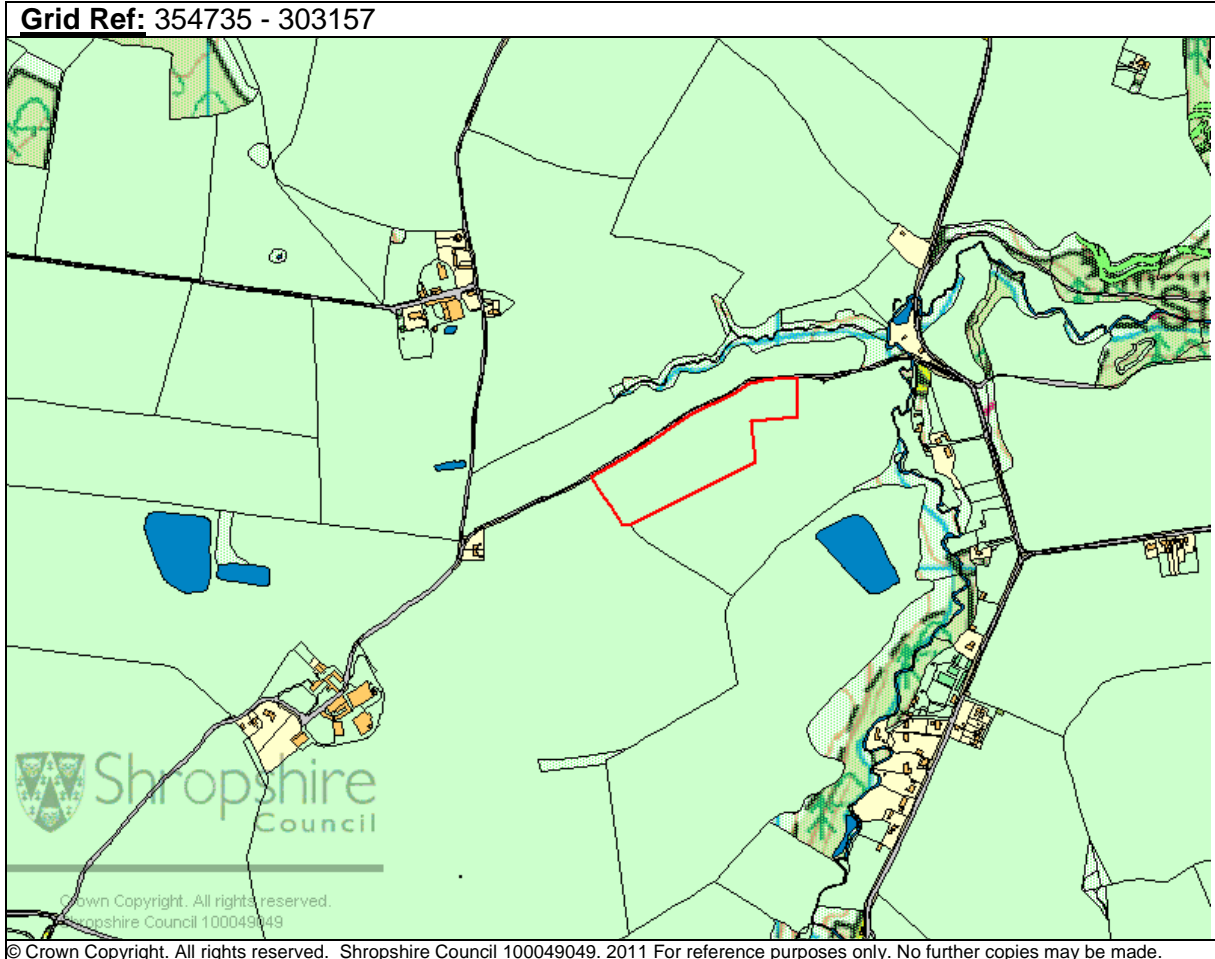


Development Management Report

Responsible Officer: Stuart Thomas
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Summary of Application

Application Number: 11/03978/EIA	Parish:	Acton Burnell
Proposal: Erection of four intensive poultry rearing buildings with roof mounted solar panels; 10 feed bins; biomass heating building and other ancillary buildings; formation of vehicular access; landscaping scheme including earth bund		
Site Address: Flemmings Field, Acton Pigot, Shrewsbury, Shropshire		
Applicant: J G Owen and Co		
Case Officer: Peter Walker	email: planningdmsw@shropshire.gov.uk	



Recommendation: REFUSE for the following reason:

The proposed development would cause substantial harm to the landscape setting of the Grade II* listed Golding Hall, and its garden and adjacent Grade II listed buildings, a group of the highest significance; both directly by being visible in views of and from the group; and indirectly by generating additional traffic disturbance and noise. The proposal would also cause lesser but still significant damage to both designated and non-designated heritage assets in the wider area, including those along the country lanes which would bring traffic to and from the application site. It is therefore considered that the proposed development would have an unacceptably harmful impact on the historic environment and would therefore be contrary to Policies CS5, CS6 and CS17 of the Shropshire Core Strategy and paragraphs 132-135 of the National Planning Policy Framework.

REPORT

1.0 THE PROPOSAL

1.1 The application proposes the development of a new intensive poultry unit in a large field north-east of the hamlet of Acton Pigot, near Acton Burnell. The scheme would comprise the erection of four large intensive poultry rearing houses, with feed bins, a biomass heating building and other small ancillary buildings, together with a new vehicular access from the adjacent minor road, a screening bund with planting scheme surrounding the proposed new buildings, and a drainage attenuation pond. As a proposed large development for intensive poultry rearing, the application is accompanied by an Environmental Impact Assessment as required by the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

2.0 SITE LOCATION AND DESCRIPTION

2.1 Acton Pigot is a hamlet, consisting of a group of agricultural buildings and several dwellings, which is situated 0.7 mile north-east of the village of Acton Burnell and some 5 miles south of Shrewsbury. The site of the proposed new intensive poultry rearing buildings is within a large arable field known as Flemmings Field, which is situated some 500m north-east of Acton Pigot, and on the south side of a minor road linking that settlement with Coundmoor.

2.2 The site is over two miles outside the Shropshire Hills Area of Outstanding Natural Beauty, and lies within the Estate Farmlands landscape type area of the Shropshire Landscape Typology. The site lies at an elevation of some 95m AOD and slopes slightly downwards from south to north. A shallow valley with a brook lies some 100m north of the site whilst the deeper valley of Coundmoor Brook is 230m (at its nearest point) to the east. Approximately one mile south-west of the site are the wooded slopes of a hill close to Acton Burnell.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 In accordance with the Council's adopted 'Scheme of Delegation' this planning application is referred to the Central Planning Committee for determination because of the large scale of the proposed development, its significance locally and the very high level of public interest in the application. The local Shropshire Council Member for the application site agrees that the application should be determined by the Planning Committee.

4.0 COMMUNITY REPRESENTATIONS

4.1. Consultee Comments

4.1.1 Acton Burnell Group Parish Council – Having regard to the high level of local opposition to the proposal, the Parish Council recommends to Shropshire Council Planning Committee that it refuses permission for the application on the following grounds (not listed in order of importance):

- The development would generate large volumes of traffic on narrow roads which are already overcrowded, resulting in the probability of accidents.
- HGV vehicles provided by contractors (not by the applicant) may not necessarily use the designated routes (either by accident or design).
- A mile of the route to the site is single track unclassified road, and the traffic would result in damage to roads and verges, necessitating costly repairs to them.
- The remainder of the route to the site is not suitable for two HGV's to pass without passing places or giving way. Alterations would be needed to some narrow unclassified roads and passing places, marring the beauty of the countryside.
- Loss of scenic amenities, as the site is close to a designated Area of Outstanding Natural Beauty and the area is used by walkers and horse riders.
- Noise from vehicles and from the plant itself, including fans and blowers, and particularly highlighting disturbance during the night, when harvesting and replenishing the stock.
- Smell from the plant and from chicken manure, and related fly infestation.
- Possibility of water contamination.
- There is no precedent for a development of the scale proposed in the area.
- The development would provide no benefit to local employment, and may even detract from it.
- The development would amount to an industrial unit in countryside adjacent to residential properties.
- Detrimental effect on property values.

4.1.2 Berrington Parish Council – Objects to the proposal. The application is in the Parish of Acton Burnell although proposed traffic movements will adversely affect the Parish of Berrington. The Parish Council's objection is on the basis of traffic movement through the parish. Access to and from the site is using unclassified roads unsuitable for the size of vehicles and volume of traffic that the applicant is proposing. Councillors are also concerned that the traffic movements are at unsociable hours of the night and the application does not provide any employment locally.

4.1.3 Cound Parish Council – The Parish Council held a special meeting in November 2011 to consider this planning application. Councillors had previously received many representations from parishioners both concerned at the impact this would have on the community and opposed to such a large scale industrial development in a rural area. Although the property is not within this parish it is on the border and will affect many residents within this parish. In addition to 10 parish officials, the meeting was attended by 46 members of the public who were invited to give their reasons for opposing or supporting the proposal. It became quite apparent that there was substantial and overwhelming opposition to such a large scale operation in the proposed location. (The Parish Council wish it to be known that there is no community animosity whatsoever towards the Owen

family, only to the development that might be more appropriate for a less sensitive location.)

4.1.4 The Parish Council voted unanimously to recommend to Shropshire Council that it refuses planning permission for this development. The reasons for such strong opposition are well documented but the main concerns for this parish are:

- The considerable impact from additional heavy vehicle traffic along the narrow village lanes by day and night and the ensuing noise and disturbance.
- The fact that the development will be over 7 miles from the nearest main road and the problems and damage to verges, etc., this will cause.
- This parish and parishioners will be considerably affected by the unavoidable ensuing smells and what those smells will be carrying with them from the units on the wind (see DEFRA website on this matter).
- A massive industrial unit in the countryside near residential homes and the detrimental effect this may have on local property prices.
- No benefit whatsoever to the local community or the local employment situation.

Shropshire Council internal consultees:

4.1.5 Flood and Water Management Team – In Appendix 12.1, it is noted that the greenfield runoff from the site for a 1 in 2 year storm event will be 12l/s. Various surface water flows from the proposed impermeable areas have been calculated for the 1 in 100 year + 20% event, and the difference between these and the allowable greenfield outflow has allowed the required storage volume for the site to be determined. This is given as 1297m³. However, in section 12.6.8 of the main EIA text, it is stated that the greenfield outflow will be restricted to 5.2l/s, and a storage volume of 562m³ is required. Appendix 12.1 states that a grassed swale is proposed for the site. The main EIA states that an attenuation pond is proposed. These anomalies need clarifying, to ensure that the proposed surface water system is designed correctly.

