, which includes no designated heritage assets however which has been identified by the Councils Historic Farmsteads Characterisation Project. The farm house dates to the early 19th Century and the farmstead is comprised of a mix of remaining traditional agricultural buildings with a series of modern farm buildings of some size. The poultry units proposed would be sited to the rear (south) of the farmstead.

Principles of Scheme:

As we would normally require, a Heritage Impact Assessment has been prepared by Richard Morris and we are generally content with its conclusions.

RECOMMENDATION:

Generally no objection subject to the inclusion of relevant conditions on external detail, materials and finishes to ensure that the external appearance of the development is satisfactory and to protect the setting of nearby heritage assets

4.11 SC Public Protection raises no objections. The response states:

‘Having considered the noise and odour assessments I am satisfied that it is possible to control these particulars in order that no significant detrimental impact is noted at nearby residential properties. As a result, and in line with the National Planning Policy Framework paragraph 122, as the development itself is an acceptable land use in terms of pollution from noise and odour I have no conditions to propose as the environmental permit, issued and regulated by the Environment Agency, must be assumed to operate effectively in controlling these aspects of the development. I would advise that the environment agency are consulted and are asked to ensure that where the noise assessment states that specific mitigation measures will be applied to tunnel ventilation, page iv of the noise assessment submitted as part of this planning application, that these elements are considered and clarified prior to the permit being granted to ensure no detrimental impact from these sources.’

4.12 **Public Comments**

4.13 One letter of objection has been received from members of the public. Key issues raised can be summarised as follows:

- The doors of the proposed building face the rear of no's 1-14 Little Minsterley and there is very little landscaping proposed to protect the houses from noise and smell.
- The proposed native hardwood tree planting will take many years to form an effective screen.
- The odour report submitted has not taken any readings from the front or rear of no's 1-8 Little Minsterley which are among the nearest properties and sit in a shallow valley below the proposed buildings.
- Relocating the doors to the opposite end of the proposed buildings or relocating the development to the North East side of Poulton Farm would vastly reduce disturbance to neighbours.
- If the proposed development were to be sited in the field to the North East of the farm adjacent to the A488, the nearest property would be Woodhouse Farm approximately 391m away, whereas in the proposed location the nearest property is 13/14 Little Minsterley, 321m away.
- The proposed development will have a significant impact on no's 1-14 Little Minsterley in the long term and using an alternative site would vastly reduce the impact on neighbours.

5.0 **THE MAIN ISSUES**

- Principle of development
- Siting, scale and design of structure
- Siting, scale and design of the development and impact on surrounding landscape character and built environment including heritage assets.
- Residential amenity and public protection.
- Ecological impacts
- Public highway access.

6.0 **OFFICER APPRAISAL**

6.1.1 The 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 106 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 relationship 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 including heritage assets.**

- 6.2.1 The applicants have submitted in support of the application, as part of the Environmental Statement, a Landscape and Visual Impact Assessment and Heritage Assessment as advised by Paragraphs 118 and 128 of the NPPF and these have been considered in relationship to the proposed development.
- 6.2.2 The development construction proposes two steel profile and clad broiler units each measuring 115 x 26.61 metres floor space with a height of 5.76 metres. The application also proposes three feed silo's to be located between the two broiler units. As such it is acknowledged that the development is large scale which will have an impact on the surrounding landscape.

- 6.2.3 The location for the development is to the rear of the existing farmstead on a site reasonably well screened by surrounding natural vegetation and with additional landscape mitigation in the form of tree and hedge planting, it is considered that the development can be incorporated into the landscape without a significant detrimental impact. Information in support of the application indicates that the proposed 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. This it is considered will address issues as raised by the Conservation Manager, (Built Environment), with regards to external construction of the development, who in response to the application acknowledges that the proposal will not have a significant detrimental impact on heritage assets. (Further discussion on heritage assets and impacts is discussed below). Impact on the surrounding built environment is therefore considered acceptable.
- 6.2.4 It is acknowledged that Natural England in their initial response to the application raised concerns with regards to impacts on nearby SSSI's and there is also the Scheduled Ancient Monument of Callow Hill Camp (NHLE ref. 1019828), which is located within 550 metres of the site. Natural England later withdrawing their objection with adequate consideration given in relationship to a Habitat Regulations Assessment, detail in relationship to which is attached to this report.
- 6.2.5 Impacts on surrounding heritage assets which includes the Callow Hill Camp SAM are considered acceptable to which the proposed development has to be also considered against Shropshire Council policies CS6 and CS17 and with national policies and guidance including PPS5 Historic Environment Planning Practice Guide and section 12 of the National Planning Policy Framework (NPPF). Special regard has to be given to the desirability of preserving the setting or any features of special architectural or historic interest which it possesses as required by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.2.6 On the basis of the information submitted in support of the application as contained within the Environmental Statement, and with consideration to the responses from English Heritage, the Conservation Manager Built Environment and Archaeology, with conditions attached to any approval notice issued as recommended by the Council's Conservation Manager, (Built Environment and Archaeology), and with further landscape mitigation in the form of native vegetation planting, the development on balance is considered acceptable, in relationship to the surrounding landscape, which includes reference to the built and historic environment and the nearby Shropshire Hill Area of Outstanding Natural Beauty. The proposal is considered to be satisfactory in relationship to the NPPF, Shropshire Core Strategy policies CS5, CS6 and CS17, the Council's SAMDev and as such addresses Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6.3 Residential amenity and public protection.