4.1.6 Following discussions between the applicant's agent and the Council's Flood and Water Management Team, adjustments to the capacity of the proposed pond have been agreed, the F&WMT now commenting:

The IH 124 method for determining greenfield run-off is generally used for sites greater than 50ha. When using this method, the SuDs Manual 2007 (CIRIA C697) advise where the site is less than 50ha, then the 50ha result for discharge should be calculated and a pro-rata discharge linearly interpolated. Please provide existing runoff calculations based on this method and run-off calculations for the development and associated swale/attenuation device. Please provide details of the outlet structure, outlet pipe diameter/gradient and final outfall watercourse.

4.1.7 The attenuation system should be designed to cater for a 1 in 100 year storm event plus 20% for climate change and the flow rate from the site should be restricted to a 1 in 1 or 2 year brownfield runoff (depending on ground slope). The run-off must not cause flooding of any property either within the proposed development or any other in the vicinity. The proposed surface water drainage is acceptable in principle, however a plan should be provided showing the layout of the piped surface water drainage system with pipe sizes and gradients, and details of the flow control structure will be conditioned that it should be submitted for approval prior to the commencement of the works.

4.1.8 Neighbourhood Pollution Control Officer – I have no objection in principle to the proposals but would comment as follows:

Due to its nature and capacity the facility will be subject to control by the Environment Agency under the Environmental Permitting Regulations (England and Wales) 2010. The required permit to operate will provide on-going regulation of the site with respect to control of emissions to soil, water and air (including noise and odour). Planning Policy Statement 23 advises that it should not be necessary to use planning conditions to control the pollution aspects of a development that are subject to prior approval by a pollution control authority. However, I would recommend that any permission granted should include the following conditions with respect to aspects of the operation which may not be directly regulated by the Permit.

4.1.9 Recommended conditions:

- Bird depopulation shall take place on no more than 30 days in a year and the associated Heavy Goods Vehicle movements into or out of the site shall not take place between 23:00hrs and 02:00hrs, and shall be restricted to a maximum of 10 movements (with no more than two in any one-hour period) between 02:00hrs and 07:00hrs. Reason: To minimise disturbance to local residents
- The removal of poultry manure from the site shall not take place outside of the following times: Monday to Friday 07:00hrs to 18:00hrs, Saturday 08:00hrs to 13:00hrs and at no time on a Sunday or Bank Holidays. Reason: To minimise disturbance to local residents
- Feed lorry deliveries shall not take place outside of the following times: Monday to Friday 07:00hrs to 18:00hrs, Saturday 08:00hrs to 13:00hrs and at no time on a Sunday or Bank Holidays. Reason: To minimise disturbance to local residents
- No development shall take place until a poultry manure management scheme with respect to the control of fly and odour nuisance from storage and spreading on adjacent land has been submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate appropriate control measures as outlined in the DEFRA “Code of Good Agricultural Practice” and Shropshire Councils “Code of Practice for the Agricultural Use of Poultry Manure”. The approved scheme shall be implemented prior to the first operation of the facility and shall thereafter be retained. Reason: To protect neighbouring residents
- Site preparation and construction works shall not take place outside 07:00 to 18:00hrs Monday to Friday, 08:00 to 13:00 on Saturdays, and at no time on Sundays, bank holidays or public holidays. Reason: In order to protect neighbouring properties during site development
- Airborne dust from site preparation and construction operations on site shall be minimised by spraying with water or by carrying out other such works that may be necessary to suppress dust. Reason: In order to protect neighbouring properties during site development
- Waste materials generated as a result of site preparation and construction operations shall not be burnt on site. All refuse shall be disposed of by alternative approved methods of waste disposal. Reason: In order to protect neighbouring properties during site development.

4.1.10 Highways Development Control Officer – Before commenting specifically upon the application submission it is clear that there is considerable local objection to the scheme on highway grounds having regard to the adequacy of the approach roads leading to the site to accommodate the type and volume of traffic associated with a poultry unit operation. This is not dissimilar to the level of

objection against the poultry unit proposal at Little Ness, which was refused by Shropshire Council Members and dismissed on appeal. Notwithstanding that decision and the findings contained within, it is important that the application before us is treated on its own individual merits.

- 4.1.11 As part of the application submission the proposal is supported by a Traffic Appraisal (TA) which seeks to demonstrate the traffic impact of the development on the local highway network. The conclusion of the TA is that the local highway network can accommodate the type and volume of traffic associated with a poultry unit subject to a routing agreement and some relatively modest localised road improvements.
- 4.1.12 At the outset it is fundamentally difficult to fully assess the real traffic impact of a poultry unit on the rural highway network due to the changing circumstances of farming activities within the existing land holding of the applicant and other farming activities in the area at a given time. This is particularly the case when considering the potential changes in agricultural traffic on the highway network during a 12 month period and the peaks in connection with the harvest period, potato harvesting as examples. Nevertheless, the benefit of a poultry unit application is that the traffic movements do tend to be constant during the bird cycle periods. The traffic movements associated with the delivery of chicks, feed vehicles and depletion of birds at the end of the cycle are known and nationally accepted. The difficulty is quantifying, to an accurate degree, the trade off in traffic movements in relation to former agricultural activities identified by the applicant and the movement of bird manure from the poultry units as opposed to the current situation, put forward by the applicant, of bird manure being brought to the site along the proposed identified vehicle routing to and from the A458.
- 4.1.13 The TA refers to historic agricultural activities and in particular sugar beet traffic movements which previously occurred on the highway network. Whilst I have no reason to dispute the figures set out in the TA, sugar beet is no longer grown on the farm holding and it is highly unlikely it will ever return as a commercial crop following the closure of the factory at Allscott. The reality is that crops will rotate within the rural area due to a number of factors including of course the commercial viability and this will impact upon the volume of traffic on the highway network throughout the year.
- 4.1.14 Having read the Inspector's comments within the appeal dismissal of the Little Ness application, she was critical of the way in which the traffic information was presented notwithstanding the highway deficiencies of the local highway network in that particular case. In fairness to the application before us I consider that the applicant has sought to try and simplify as far as is practicable the traffic information contained within the TA. What I am not convinced of however is that the TA has properly considered the highway routing to the site in sufficient detail to assess the potential impact of the development traffic on the local highway network.
- 4.1.15 Whilst the TA has provided information of the identified traffic routing between the site, via Pitchford and the A458 junction at Weeping Cross, it does not properly consider the route in any real detail. The TA merely states that "The road between Acton Burnell and Shrewsbury is used as a secondary route to Shrewsbury for traffic generated between the A49 and A458." The TA further states that "This route has benefited from significant improvements in recent

years and has sufficient width to allow two HGV's to pass safely." Section 8.4 of the TA then goes on to describe the other road section between Acton Burnell to the junction opposite Concord College and the narrow section of road thereafter to the application site.

- 4.1.16 Having regard to the above an assessment of the identified route has been undertaken by officers. Whilst between Weeping Cross and Acton Burnell it is clear that road improvements have been carried out along the route, there are nevertheless a number of road sections where two HGV's cannot pass within the available road width and, in addition, where a HGV and car cannot pass one another. There are road sections therefore where the road edges and verges are showing stress, and where it is clear that vehicles are running tight to the hedge boundaries. A potential increase in HGV traffic routing along this route is not therefore desirable.
- 4.1.17 The route to the site from Acton Burnell narrows significantly towards the Acton Piggott junction opposite the Concord College site. Then turning left down the road to Acton Piggott past the applicant's farm complex to the site, the carriageway width is generally below 3 metres.
- 4.1.18 I do not have any information regarding the traffic movements on the local highway network and this has not been provided either by the applicant. In general however traffic movements on a rural highway network show peaks at the morning and evening periods. In connection with the landfill proposals back in 2001 traffic counts were taken at the Betton Abbots landfill entrance to show the background traffic movements towards and from the Acton Burnell direction. Whilst these counts are clearly well out of date they do nevertheless provide a sample of the traffic trends during the morning and evening periods. In connection with poultry units, as with many other agricultural activities, this tends to result in farming traffic movements outside of the peak traffic periods. In the case of poultry units the depletion of birds is carried out through the night when traffic movements on the highway network are reduced.
- 4.1.19 Notwithstanding any debate surrounding poultry traffic movements on the highway network I am of the view that the real nub of the traffic issue relates to the period in which bird depletion takes place and the movement of bird manure at the end of the cycle. In relative terms these are intensive traffic periods in respect of HGV / tractor and trailer movements. The TA states that each crop will result in 26 loads /52 HGV movements at its peak which will be undertaken on days 36/37 and 42/43 (roaster birds) reflecting the size of birds. The TA states that a proportion these movements are likely to take place between 0200 and 0700 hours at an average rate of 2 HGV movements per hour. Graph 8.1 contained within the TA further demonstrates the nature of HGV traffic movements during the whole bird cycle. This shows that there are 23 days of the 48 day cycle where there are no HGV movements. On a further 11 days within the cycle there are only 2 HGV movements per day. On the first and second days of the crop cycle there are 6 and 8 HGV movements respectively. In addition therefore to the peak HGV movements on days 36/37 and 42/43 as set out above, the bird manure tractor and trailer movements are 40 movements on days 46 and 47. The bird manure is taken to a number of fields identified in the application submission. The cycle thereafter continues.

- 4.1.20 In terms of assessing the traffic impact along the identified traffic route my view is that the route can be potentially split into two sections. Firstly the main traffic route between The A458 at Weeping Cross to Acton Burnell (Route A) and secondly the route between Acton Burnell and the site (Route B). In relation to the Route A it is this section which caters for the major traffic flows generated by Acton Burnell and Pitchford, the highway network feeding into that route and traffic routing between the A49 and A458. As set out above there are sections along this route which can adequately cater for the level of traffic movements generated by the poultry HGV movements, however there are a number of sections where the passing of two HGV's and indeed a HGV and car cannot take place. It is necessary therefore to consider the likelihood of vehicles meeting along these highway sections and what that impact would be. This needs also to be set in context between what is currently happening on the local highway network set out in the TA. My view is that a highway objection in this regard would be difficult to sustain although clearly the nature of a poultry unit activity does have an influence upon the character of HGV traffic movements on the network during the bird growing cycles.
- 4.1.21 The above routing of HGV's is of course dependent upon the compliance between the poultry operator and the factory company. This was a matter picked up in the Little Ness appeal and the Inspector was critical of the mechanism for controlling HGV traffic along an identified route. Nevertheless this is a mechanism which has been used many times, in planning, for controlling HGV routing in respect of mineral, waste sites and other commercial businesses that generate HGV traffic movements. The route identified is clearly the most appropriate route to the primary road network notwithstanding that the route represents some 10-12 kms in length. Local concern therefore has been raised questioning that other less suitable routes would be used. It is acknowledged that the identified route between the site and the A458 at Weeping Cross is clearly the most appropriate route. However whilst the applicant has provided a draft Section 106 Agreement in order to control HGV routing, I have some concerns as to its real teeth and question whether this could be more robust.
- 4.1.22 In relation to Route B, whilst traffic movements are likely to be far more limited along this route, the road carriageway constraints are far more defined. In particular the route between the Acton Pigott turning, through Acton Pigott and on to the site is severely restricted to below 3.0 metres for most of its route. The applicant has put forward some road improvements to mitigate the impact of HGV movements connected with the proposed poultry unit, but I do not consider that these adequately address the fundamental deficiencies of this route. I am of the view that the level of HGV / tractor and trailer movements generated by the poultry unit combined cannot be adequately catered for to the detriment of highway safety and traffic movement and would be likely to place a burden on the highway authority with regard to wear and damage.
- 4.1.23 Having regard to the above I consider that the balance in this case is that a highway reason for refusal would be justified and would be capable of being defended in the event of an appeal.
- 4.1.24 (Since the above comments were given by the Highways Development Control Officer traffic count data has been submitted by the applicant along with proposals to further enhance the proposed highway improvement works along

the lane through Acton Pigott to the application site. In the light of these submissions, the Highways Development Control Officer will be commenting further on whether his concerns about 'Route B' have been satisfactorily addressed. His updated comments will therefore be explained at the Committee meeting.)

4.1.25 Conservation and Design Officer – Thank you for asking me for to update my comments on this application following the publication of the National Planning Policy Framework (NPPF) on 27 March 2012, as it is necessary to take into account all current legislation; policy and guidance, in considering whether it is appropriate to recommend approval. The NPPF replaces most of the previous planning policy documents (including PPS1, PPS5, PPS7, PPG13 and PPG24), however all the legislation and guidance remains in place, including the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Historic Environment Planning Practice Guide published by English Heritage in March 2010 and endorsed by both the Department for Communities and Local Government (CLG) and the Department for Culture Media and Sport (DCMS).

4.1.26 The NPPF section on the historic environment includes the following specific policies relevant to this application:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

4.1.27 Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

4.1.28 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a

balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.” These policies thus cover not only the listed buildings at Golding, the gardens and their wider landscape setting, but all the listed buildings and heritage assets affected by the proposals, including those on the route to be used by the traffic serving the proposed development.

- 4.1.29 It should also be born in mind that Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that: “In considering whether to grant planning permission for development which affects a listed building or its setting the local planning authority ...shall have special regard to the desirability of preserving the building or its setting.” Thus the preservation of the setting of a listed building is not merely a material consideration, but is presumptively desirable, as has been established at a recent Appeal (*Garner v Elmbridge*), where Mr Justice Ousley said: “if a development would harm the setting of a listed building there has to be something of sufficient strength in the merits of the development to outweigh that harm”.
- 4.1.30 Sustainable development is development that is appropriate to its location. In considering whether this proposal is sustainable it is necessary to consider not only the appearance of the development, but the impact that the proposed use would have on its surroundings in all respects, including noise and disturbance, smell, traffic generation and routing, impact on historic assets and impact on the landscape, environment and ecology of the area.
- 4.1.31 I have therefore considered both the broader design issues of the proposal in terms of the wider legislation and guidance; and more specifically the impact that it would have on both designated and non-designated heritage assets and their settings in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF. My revised comments are as follows:
- 4.1.32 **RECOMMENDATION:** This application should be refused as not sustainable and contrary to planning legislation, policy and guidance, including Policies CS5, CS6 and CS17 of the Shropshire Core Strategy and paragraphs 132-135 of the NPPF.

The development would cause substantial harm to the landscape setting of the Grade II* listed Golding Hall, and its garden and adjacent Grade II listed buildings, a group of the highest significance; both directly by being visible in views of and from the group; and indirectly by generating additional traffic disturbance and noise.

It would cause lesser, but still significant damage to both designated and non-designated assets in the wider area; including those along the country lanes which will have to bear the traffic to the site

There is no justification for locating this development in this particular location when other sites are available, and no public benefits from doing so, that would outweigh the harm to the historic environment.

- 4.1.33 The proposal is for a very large development of four intensive poultry rearing buildings, which would occupy approximately 2.4 hectares of land, of which the buildings would occupy 1.04 hectares. The development comprises four sheds, each with a ridge height of 4.77m and with 10 feed bins, in 2 groups of 5, which

are each 7.5m in height. It would operate around the clock and have a cropping cycle of 7.6 crops a year. It is on an industrial scale, accommodating approximately 177,000 birds, and cannot be regarded as an extension of normal farming activities.

- 4.1.34 The land has not previously been developed and is currently in arable use. The surrounding attractive and rolling landscape has evolved over a long period of time to provide a good quality of life for those who live work and visit it, and is sensitive to change. It affords views across open country to the Wrekin. The area is characterised by a network of narrow winding lanes, many sunk between high hedges.
- 4.1.35 The Grade II* listed Golding Hall is prominently situated in an elevated position overlooking the site and has a rare and unusual garden, from which there are also views of the site. The terrace walls in the garden; the dovecote, stables and granary and a 16th century cruck framed barn are also individually listed Grade II and form a good group with Golding Hall.
- 4.1.36 The proposed traffic route for servicing the site passes along the very narrow lane between Acton Pigott and Acton Burnell, joining the slightly better, but still unclassified, route from there to Weeping Cross. It passes along the edge of the Registered Acton Burnell Park and Acton Burnell Conservation Area; past the entrance to the Grade II* listed Concord College (now a school); through Pitchford and along the edge of Pitchford Park; passing a number of further listed buildings, close to the road edge.
- 4.1.37 This scheme does not meet any of the requirements for sustainable development set out in the NPPF. This is not a suitable site for a development of this nature, and it is not necessary that it should be located here, when there are more suitable sites available in the County. The physical impact of the proposed buildings and the activities in and around them will cause substantial harm to the setting of the listed buildings at Golding, the historic garden and surrounding landscape.
- 4.1.38 I appreciate that considerable efforts have been made to reduce the impact of the proposals on both Golding and on the wider landscape, including setting the buildings into the slope, so that their ground level is below that of the existing ground level, and providing a wide and gently sloping bund with tree planting. I have taken note of the computer modelling of the site and a section provided at my meeting with the applicant and his agent on 23 March 2012. I have viewed Golding from the proposal site and the proposal site from Golding; but remain of the opinion that the siting of this major development in this location will cause substantial harm to the setting of Golding which cannot be adequately mitigated.
- 4.1.39 In spite of all the proposed landscaping the development will still be visible from key viewpoints in the garden at Golding, at all times of year, to an extent which is not recognised in the applicant's submission. Experience has shown that such developments are inevitably more intrusive and visible than the small scale photomontages and modelling show. The proposed new landscaping in itself will be an intrusive element in the view, but is in any case potentially transient and subject to change. It is also necessary to consider both short and long term effects and the mature trees which now provide some additional screening may not do so in the future.

- 4.1.40 Furthermore, the impact on the setting of Golding is more than just that on the views from Golding Hall or its garden. I consider that the Heritage Assessment by ECUS has failed to appreciate the full impact of the proposals on all the important Heritage Assets and their settings which form this prominent group. I agree with the detailed critique of the Heritage Assessment which has been submitted by the Shropshire Parks and Gardens Trust on 23 March 2012 and will not therefore repeat their analysis.
- 4.1.41 There can be no doubt of the high significance of the group of listed buildings and the garden at Golding. The house well deserves its Grade II* listing and the garden has long been recognised as a heritage asset of rare significance. Few gardens of this date survive, even fewer associated with relatively modest houses such as this. English Heritage Guidance ‘The setting of Heritage Assets’ makes it clear that the setting “embraces all of the surroundings ...from which the heritage asset can be experienced or that can be experienced from within the asset.” It makes it clear that it is not merely about the view that can be seen from a place and that the setting of a heritage asset can enhance its significance whether or not it was designed to do so.
- 4.1.42 It states that “Any development or change capable of affecting the significance of a heritage asset or peoples experience of it can be regarded as falling within its setting. The effect on the significance of an asset can be considered and weighed-upWhilst this consideration is perhaps most likely to address the addition or removal of visual intrusion, other factors such as noise or traffic activity ...may also need to be considered... A proper assessment of the impact on setting will take into account, and be proportionate to the significance of the asset and the degree to which the proposed changes detract from that significance and the ability to appreciate it.”
- 4.1.43 No consideration has been given to the impact of any of the operational requirements of the proposals on Golding. Because of its elevated position, noise travels clearly to the house from below: the effect is akin to being in an amphitheatre. There will clearly be noise associated with the operation, both in from the units themselves and due to traffic servicing it day and night. Overall, the proposal to erect a large poultry unit in this location compromises the setting of Golding Hall and the surrounding listed buildings; would be very harmful to them and could affect their future sustainability by damaging their economic viability. It would intrude into the wider views of the buildings at Golding from the surrounding area and their existing tranquil setting.
- 4.1.44 The Heritage Assessment also provides no information about the impact of traffic activity on either Golding or on the wider historic environment which will be affected along the proposed servicing route. The traffic generated by the proposals, and the work needed to mitigate the traffic problems, will also blight an area extending along the whole of the proposed route from Acton Pigot, through to the edge of Acton Burnell Conservation Area, through Pitchford to Weeping Cross.
- 4.1.45 However, even without taking into account the impact on the historic environment, the proposed location is clearly too remote from the strategic road network, and the access from the site to the A5 too inadequate, for it to be approved in accordance with the guidance in the NPPF. Such development

should be sited away from sensitive receptors and where links to the strategic road network are good. The nature of traffic generated will be different from the nature of the normal farming traffic generated by the current farming activities in the area. The fact that there is existing farm and other heavy traffic in the area is not a reason for allowing a development that would intensify it, or to add to the conflicts that already are of concern to local residents. For all these reasons I thus believe that the proposals are fundamentally in conflict with legislation, and with national and local national and local planning policies and guidance, and should be refused.