- 6.3.1 The proposed development is located some 175 metres from the nearest residential dwelling outside connection with the farmstead. 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 the site, this will control issues in relationship 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 4.5 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'. As noted earlier in this report Natural England do not raise any objections.
- 6.3.3 Whilst the concerns of the member of the public in relationship to the proposed development is acknowledged, it is considered that Information submitted in support of the application, as part of the Environmental Statement is considered acceptable in relationship to residential amenity as it is noted that none of the statutory consultees raise any objections on this matter and it is noted that SC Public Protection have responded to the application indicating that based on the information submitted in support of the application that there will be no significant adverse impact on the amenity of the area and that the environmental permit issued and regulated by the Environment Agency will control these elements.
- 6.3.4 However the 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.
- 6.3.5 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 relationship to

residential amenity and public protection.

6.4 Ecological impacts.

- 6.4.1 The application is accompanied by an ecological assessment and the conclusions to the reports are considered satisfactory. A Habitat Regulations Assessment has been carried out and this is attached to the report as appendix 2 for reference purposes.
- 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 A488 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 As such the findings of the Transport Assessment submitted in support of the application are considered acceptable and it is acknowledged that the application proposes some minor highway improvements and with conditions attached as recommended by the Highways Manager in response to the application the development on this matter is considered acceptable and in accordance with the NPPF and relevant local plan 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 development raises no adverse concerns from any of the statutory consultees to the application and with no objections from the local Parish Council, whilst concerns as raised by the member of the public are acknowledged and have been considered, the proposal will require an Environmental Permit 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
- Conserving and enhancing the historic environment.

10.2 Shropshire Core Strategy

Policies CS4, CS5, CS6, CS7, CS13, CS16, CS17, CS18.

10.3 Shropshire SAMDev.

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

3. The attenuation drainage system must be designed in accordance with the proposed drainage strategy set out in the flood risk and drainage statement and drainage layout plan, dwg. no. PFDL- 100.

Reason: To ensure that the proposed surface water drainage systems for the site are fully compliant with regulations and are of robust design.

4. If non permeable surfacing is used on the driveway and/or the driveway slopes towards the highway, the applicant should submit for approval a drainage system to intercept water prior to flowing on to the public highway.

Reason: To ensure that no surface water runoff from the new driveway runs onto the highway.

5. No development shall take place until details of the design and construction of any new roads, footways, accesses together with details of the disposal of highway surface water have been submitted to, and approved by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved is commenced or the building(s) occupied.

Reason: To ensure a satisfactory access to the site.

6. No development shall take place until details for the parking, turning, loading and unloading of vehicles have been submitted to and approved by the Local Planning Authority. The approved scheme shall be laid out and surfaced prior to the first occupation of the development and thereafter be kept clear and maintained at all times for that purpose.

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.

7. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning

authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for the parking of vehicles of site operatives and visitors loading and unloading of plant and materials storage of plant and materials used in constructing the development the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate wheel washing facilities measures to control the emission of dust and dirt during construction a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.

8. No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works.

Reason: The development site is known to have archaeological interest

9. 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 make particular reference to the southern and western sides of the site and shall include:

- a. Planting plans, including wildlife habitat and features (e.g. bird and bat boxes, bat lighting plan)
- b. Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment)
- c. 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)
- d. Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works
- e. Implementation timetables
- f. Long term management plan.

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

10. 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.

11. Manure will be moved off site in sealed and covered trailers.

Reason: In consideration of the amenity of the surrounding area.