- 4.1.46 Historic Environment Records Officer - Whilst the Shropshire Historic Environment Record (HER) indicates that there are currently no known heritage assets with archaeological interest within the proposed development site itself, there are a number of important prehistoric cropmark sites within the wider area. The proposed development site has the same underlying soils as these other sites (reddish tills of the Clifton series over Carboniferous siltstones, sandstones and conglomerates of the Salop formation), and occupies a topographically favourable position on the upper slopes of a small stream valley. There is therefore a possibility that currently unknown archaeological features and/ or deposits are present on the development site and it can therefore be deemed to have moderate archaeological potential.
- 4.1.47 In view of the above and in line with PPS5 (Policy 12.3), I recommend that a programme of archaeological work, to comprise an archaeological watching brief during all ground works operations, be made a condition of any planning permission for the proposed development. An appropriate condition of any such consent would be:
No development approved by this permission shall commence until the applicant 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.
- 4.1.48 Planning Ecologist – An Environmental Permit has been issued by the Environment Agency reference: EA/EPR/PP3638HH/A001. This application must be considered under the Habitat Regulation Assessment process in order to satisfy the Local Authority duty to adhere to the Conservation of Species & Habitats Regulations 2010 (known as the Habitats Regulations). The Habitat Regulation Assessment matrix must be included in the Planning Officer's report for the application and must be discussed and minuted at any Committee at which the planning application is presented. Natural England has been consulted and has not objected to the proposal. The Habitat Regulation Assessment concludes that there is no likely significant effect of the proposal on any European Designated Site. There is no legal barrier under the Habitat Regulation Assessment process to planning permission being granted in this case.
- 4.1.49 There are no potential bat roosts to be affected by the proposed works but some potential for bats to be foraging around the area. There are two badger setts close to the site but both are at sufficient distance not to be affected by the proposed works; the main sett is closer and some care will be required and can be covered by a precautionary method statement relating to badgers. No works should occur within 30m of a badger sett without a Badger Disturbance Licence

from Natural England. There is potential for nesting wild birds to be present on the site. If permission is granted the following conditions and informatives should be imposed:

4.1.50 Recommended ecology conditions:

- Three Schwegler 2F bat boxes (or direct woodcrete equivalent) shall be erected on the site prior to first use of the buildings hereby permitted, in a location to be agreed with the local planning authority, and shall be retained for the lifetime of the development. Reason: To ensure the provision of roosting opportunities for bats, which are a European Protected Species. NB: The bat boxes should be 4m or more above the ground and in a non-illuminated area as described in the manufacturer's guidance or advice should be sought from an experienced ecologist.
- Prior to the first use of the development hereby approved a lighting plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet *Bats and Lighting in the UK*. Reason: To minimise disturbance to bats, which are a European Protected Species.
- Prior to the commencement of development a method statement to protect badgers shall be submitted to and approved in writing by the local planning authority. This method statement should consider issues including, but not limited to: working methods, site clearance, sensitive works requiring ecological supervision, marking a 'no work' zone around the known badger setts, checking trenches at the start of each working day and what to do if additional evidence of badgers using the site is discovered. The agreed works shall be fully implemented during the course of any construction works and any mitigation measures thereafter retained for the lifetime of the development. Reason: To ensure the protection of badgers in line with the Protection of Badgers Act 1992.
- A total of five artificial nests for small birds such as Schwegler 1FB bird box, 2H robin box, Schwegler bird houses or sparrow terraces (or direct woodcrete equivalents of the above) shall be erected on the site, in locations to be agreed with the local planning authority, prior to first occupation of the buildings hereby permitted and thereafter retained for the lifetime of the development. Reason: To ensure the provision of nesting opportunities for wild birds.

4.1.51 Recommended ecology informatives:

- Where possible trenches on the site to which this permission relates should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then a means of escape should be provided in the form of a sloped board, plank or earth ramp. All open trenches should be inspected at the start of each working day to ensure no animal is trapped.
- 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 the 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). If the applicant does not follow the procedure advised above then they may find themselves vulnerable to prosecution for an offence under the Protection of Badgers Act 1992.
- 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. NB: 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 birds' 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.

- 4.1.52 (Since the above comments were given by the Planning Ecologist, limited additional ecological survey work has been undertaken by the applicant to ensure that the previous survey data is fully up to date. It is not envisaged that this additional survey work will change the Planning Ecologist's previous comments significantly, but any updated comments which she may make will be explained at the Committee meeting.)
- 4.1.53 County Arboriculturalist – I have not visited the site but from Google streetview and reviewing the submitted plans and photographs I believe I have a fairly accurate picture of the implications of this application with regard to trees. I am broadly satisfied that the application will not have a significant detrimental impact on tree cover, although I do have some concerns as to impacts on hedgerows, particularly in the vicinity of the proposed junction improvements and passing space along the access route to the site.
- 4.1.54 Specific comments are as follows: There are three mature trees in the hedgerows to the northern and western boundaries of the site. These are particularly prominent and it is important to ensure that they are retained and protected from any development-related damage. I therefore suggest the applicant should submit a Tree Protection Plan, prepared in accordance with British Standard 5837 (2005) – Trees in Relation to Construction. The plan should accurately plot the size and canopy spread of the trees and their requisite Root Protection Area (RPA). It should specify the means of tree protection to be employed during the development to protect the RPA of both these trees and the existing hedgerows to be retained.
- 4.1.55 The RPA is to be treated as a Construction Exclusion Zone, within which there is to be no siting of cabins or other structures, no storage of soil, chemicals, materials, plant or equipment, no access of vehicles or heavy machinery, no alterations of soil levels and no lighting of fires. The submitted landscape plan (drawing OWE-007-1) shows an earth bund to be planted up around three sides of the poultry units. This bund appears to encroach in part within the RPA of the mature tree just west of the proposed access point to the development. I would like to see the bund realigned to take it outside the RPA of this tree, as any raising or lowering of the soil profile within this zone could damage the tree's roots. Mature trees are particularly vulnerable to root disturbance.
- 4.1.56 In general, any planting associated with this application should leave a good stand-off from the existing mature trees, to prevent future competition for light, water and nutrients. I suggest 5m beyond the current canopy spread should be left unplanted and the landscape plan should be amended to reflect this.

- 4.1.57 A final consideration concerning the mature tree near the proposed access to the development is that of visibility for traffic entering/leaving the site. I hope it would not be considered a problem, but I would like a Highways Inspector's confirmation that this is the case. If visibility is an issue, I would rather see the access re-aligned and the tree left intact. If, however, pruning is required then it should be prescribed by a competent arborist, to the prior written satisfaction of the Local Planning Authority.
- 4.1.58 With regard to the specific details of the planting proposals, I would like the applicant to provide the following further information:
- The numbers or proportions of species suggested in each of the new tree and hedge planting mixes.
 - The size and type of tree planting stock to be utilised in the tree planting mixes and for the new hedgerow trees within the landscape improvement zone.
 - The means of protection for the new trees and hedgerow plants to guard against rabbit and field vole damage.
- 4.1.59 Finally, I note that once it has become established, the applicant proposes managing the new planting surrounding the poultry units on a coppice rotation, in order to supply fuel for the on-site woodchip boiler. Whilst this is in principle sustainable, I would urge that consideration be given to the phasing of such management, as coppicing is visually tantamount to clear felling. If carried out in one mass it could effectively remove the tree screen, opening up the poultry units to full view. I therefore suggest a coppice management plan should be prepared and adopted, clearly identifying the coppice coupes to be cut and their chronology.
- 4.1.60 **Environment Agency** – We have included information on the Environmental Permit which we issued in February this year (2011), as background for your determination of the planning application. You will note that several of the issues are covered in both the planning application and the permit application, however you will appreciate that the issuing of the permit is focused on the regulation of the process rather than the appropriateness of the land use in that particular location as in the planning application.
- 4.1.61 Permitting background
We issued J. G. Owen & Co of Acton Pigot an Environmental Permit (EPR/PP3638HH) for the operation of a poultry unit at Acton Pigot on 15th February 2011. This permit allows the rearing of poultry (broilers) in a facility with a capacity for 188,000 places.
- 4.1.62 In determining this permit we took into consideration the applicants proposals for construction and design of the poultry houses, intended operations, emissions and impact on surrounding environment. The applicant demonstrated that the poultry units will be built using best available techniques (BAT) in accordance with 'How to comply with your environmental permit for intensive farming' (Version 2 January 2010). The impact of ammonia on designated sites was considered during the determination of the application. A screening exercise showed that the proposal would not have a significant affect on the local sites and did not require further assessment.
- 4.1.63 We will regulate the operation of the site through the means of the permit. The operator will have a legal obligation to comply with the conditions in this

document. The permit will require that the site be well run by competent operators in accordance with written management systems. We expect that energy and raw materials are efficiently used and the efficiency of these will be reviewed.

- 4.1.64 Emission points from the farm such as roof vents, dirty water drainage provisions have been assessed as part of the application and we are satisfied with the proposed measures in place to manage such emissions. All potentially polluting liquids such as oil and washwater will need to be contained to a standard set out in 'How to comply with your environmental permit for intensive farming' (Version 2 January 2010). Poultry litter once removed from the sheds cannot be stored within the permit boundary.
- 4.1.65 It will be a requirement of the farmer that he produces both an odour and noise management plan to recognise any potential sources and to have actions in place to prevent nuisance occurring. The farmer is expected to comply with these plans and they will be reviewed every four years, or sooner if a problem occurs. Records are required to be kept by the farmer so that on inspections we can see that the operation of the unit is compliant with the permit. We will regulate this site to ensure that the operator complies with the permit. The permit does not however cover activities outside of the permitted area. This would include the spreading of poultry litter and traffic movement to and from the site.
- 4.1.66 Flood risk / drainage
This site falls within Flood Zone 1 on our Flood Map. This is the Low Probability flood zone identified in Table D1 of PPS25 where land has less than a 1 in 1000 annual probability of river flooding (<0.1%) in any year. However, we note that page 140 of the Environmental Statement confirms that finished floor levels will be set 300mm above surrounding ground levels to reduce flood risk from surface water flooding and overland flows.
- 4.1.67 Less vulnerable uses such as agricultural buildings are suitable in Flood Zone 1 provided the surface water arrangements are satisfactory and do not increase flood risk elsewhere. As this is a Flood Zone 1 site of less than 5 hectares, your Council's drainage team should comment fully on the surface water drainage strategy proposed. However, we do note an inconsistency in relation to the proposed provision for attenuation and this should be clarified by your drainage engineer. An attenuation pond has been included in the proposals with 562m³ of storage, however Hafren Water (letter in Appendix 12.1 dated 9 April 2010) assumed just over 1 hectare of built development whilst paragraph 12.6.8 of the Environmental Statement suggests that the final figure was 80% of a 3 hectare site. It is essential that the attenuation pond is sized correctly to ensure that greenfield run-off rates are maintained post development (including climate change impacts on peak rainfall) to ensure flood risk is not increased. However, 562m³ attenuation for a site of this size which will be 80% impermeable post-development appears to be low. We note the reference to our Pollution Prevention Guideline PPG5 on Works in, near, or liable to affect watercourses in Section 12.2.3 of the Environmental Statement.
- 4.1.68 Planning response
It should be noted that although the planning application is for 176,340 birds, the permit allows for 188,000 birds, but does not require it. The poultry unit should therefore operate within the lower of the two figures as stated on the planning

application. Based on the information in the Environmental Statement, we are of the view that the proposed development will not cause significant environmental impact and we have no objection to the planning application provided that adequate attenuation is provided as confirmed by your drainage engineer.

4.1.69 Please note that we have not commented on the potential impact of traffic and your Highway Engineer should advise on this aspect. We also have not commented on the spreading of any poultry waste to land. This is an agricultural practice which is covered by DEFRA's Code of Good Agricultural Practice for Farmers and the more localised guide produced for North Shropshire and referred to in the Environmental Statement.

4.1.70 **English Nature –**

Effects on designated nature conservation sites: Natural England confirms that there are no direct effects on any designated site and notes that the applicants have already secured an environmental permit for the proposed use of the site from the Environment Agency. The Environment Agency has concluded in the determination of that licence that there are no indirect effects on the designated sites in the area due to ammonia emissions from the buildings. This will help to inform you on your view on any habitat regulations assessment under Regulation 61.

4.1.71 Protected species: Natural England welcomes the submission of the ecological survey and we recommend that you consult your in-house / retained ecologist with regards to the results of the survey and the appropriateness of the mitigation proposed. We have adopted national standing advice for protected species. As standing advice, it is a material consideration in the determination of the proposed development in this application in the same way as any individual response received from Natural England following consultation and should therefore be fully considered before a formal decision on the planning application is made.

4.1.72 The protection afforded these species is explained in Part IV and Annex A of ODPM Circular 06/2005 to PPS9. Paragraph 98 of the Circular states that 'the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat'. The applicants should be informed that planning permission, if granted, does not absolve them from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IVB of the Circular 06/2005.

4.1.73 With respect to the ecological report, there appears to be no assessment of impacts of the road works to allow access to and from the site. In addition the report does not include full results of the water bodies so close to the proposed shed location (for instance a habitat suitability index). The main body of the text in the EIA does have additional information on the ecology of the area and it would be useful for your assessment of the impacts if the consultants could confirm some of the issues as described in Natural England's standing advice which I refer you to.

4.1.74 Landscape and visual impact assessment: Natural England welcomes the use of the guidelines on landscape and impact assessment that were used in this

application's assessment. Natural England also supports the Typology map of Shropshire document as a landscape assessment description for the assessment of landscape and impacts.

- 4.1.75 **Shropshire Wildlife Trust** – While we welcome mitigation measures to enhance biodiversity on the site itself we have a number of concerns: The baseline ecological survey was undertaken in May 2009 and while it does provide some useful information regarding the proposed development site, it should be refreshed. This would enable any recent changes to the ecological value to be included and address reports within other comments relating to species such as Brown Hare being present.
- 4.1.76 Our main concern however relates to the areas surrounding the site. We could find no plan identifying the location of the areas where it is intended to spread the resulting manure or any indication that the ecological impacts have been fully considered. Within 2km of the site are four County Wildlife Sites, three of which have some ecological interest relating to wetland habitat. We also note that, although sizable areas of land have been identified as suitable for spreading on, there is no 'low risk land' available. A 10 metre stand off from water courses has been suggested; where there is associated ecological interest we feel that a broader and more robust buffer zone should be adopted.
- 4.1.77 Our final concern relates to the drainage from the site and that as well as addressing flood issues through sustainable drainage principles that it also ensures that there is no additional nutrient loading on the watercourses and downstream habitats.
- 4.1.78 **Shropshire Fire and Rescue Service** – gives standard comments regarding the provision of adequate access for emergency fire vehicles, and an adequate water supply for fire fighting, and also recommends the installation of a sprinkler system in the development in view of the site's rural location and the longer response times for fire fighters.
- 4.1.79 **English Heritage** – We do not wish to comment in detail, but offer the following general observations. Permission should be conditional on your Council's approval of landscape design and a landscape management plan. We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.
- 4.1.80 **The Garden History Society** – objects to the planning application. The Garden History Society's interest in the proposal relates to its potential impact on Grade II* Listed Golding Hall, its garden and associated listed buildings and garden structures which the listing description describes as a largely unaltered and well-preserved large farmhouse within a good hamlet group. The garden at Golding Hall is not presently included by English Heritage on the Register of Parks and Gardens of Special Historic Interest; however we note that it is included on the List of Sites of Local Importance published by Shropshire Council (1997). In these circumstances we consider that the appropriate body to provide a detailed response to this application is the Shropshire Parks and Gardens Trust.
- 4.1.81 We have seen the response submitted by the Trust to your Authority, and wish to register our support for their objections to the present development proposal

at Flemings Field. The Garden History Society agrees that the proposed development will have an adverse impact on Golding Hall and its setting, including its garden, such that the development would conflict with both national planning policy contained in PPS5, and in local plan policy CS17 on development and the historic environment. In addition, we advise, from our national perspective that the special historic interest of the garden at Golding Hall appears to be sufficient to merit assessment of this site by English Heritage for inclusion on the Register of Parks and Gardens. We advise that this assessment should properly be undertaken prior to determination of this application.

- 4.1.82 **Shropshire Parks and Gardens Trust** – The following response from the Shropshire Parks and Gardens Trust has been prepared in consultation with the Garden History Society.
- 4.1.83 Our primary concern is with the visual impact of this very large proposed development on Golding Hall and its setting, together with the adverse effect of noise, smell and the increase of heavy vehicle traffic which would result. Golding Hall together with its associated historic buildings and historic garden forms a significant concentration of heritage assets 500 metres or less from the development site. The Hall itself is Grade II* Listed, putting it in the top 5.5% of England's Listed buildings. The listing description refers to it as 'a largely unaltered and well-preserved large farmhouse within a good hamlet group (terrace walls, stable, dovecote, tithe barn, cottage etc). In addition, there are five other Listed structures within its immediate vicinity including a Dovecote, two separately Listed Terrace Retaining Walls, Garden Walls and a Stable and Granary.
- 4.1.84 The garden is of considerable historic interest and is included in a list of Sites of Local Importance published by Shropshire Council in 1997 (this has been overlooked in the applicant's environmental impact statement). A garden at Golding is described *inter alia*, in a manuscript document (now at the National Library of Wales, Aberystwyth) dated 28th February 1294. This document, which records (in Latin) grants of land in Golding at that time, refers at one point to "...*una nocatam terre cum viridi giardino...*" which translates roughly as '..a nook of land with a green garden...'. That a garden should be referred to at all at this early date is significant in itself, and would appear to indicate a development of high status. Similarly, the use of the qualifying adjective '*viridi*' suggests further that this was more than a mere vegetable garden – indeed, the word *viridarium* has been identified from mediaeval texts as indicating specifically an ornamental garden or 'pleasure ground'.
- 4.1.85 The will of Thomas Langley of Golding, dated May 30th 1692 (proved May 4th 1697) lists among his many chattels "...seven cane chairs belonging to the summer house...". 'Cane chairs', which were fashionable in the latter part of the 17th century, were substantial pieces of furniture and not the lightweight items we might now associate with such a description. Hence, the 'summer house' to which they belonged must itself have been a building of some considerable size and standing and this adds further to the likely status of the gardens at Golding at that time.
- 4.1.86 The enhanced status of the gardens at Golding in the 17th century is confirmed in a field survey report compiled by Dr Paul Stamper of English Heritage in the

1990s and included in the Shropshire Historic Environment Record (formerly the Shropshire Sites and Monuments Record). This provides a detailed, expert and fully referenced evaluation of the site, which it describes as ‘...an excellent example of a gentleman’s garden of the later 17th century...’ and includes a description of a series of substantial, brick built terraces to the south of Golding Hall, which appear to date from that period.

- 4.1.87 The garden at Golding is also referred to in ‘Historic Parks and Gardens of Shropshire’ by Paul Stamper (Shropshire Books 1996), where he suggests that ‘the terraces resemble, in a modest fashion, those of Powys Castle’. The book also includes a colour photograph of Golding Hall and its terraced gardens, as Plate 10.
- 4.1.88 Figure 1 (an illustration submitted with these comments) shows a view south and east from a formal viewpoint in the gardens at Golding, which includes the proposed development site. The landscape context of a garden is an important part of its *setting*, which is “...all of the surroundings from which...[a]...heritage asset can be experienced or that can be experienced from or with the asset” (English Heritage Guidance ‘The Setting of Heritage Assets’ (2011)) and is not only an integral constituent of its design, but also a critical component of how it is perceived and understood. The character and quality of the landscape surrounding the garden at Golding (i.e. its setting) is clearly apparent in this photograph, which includes a fine view south to Park Wood in the English Heritage Registered Park and Garden at Acton Burnell, as well as more distant views to the South Shropshire countryside beyond.
- 4.1.89 Figure 2 (also an illustration submitted with these comments) shows the same view with the approximate extent of the proposed development superimposed on it (white lines & numerals). The heights of the two existing trees adjacent to the proposed development site are indicated (these were obtained by photographing a 2m ranging rod immediately beside each tree and scaling up to obtain their heights). The base of the easternmost of these two trees is given in the application as c12.5m (the survey datum was not apparent from the submitted drawings) and the height of the tree itself as obtained above is c14.45m. Thus, the top of this tree is at c26.95m.
- 4.1.90 The base of the northernmost of the proposed sheds is given as 13.00m and its proposed ridge height is given as 4.77 metres above ground level. Thus its roof apex will be at 17.77 metres as indicated on Figure 2. Similarly, the top of the proposed feed silos, which are 7.5m high above ground level, will be at 20.50m as also indicated on Figure 2. Note that the southernmost pair of sheds will be founded at 13.50m and so will be 0.5m higher than the above figures.
- 4.1.91 The total length of the two pairs of proposed buildings (i.e. roughly east to west), which will be in excess of 200 metres total, is indicated by the extent of the horizontal line on Figure 2. The width of the proposed development (i.e. roughly north to south), leaving aside any proposed landscaping, will be approximately 75 metres. This will clearly exacerbate the visual impact of the proposed sheds in the view from Golding, as outlined above.
- 4.1.92 Data supplied as part of the application for this development (EIA para 4.4.1), indicate that the proposed chicken sheds will have a total of 104 separate extraction fans, ranging in size from 800mm to 1250mm in diameter. These are

substantial structures and although no data on noise levels have been supplied as part of the application, it is clear that when in operation, they will undoubtedly have a significant detrimental effect on the peace and tranquillity of the surrounding area.

- 4.1.93 The above extraction fans, when in operation, will additionally expel substantial volumes of noisome odours into areas surrounding the proposed development. From the above, it is clear that the proposed development will have a number of substantial adverse effects on the setting of the Grade II* Listed Golding Hall itself and upon its associated 'hamlet group', which includes also a number of other Listed structures.
- 4.1.94 The visual information supplied also indicates that the proposed development will similarly have a substantial adverse effect upon the gardens of Golding Hall, deriving both from noise, smell and vehicle traffic associated with the development, as well as from the visual intrusion of the proposed development into the otherwise unspoilt rural landscape, which forms part of its setting. Although not currently included on the English Heritage Register of Parks and Gardens, the evidence included above indicates that the gardens at Golding are at least of enhanced local significance.
- 4.1.95 We consider therefore that the proposed development would conflict with national planning policy PPS5, in that it would have a demonstrable adverse impact on a significant group of vernacular buildings and their setting. It is our view also that the proposed development would conflict with local plan policy CS17 on development and the historic environment. We therefore urge the Council to reject the application.