12. No feeding stuffs will be delivered to the site outside the hours of 8am - 6pm Monday - Saturday or at any times during bank holidays.

Reason: In the interests of surrounding residential amenity

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

13. A total of 2 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

14. A total of 1 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site prior to first use of the building hereby permitted. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained.

Reason: To ensure the provision of roosting opportunities for bats which are European Protected Species

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

15. 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.

Informatives

1. Any alteration work required to the access on existing highway will require a s184 licence from the local highway authority before work can commence on site. Details of the process for obtaining a licence can be found on the following web page: [http://shropshire.gov.uk/street-works/streetworks-application-forms/apply-for-vehicle-access-\(dropped-kerb\)/](http://shropshire.gov.uk/street-works/streetworks-application-forms/apply-for-vehicle-access-(dropped-kerb)/)
2. All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended). Any mature trees within the hedgerows may have potential for roosting bats. If mature trees are to be removed then an assessment and survey for roosting bats must be undertaken by an experienced, licensed bat ecologist in line with The Bat Conservation Trusts Bat Surveys Good Practice Guidelines prior to any tree surgery work being undertaken on these trees. If a bat should be discovered on site at any point during the development then work must halt and Natural England should be contacted for advice.

3. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent.

All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive

Note: If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

4. Where possible trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped (badgers). If it is necessary to leave a trench open overnight then it should be sealed with a closefitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.
5. Badgers, the setts and the access to the sett are expressly protected from killing, injury, taking, disturbance of the sett obstruction of the sett etc by the Protection of Badgers Act 1992. No works should occur within 30m of a badger sett without a Badger Disturbance Licence from Natural England in order to ensure the protection of badgers which are legally protected under the Protection of Badgers Act (1992).

(Appendix 2).

Habitat Regulation Assessment (HRA) Screening Matrix

Application name and reference number:

15/00487/EIA
Poulton Farm
Little Minsterley
Minsterley
Shrewsbury
SY5 0BW
Erection of 2 no. poultry sheds and feed bins, ancillary works, improvements to existing access, and associated landscaping works.

Date of completion for the HRA screening matrix:

14th April 2015

HRA screening matrix completed by:

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01743-252556

Table 1: Details of project or plan

Name of plan or project	15/00487/EIA Poulton Farm Little Minsterley Minsterley Shrewsbury SY5 0BW Erection of 2 no. poultry sheds and feed bins, ancillary works, improvements to existing access, and associated landscaping works.
Name and description of Natura 2000 site	<p>European Designated Sites within 10km: The Stiperstones & The Hollies SAC Midland Meres & Mosses - Phase 1 Ramsar</p> <p>NB For completeness the SSSI's within 5km and local sites within 2km are listed below: SSSI's within 5km Snailbeach Mine Minsterley Meadows</p>

	Hope Valley The Stiperstones & The Hollies Earl's Hill & Habberley Valley Huglith Mine Granham's Moor Quarry Local Sites within 2km Poles Coppice and Lees Coppice Cow Pasture Marsh Granham's Moor Quarry (Non SSSI) Eastridge Wood Poles/Lees Coppice
Description of the plan or project	Erection of 2 no. poultry sheds and feed bins, ancillary works, improvements to existing access, and associated landscaping works.
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 proposals 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/RP3237WW/A001 for 120,000 broiler places.

Natural England has been formally consulted on this current planning application and has responded dated 13th March 2015 with an objection based on lack of information.

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 1st 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 15/00487/EIA at Poulton Farm, Little Minsterley, Minsterley Shrewsbury SY5 0BW for the erection of 2 no. poultry sheds and feed bins, ancillary works, improvements to existing access, and associated landscaping works on any European Designated Site.

The Integrity test

There is no likely effect on the integrity of any European Designated Site from planning application 15/00487/EIA at Poulton Farm, Little Minsterley, Minsterley Shrewsbury SY5 0BW for the erection of 2 no. poultry sheds and feed bins, ancillary works, improvements to existing access, and associated landscaping works.

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 15/00487/EIA at Poulton Farm, Little Minsterley, Minsterley Shrewsbury SY5 0BW for the erection of 2 no. poultry sheds and feed bins, ancillary works, improvements to existing access, and associated landscaping works 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.

Natural England must be formally re-consulted on this application and response received prior to a decision being granted.

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.

Additional Information

[View details online:](#)

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 Tudor Bebb
Appendices APPENDIX 1 – Conditions Appendix 2 - HRA