4.2.0 Public Comments

4.2.1 At the time of writing this report, some 140 letters and emails expressing objection to the proposal have been received from a total of 120 individuals or households. Some 70% of these live within 1.5 miles radius of the application site, in villages and hamlets such as Acton Burnell, Pitchford, Upper Cound, Coundmoor, Harnage and Acton Pigot. The remainder live further away towards Shrewsbury and Telford, with a few objectors being from more distant parts of Britain and even abroad.

4.2.2 The principal grounds of objection are summarised below:

- The proposed development would be entirely inappropriate to its setting in this rural area and would thus be fundamentally in conflict with key objectives and policies of the Shropshire Core Strategy
- The proposed poultry unit would be an inappropriate and incongruous development in this attractive rural area, which would have a serious and damaging impact on the character of the local landscape
- The large buildings and even higher feed bins would be visually intrusive, and the development would have a larger 'footprint' than all the other buildings in Acton Pigott or Golding
- Proposals of this excessive industrial scale should be situated in locations more suitable for industrial developments, and certainly much closer to main roads to avoid the adverse impacts of heavy traffic on rural lanes
- The granting of permission for this development would set a precedent for other inappropriate industrial scale developments in the surrounding rural area

- If the current application is permitted there are likely to be further proposals to expand the site in the future
- Recent precedent has been set through the dismissal of some planning appeals concerning similar developments elsewhere in Shropshire
- The scale and design of the proposed poultry houses would be completely inconsistent with that of the nearby Listed Buildings and would be harmful to the immediate settings of these historic buildings and the wider historic landscape which surrounds them
- The proposal would result in the loss of high quality agricultural land
- Noise would be generated from the ventilation and feed blowers at the poultry unit
- The existing tranquillity of the surrounding rural area would be destroyed and light pollution would be caused by the development
- Significant nuisance would be caused to local residents by flies and pervasive unpleasant odour associated with the poultry sheds and the manure produced
- Local residents will no longer be able to sit outside or sleep with windows open in summer due to the noise and smell from the poultry unit
- The accuracy of calculations about the amount of manure that would be produced is questioned
- Local watercourses and groundwater could be contaminated by manure produced by the poultry
- Increased use of a borehole would lower groundwater levels locally
- The development could have an adverse impact on protected wildlife species and sites of wildlife value such as Venus Pool and Sites of Special Scientific Interest near Count
- Birds that die in the poultry unit would attract flies and represent a health hazard
- There would be a probable increase in airborne dust and allergens
- The proposal would perpetuate inhumane factory farming methods
- The proposed poultry unit would generate a constant stream of traffic to and from the site, including through some villages where there are no pavements
- The local roads leading to the site are narrow and totally unsuitable for the additional large vehicles which would be visiting the poultry unit
- It is probable that accidents involving other vehicles, and also pedestrians, cyclists and horse riders, would occur as a result of the traffic generated by the poultry unit
- Concord College students living in lodgings at Acton Pigott would be endangered by the traffic generated by the development
- HGV traffic generated by the poultry unit would have an adverse impact on the Acton Burnell and Pitchford Conservation Areas, including potential for damage to Listed Buildings due to vibration caused by HGVs, or even collision with buildings
- There can be no guarantee that traffic associated with the poultry unit would follow the designated route
- Mud would be deposited on the local roads by vehicles from the site
- The heavy traffic visiting the site would cause a disruptive effect on communities and damage to the environment
- There would be numerous movements of HGVs and large agricultural vehicles, many of which would occur at night
- Residents living along the roads used by traffic visiting the site would suffer sleep disturbance during the night when the sheds are being emptied of birds
- The reversing alarms used by vehicles within the site would also cause sleep

disturbance and annoyance to nearby residents

- Property values in the area would be adversely affected
- Whilst the proposed development would have a significant detrimental impact on the amenities and properties of numerous local people, it would benefit only the applicants and no-one else in the local area, and would not create local employment
- Most supporters of the scheme are not local to the area and therefore their views should not influence the decision on this application.

4.2.2 In addition to the letters and emails sent by individual objectors, the Villages Action Group set up by local objectors has commissioned a submission against the proposal by a planning consultant. This submission highlights many of the same points of objection raised by members of the public, as listed above. Additional critiques of the applicant's heritage assessment, ecological survey and noise calculation methodology have also been submitted by specialist consultants on behalf of the Villages Action Group.

4.2.3 At the time of writing this report, 47 emails expressing support for the proposal have been received from a total of 44 households. Some of these supporters live within a few miles of the application site (e.g. Upper Cound, Sheinton, Ryton and Dorrington) whilst the majority are from members of the farming community elsewhere in Shropshire and also further afield in Britain.

4.2.4 The principal grounds of support are summarised below:

- Agriculture locally has been suffering through the loss of the Allscott sugar beet factory, the decline of dairying, changes in farming practices and profitability, and therefore investment in new farm developments and diversification should be welcomed and supported as beneficial to the local economy and community
- The development of such facilities will help to make agriculture locally more profitable and is essential to enable Britain to be more self-sufficient in poultry meat and less reliant on more costly imported food
- The refusal of permission for developments such as this will deter the farming industry from adapting and investing, which could have serious consequences for the rural economy in the longer term
- The countryside is in effect a workshop for the production of food for Britain and it must adapt and be used effectively to this end
- Chicken is a very cost effective means of growing protein for human consumption and hence contributes to the affordability of food
- The proposed development would be accordance with sustainability objectives because it would contribute towards Britain's self-sufficiency in food production and would reduce the 'carbon footprint' of the chicken meat consumed
- The proposed biomass heating and solar PV panels would ensure the sustainable operation of the poultry unit in terms of energy use
- The proposal will generate additional employment not only on the farm but also in various related support businesses, such as the meat processing plants
- The proposal represents a natural development and adaptation of a long established family farming enterprise, and farm diversification is essential in the current economic climate
- The livestock welfare standards in a modern poultry unit such as is proposed are better than those in some foreign countries

- The fears of objectors are exaggerated because modern intensive poultry units maintain high environmental standards and have very little impact on neighbours' amenities
- The rigorous controls exercised by the Environment Agency under the environmental permit regime will ensure that the proposed poultry unit would not give rise to harmful emissions or risks to health
- The applicant lives very near to the site of the proposed poultry unit and therefore would not want a development there which would be harmful to the amenities of neighbouring properties
- The anticipated traffic movements need to be assessed realistically in the light of the past history of traffic related to sugar beet production at Acton Pigott Farm, and also in the context of all the other agricultural, commercial and HGV traffic that uses the local roads, including that which already travels to and from Acton Pigott
- The proposal will have the benefit of reducing the importation of poultry manure from elsewhere in Shropshire to the applicant's farm by road
- Any smell resulting from manure spreading would be likely to occur only on the day of spreading, and this could occur anyway with the imported manure currently used
- The low profile design of the poultry houses, combined with the proposed bunding and planting to provide screening, will minimise the impact of the development on the local landscape
- The visibility of the application site is limited and when the proposed planting around the development has grown the buildings would be well hidden and would not be prominent
- The proposed planting around the new buildings will increase wildlife habitats.

5.0 THE MAIN ISSUES

- Purpose and principle of the development
- Planning policy context
- Design and appearance of the development
- Alternative sites considered
- Visual impact on landscape
- Historic environment issues
- Ecological issues
- Traffic issues
- Pollution issues
- Impact on amenities of local residents

6.0 OFFICER APPRAISAL

6.1 Purpose and principle of the development

6.1.1 The proposed development is intended to diversify the applicant's existing agricultural business, and to contribute to the production of chicken meat within Britain in order to reduce the growing reliance on imported meat. The proposed poultry unit is also expected to provide employment opportunities at the farm for two members of the applicant's family. It would also contribute to the local rural economy through feed contracts, building contracts and veterinary employment.

6.1.2 Demand to build large poultry houses, for either free range or intensive poultry production, is increasingly common at present in the local agricultural economy. Increasingly rigorous livestock welfare requirements are contributing to a need for new and larger poultry buildings in order to maintain production capacity. In

principle such buildings required for agricultural purposes can be considered acceptable in the rural area, where agriculture is the primary commercial activity, subject to their design, size and siting being suitable and their impacts on the local area being acceptable. These issues will be considered in detail later in this report.

- 6.1.3 As an intensive poultry production unit with a capacity of over 85,000 birds (the proposed development would accommodate more than twice that number) the proposal falls within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, and therefore the required Environmental Impact Assessment is submitted as part of the application. This analyses in detail the various potential environmental impacts of the development, and has been supplemented by additional information during the processing of the application.

6.2 Planning policy context

- 6.2.1 The principal Government planning guidance and development plan policies having a bearing on this case are addressed below. The National Planning Policy Framework (effective from March 2012) replaces all previous Planning Policy Guidance and Statements, and some sections are of particular relevance to this proposal. The NPPF is supportive of sustainable economic development (including agricultural and rural development in appropriate locations) whilst emphasising that the desirability of economic development must always be balanced against other relevant environmental considerations such as ecological, historic, landscape protection and neighbour amenity factors.
- 6.2.2 The National Planning Policy Framework refers to the need for planning decisions to be in accordance with the development plan unless material considerations indicate otherwise (paragraph 11). It states that the Government is committed to securing economic growth (18) and that the planning system should support and encourage sustainable economic growth (19). The NPPF emphasises its presumption in favour of sustainable development, i.e. approving without delay development proposals that accord with the development plan, unless their adverse impact would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole (14). Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise (196) and should apply the presumption in favour of sustainable development (197).
- 6.2.3 The NPPF is supportive of a prosperous rural economy, including supporting the sustainable growth and expansion of all types of business and enterprise in rural areas (including through well designed new buildings), and promoting the development and diversification of agricultural and other land-based businesses (28). The need to conserve and enhance the natural environment is highlighted (109, 113, 117-8).
- 6.2.4 The NPPF states that the Government attaches great importance to the design of the built environment (56) and refers to the integration of new development into the natural, built and historic environment (61). The importance of weighing the impact of new development on designated heritage assets and their settings is highlighted (65), as is the need to conserve and enhance the historic environment (126, 128-9, 131-5).

- 6.2.5 Other significant paragraphs in the NPPF with relevance to the current application include references to proposals which would generate traffic (32 & 34), and to pollution control, noise and amenity issues (120, 122-3), and principles relating to planning obligations (203-4).
- 6.2.6 It should be noted that most of the comments made by statutory consultees in respect of this application were submitted before the NPPF took effect. They are quoted in this report as originally submitted and some therefore make reference to the Government planning policy guidance then in force.
- 6.2.7 The Government has made known its intention to revoke Regional Strategies, so whilst the West Midlands Regional Spatial Strategy (2004) currently remains part of the development plan its policies are considered to have relatively little weight. The following policies have particular relevance to the current proposal:
- 6.2.8 Policy QE1 concerns conserving and enhancing the environment as a key component of the Regional Spatial Strategy, and refers (among other issues) to the need for protection of irreplaceable assets such as specific wildlife habitats, historic landscape features and built heritage.
- 6.2.9 Policy QE5 concerns the protection and enhancement of the historic environment and makes reference to many kinds of features of particular historic significance in the West Midlands, such as historic rural landscapes and their settlement patterns, listed buildings, and their settings, historic parks and gardens, and conservation areas.
- 6.2.10 Policy QE6 concerns the conservation, enhancement and restoration of the Region's landscape, and highlights the desirability of protecting and enhancing natural, man-made and historic features that contribute to the character of the landscape, including considering other factors that contribute to landscape character, such as tranquillity and the minimisation of noise and light pollution.
- 6.2.11 Policy QE7 concerns the protection, management and enhancement of the Region's biodiversity and nature conservation resources.
- 6.2.12 Policy PA14 concerns economic development and the rural economy, and expresses support for the sustainable diversification and development of the rural economy through the growth of existing businesses and the creation of new enterprise.
- 6.2.13 Policy PA15 concerns agriculture and farm diversification, and highlights the continuing importance of the agricultural sector in the region and the desirability of promoting agriculture and farm diversification, whilst stating that any development should be appropriate in scale and nature to the environment and character of the locality.
- 6.2.14 The Shropshire Core Strategy (effective from March 2011) contains various policies having a bearing on the current application and the most significant are referred to below.
- 6.2.15 Policy CS5 concerns the countryside and Green Belt, and states that development proposals on appropriate sites, which maintain and enhance countryside vitality and character, will be permitted where they improve the

sustainability of rural communities by bringing local economic and community benefits. Among the types of new development which would be considered appropriate is agricultural development, although proposals for large-scale new development will be required to demonstrate that there are no unacceptable adverse environmental impacts.

- 6.2.16 Policy CS6 sets out sustainable design and development principles to be applied to new proposals. These relate to issues such as the safeguarding of residential and local amenity, high quality design of appropriate scale and pattern (which takes into account local context and those features which contribute to local character), accessible location, and appropriate landscaping.
- 6.2.17 Policy CS7 refers to issues of transport and sustainable development, whilst Policy CS13 relates to supporting business development in Shropshire, and recognises the continued importance of farming for food production and the need to support rural enterprise and the land-based sector, including food production. Policy CS16 refers to the economic importance for tourism, culture and leisure of Shropshire's landscape, cultural and historic assets.
- 6.2.18 Policy CS17 relates to environmental networks of natural and historic assets, and (among other points) emphasises that all development should protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment, and should not adversely affect the visual, ecological, geological, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors.

6.3 Design and appearance of the development

- 6.3.1 The proposed poultry unit development would occupy an essentially rectangular site measuring some 290 x 120m, with an additional area of some 80 x 60m adjacent to the north-east corner to include a new pond which would be formed to attenuate surface water run-off from the new buildings. The total area of the proposed development, including the new pond, would occupy some 3.75 hectares, amounting to some 30% of the area of the existing field which measures approximately 12 hectares. The remainder of the field would continue in agricultural use as at present.
- 6.3.2 The principal element of the development would be four intensive poultry rearing buildings, arranged in two pairs parallel to the lane and on either side of a central surfaced vehicular access (100m long x 13m wide) with turning facilities, which would be reached through a new entrance from the lane into the field. Some small ancillary buildings would stand near to the central access route.
- 6.3.3 The proposed poultry sheds would each measure 102.4 x 24.7 metres, with a shallow pitched (10 degree) roof with a ridge height of 4.8m and eaves height of 2.6m. The roofs and walls of these sheds would be clad in box profile polyester coated steel sheeting, and ventilator cowls would project slightly at intervals above the roof of each unit near to the ridge. An array of solar photovoltaic panels (measuring some 60 x 3m) would be mounted on the south-east facing roof slope of each of the four sheds to generate electricity for the buildings. The total floor internal area of the four sheds would be some 9,500 sq m, and the total number of birds expected to be housed within them would be 176,340 (44085 per shed).

- 6.3.4 Adjacent to the site's central access route, small ancillary control rooms and feed blending rooms (measuring some 9 x 3m and 3.5m high) would link each pair of poultry sheds, and behind these linking sections would be five cylindrical feed hoppers, some 7.5m high and 2.8m in diameter, serving each pair of sheds. At the outer end of each shed (close to the east and west ends of the group of buildings) would be a bank of fans with a canopy over them; these would provide ventilation by drawing air through the poultry sheds.
- 6.3.5 Adjacent to the entrance into the site would be a small freestanding building (measuring 9 x 4.5m) with a shallow pitched roof, providing an office and store, whilst 10m east of that would be a biomass burner unit supplying heating for the poultry sheds. This would comprise a portal-framed building with slate grey profiled steel sheeting on the roof and walls, and measuring 22 x 12.4m with a pitched roof rising from an eaves height of 4m to a ridge height of 7m. This building would contain a boiler room with ancillary equipment, and an adjacent wood chip storage area covered by the roof but open on one side.
- 6.3.6 The site of the proposed poultry sheds and ancillary buildings would be excavated to a maximum depth of some 3.5m in order to create a large rectangular and approximately level area for the new buildings. An earth bund would then be formed around the site of the buildings to provide effective screening of them from the surrounding landscape. The height of the bund would be some 2m above the existing ground level, and its width would vary from 7 to 23m (depending on the height of the natural ground level). On the outer sides of the bund (with the exception of the south-east side) new tree planting would take place to provide a screening belt around the development. New hedging would also be planted beyond the new trees to mark the boundary of the site with the adjacent field.
- 6.3.7 The proposed pear shaped attenuation pond 50m north-east of the poultry unit would measure some 45 x 32m and would have a small bund and some new tree planting on one side but would otherwise stand unscreened in the corner of the field. Adjustments to its specification have been made to ensure compliance with the Council's drainage requirements.

6.4 Alternative sites considered

- 6.4.1 The applicant farms a large area of land around Acton Pigot and Golding, and the planning application explains that a total of four sites in this area, including the current application site, were considered as possible locations for the proposed intensive poultry rearing unit. The three alternative sites are at distances of between 500 and 1000m from the application site at Flemmings Field. Areas of land elsewhere which are farmed by the applicant but not in his ownership were not considered.
- 6.4.2 The potential sites considered were:
- the current application site at Flemmings Field
 - land immediately east of Acton Pigot hamlet
 - land at Fullway between Coundmoor and Upper Cound.
 - land adjacent to the junction of the Acton Pigot lane with the lane between Acton Burnell and Kenley (approximately opposite an entrance to Concord College).

6.4.3 These four sites were assessed in terms of issues such as accessibility, site conditions, landscape impact, impact on sites of historical and ecological importance, and potential for nuisance to local residents. The assessment considered the sites both in their current state and in their potential state if mitigation measures such as landscaping and planting schemes were implemented. The Flemmings Field site achieved the best scores both in terms of its current state and with the benefit of potential mitigation measures. The site close to Acton Pigot itself was the second-best scoring option on the same basis. The Flemmings Field site was chosen by the applicant as the most suitable for the proposed poultry unit because it would be more distant from dwellings than the site at Acton Pigot, would be less prominent in the landscape and would still be reasonably accessible for the vehicles which would visit the poultry unit.

6.4.4 Having regard to the necessity for suitable access to the proposed poultry unit for commercial vehicles, it is considered that the four sites assessed by the applicant were reasonable options. Other land within the applicant's ownership in the vicinity of Acton Pigot and Golding would have been unrealistic in terms of access and would have had similar potential impacts on the landscape and on sensitive sites. The methodology for the selection of the application site is considered to be appropriate, and of the four sites assessed it is considered that the best option was selected by the applicant. However, some consultees might take the view that insufficient weight was given in the site selection and assessment process to factors such as the sensitivity of historic properties in the vicinity, or the impact on local residents of traffic related to the development.

6.5 Visual impact on landscape

6.5.1 The application site lies within the Estate Farmlands landscape type area of the Shropshire Landscape Typology. This landscape type occupies a large area between Wenlock Edge and other nearby hills and the River Severn, and also extends north of the Severn and across large parts of North Shropshire. Higher land to the south of the Acton Pigot area is categorised as within the Pasture Hills landscape type.

6.5.2 Key characteristics of the Estate Farmlands landscape are a mixed farming land use, clustered settlement pattern, large country houses with associated parklands, planned woodland character, and medium to large scale landscapes with framed views. The Shropshire Landscape Typology states that 'The landscape character is largely determined by an ordered pattern of fields and woods, although the prevailing pattern of medium to large subregular fields means that they lack their strong, planned aspect. The majority of the woodlands have a planned appearance, although some plantations occupy the sites of older woods and small stands of ancient woodland occur in some places. They tend to create framed views within medium to large scale landscapes. Parklands, with their veteran and specimen trees, are a particular feature of the type. The settlement pattern is predominantly one of villages and hamlets and large estate farmsteads'.

6.5.3 The area within which the application site lies is representative of the Estate Farmlands landscape type, and comprises generally large fields with blocks of woodland at intervals. The site is currently largely screened from the lane immediately adjacent to it by a well-established boundary hedge, but a limited

view of it is available through one gateway and various gaps in the hedge. The site is also visible in places from the lane some 300m to the north-west near Golding, but otherwise public views of the site are limited, due to the gently undulating topography and the absence of public rights of way in the vicinity (the nearest is a footpath 450m east of the site and a bridleway 500m north-east of it, and views from these towards the site are well screened by trees). The minor road from Acton Burnell to Kenley, which runs over 0.5 mile to the south of the application site, provides no views of the land.

- 6.5.4 Although the application site is partly visible from some neighbouring properties and land outside the ownership of the applicant, such views are filtered by existing trees and hedgerows. The scheme's landscaping proposals envisage the planting of additional individual native trees in appropriate locations in other fields and hedges, primarily to the north of the site, in order to provide enhanced filtering or screening of the development, and to partly close existing views towards the site from certain points. The more significant screening measures would be immediately adjacent to the proposed new poultry houses and the ancillary buildings, comprising excavation of the site and the formation of an earth bund which would largely surround the development to a height of some 2m above the existing ground level, obscuring views of much of the height of the new buildings even from close proximity.
- 6.5.5 Extensive new native tree planting would then be implemented on and adjacent to the bund, with the result that over a period of several years the proposed development would become well screened and would not be visible except through the main entrance to the site, and also in occasional transitory views of the roofs of the new buildings. The new trees would be some 1.8m high when planted so that they would provide an immediate screening effect, which would become more effective as they matured. The bund would be largest, highest and widest at what are currently the lowest parts of the site (alongside the lane, and at both ends); a much smaller bund is needed on the south-east side because the natural ground level is higher there and the proposed excavation would be sufficient to provide most of the screening of the new poultry houses.
- 6.5.6 Although the formation of the proposed bund to screen the new buildings would be an artificial feature at odds with the character of the site and the surrounding fields, it would be an effective screening measure and in that sense would not be unusual in the rural area as a means of reducing the visual impact of a large farm development. The use of extensive new tree planting would likewise be in keeping with typical screening measures for large structures, such as modern agricultural buildings, and could not be regarded as alien in the rural landscape, including within the Estate Farmlands landscape type, where large farmsteads are common. When established the proposed belt of tree planting around the poultry unit would from a distance have the appearance of a small block of woodland, which would be consistent with the appearance of other such features nearby, including several woodlands planted near to Acton Pigot by the applicant in recent decades.
- 6.5.7 The application site is outside the Shropshire Hills Area of Outstanding Natural Beauty, and is in a landscape type where large agricultural buildings are common. Large intensive poultry units such as that proposed have been granted permission within the AONB in recent years, and in this location outside the AONB there is no reason in principle for such a development to be considered

inappropriate. The design of the proposed poultry unit buildings would be consistent with that of others of recent construction in Shropshire and would thus not be an unusual feature in the County's rural landscape. The proposed landscaping and planting works are considered to be appropriate and locally suitable means of mitigating the visual impact of the development on the local landscape. The nearest similar poultry unit is located some 3 miles to the north-west near Conover, and that unit, though not itself surrounded by planting, is well screened from the nearby roads and dwellings by carefully placed belts of trees.

- 6.5.8 Highway improvements are proposed at several locations between the entrance to the application site and the junction of the minor road to Acton Pigot with the Acton Burnell to Kenley road. These would comprise improvements to existing junctions and passing places, slight carriageway widening to form passing places, and enhanced visibility. Although these highway works would slightly alter the appearance of the lane leading to the site, it is considered that this would not amount to a significant impact on the landscape character of the area, and due to the regeneration of vegetation these works would be likely to naturally blend in with the existing character of the road in a relatively short time.

6.6 Historic environment issues

- 6.6.1 Although the potential impact of the proposed development on the general surrounding landscape, as described above, is considered to be acceptable, the proximity of the application site to the significant heritage assets of Golding Hall and its surrounding buildings and land means that the proposed poultry unit would inevitably have some impact on the setting of these notable Listed Buildings. As required by the National Planning Policy Framework (in particular paragraphs 132-3) attention must therefore be given to considering the nature and severity of such impact on the affected heritage assets. Whilst these consist primarily of Golding Hall and its related buildings, concern is also expressed about other sites of heritage value along the traffic route to the proposed poultry unit, such as Listed Buildings in Acton Burnell and Pitchford (these villages being 0.6 and 1.1 miles from the application site respectively), and the Registered Park and Conservation Area at Acton Burnell (0.75 miles from the site).
- 6.6.2 The views of the Council's Conservation Officer, as reinforced by the additional knowledge and comments of the Garden History Society and the Shropshire Parks and Gardens Trust, indicate that the setting of Golding Hall and its related buildings must be regarded as wider than simply their immediate grounds, and should be regarded as including a substantial part of the surrounding landscape. It is the view of these consultees, therefore, that the application site should be treated as being within the setting of Golding Hall, and that the proposal's impact on the setting of the Hall should be assessed.
- 6.6.3 It is quite clear that the proposed development of the poultry unit would alter significantly the character and appearance of the application site, since it would replace an area of open arable land with a densely developed group of very large buildings surrounded by an earth bund and belt of trees to provide screening. Though these proposed screening measures would be effective in limiting the impact of the development on the wider surrounding landscape, such that it would not be seen except from in close proximity, they would not disguise the inevitable change which would be perceived from some nearby properties. It is this close proximity which is considered by the Conservation Officer and other

specialist consultees as being a source of serious concern, because of the impact on the setting of Golding Hall.

- 6.6.4 The application site is located some 350m from the nearest buildings at Golding, and the Conservation Officer considers that, having regard to the history and landscape of the area this places it within the setting of Golding Hall and its related Listed Buildings. The Hall is Listed Grade II* and the various barns and other buildings to the east and north-east (at distances of up to 130m), and garden walls close to the Hall, are Listed Grade II. The nature and the large scale of the proposed development are such that it will inevitably alter the character and appearance of this part of the setting of the heritage assets at Golding.
- 6.6.5 The National Planning Policy Framework requires that the impact of a proposal on such heritage assets must be carefully assessed, that great weight should be given to the conservation of such assets, and that substantial harm to such assets or their settings should be exceptional. In this case the Conservation Officer is of the opinion that the proposed siting of this major development would have a seriously detrimental effect on the setting of Golding, which could not be adequately mitigated. On the basis of this specialist advice, and given that the position and size of the proposed development could not be significantly altered (within the scope of the current application), it would appear that the scheme must be regarded as unacceptable in its impact on the setting of the heritage assets at Golding.
- 6.6.6 However, the impact of the proposed development on other Listed Buildings, and on the Acton Burnell Park and Conservation Area, would be less acute, since it would consist essentially of the relatively limited impact of noise and vibration from additional commercial traffic passing these sites. Such traffic already uses the Acton Burnell to Shrewsbury road and the additional traffic likely to result from the proposed poultry unit would be of similar character. Furthermore the impact of this additional traffic would be transitory, with very few additional vehicle movements for much of the poultry crop cycle. It is therefore considered that the scheme's impact on heritage assets away from the Golding and Acton Pigot area would be much less severe than its impact on the setting of the historic buildings of Golding.

6.7 Ecological issues

- 6.7.1 Any issues of concern regarding the potential impact of the development on protected species have been satisfactorily addressed, and Natural England and the Council's ecologist raise no objection to the proposal, subject to the use of appropriate conditions and informatives. Following the advice of the Council's ecologist, a brief review of certain points in the submitted ecological survey has been undertaken in order to ensure that all the relevant survey data is up to date. It is not envisaged that this additional survey work will change the ecologist's previous comments significantly, but any updated advice or recommendations will be explained at the Committee meeting.)
- 6.7.2 This application must be considered under the Habitat Regulation Assessment process in order to satisfy the Local Authority's duty to adhere to the Conservation of Species & Habitats Regulations 2010 (known as the Habitats Regulations). The Planning Authority therefore has a duty 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. In this case the Council's ecologist advises that Natural England has been consulted and has not objected to the proposal, and that the Habitat Regulation Assessment concludes that the proposal would have no likely significant effect on any European Designated Site. Consequently there is no legal barrier, under the Habitat Regulation Assessment process, to planning permission being granted in this case. (The Habitat Regulation Assessment matrix document is attached as an appendix to this report.)

6.8 **Traffic issues**

- 6.8.1 The traffic flows to and from the proposed poultry unit would vary, whilst following a fixed routine, throughout the 48 days of each 'crop cycle', this being the term used for the whole period between stocking the poultry sheds with new chicks to the removal of the fully grown birds and the cleaning of the empty buildings. As the poultry unit would run continuously throughout the year the number of crop cycles annually would be 7.6. The most intensive traffic movements would occur at the time of the stocking, emptying and cleaning of the sheds, whilst throughout the rest of the crop cycle traffic movements would be very light. On 23 days of the crop cycle (i.e. 48% of the cycle period) no vehicles would attend the poultry unit.
- 6.8.2 The pattern of traffic flows throughout the crop cycle would consist of the stocking of the unit with bedding, feed and fuel at day 1 and the sheds with new chicks at day 2, followed by the delivery of further feed and the removal of dead birds at intervals throughout the cycle. The grown birds would be removed in two phases, initially at days 36 and 37, and finally at days 42 and 43 when the remainder of the birds, which will have been allowed to grow to the largest size, would be removed. Thereafter at days 46 and 47 the sheds would be emptied of bedding, which would be transported elsewhere on the applicant's farm for use as manure, and by day 48 the sheds would be fully cleaned ready for the next crop cycle, which would commence immediately.
- 6.8.3 The number of heavy goods vehicles visiting the site on day 1 (for stocking of bedding, feed and fuel) would be 3, and day 2 (stocking with new chicks) 4 HGVs would visit the site. Thereafter from days 3 to 35 (inclusive) of the crop cycle one HGV would visit the site on 10 days (primarily to deliver feed) and on 4 days two HGVs would visit, whilst on 19 days no vehicles would visit the site. At the peak periods of traffic to and from the site, 7 and 6 HGVs would visit the site to remove birds at days 36 and 37 respectively, followed by the same vehicle numbers to remove the larger remaining birds at days 42 and 43. The clearing of manure from the sheds at days 46 and 47 would entail 10 vehicle visits (i.e. 20 movements of tractors with trailers) on each of these days, and the cycle would be completed with 2 HGV deliveries of feed at day 48.
- 6.8.4 The intended access route to the site for vehicles associated with the proposed poultry development would be via the lanes between the site and Acton Burnell (a distance of 1.3 miles) and thence 5.7 miles via the C class roads from Acton Burnell north to the A458 and A5 on the southern edge of Shrewsbury, or a similar distance south-west to the A49 at Longnor. Due to the locations of the likely companies to whom the poultry produced would be supplied, it is expected that the HGV traffic from the site would travel north from Acton Burnell to Shrewsbury, rather than to the A49 at Longnor. The applicant emphasises that, as a matter of good practice, all HGV traffic to and from the farm is already

directed to travel via Acton Burnell rather than via the smaller lanes approaching Acton Pigot from the north and east.

- 6.8.5 In order to enhance traffic safety, highway improvements are proposed at a total of 9 locations along the 0.9 mile section of road between the entrance to the application site and the junction of the Acton Pigot minor road with the Acton Burnell – Kenley road. These would comprise improvements to existing junctions and passing places, slight carriageway widening to form passing places, and enhanced visibility. These highway works would require a Section 106 legal agreement, as would the intended routing agreement for HGVs associated with the proposed poultry unit.
- 6.8.6 It is intended that wood chips for the biomass boiler would be obtained from woodlands on the farm, and that manure from the poultry unit would be spread on the applicant's land, thus avoiding the need to import manure from elsewhere as currently occurs. The application explains that in the past the traffic movements from the farm in connection with the harvesting of sugar beet (which is no longer grown at the farm due to the absence of a market for it) were significantly more intensive than the traffic movements that would be generated by the stocking and emptying of the proposed poultry unit. This comparison is quoted by the applicant as evidence that the lanes leading to the site have in the past coped adequately with the intensive movements of heavy traffic associated with agricultural production at Acton Pigot Farm, and that therefore the traffic associated with the poultry unit would likewise be acceptable and would not have excessive impacts on highway safety or the amenities of residents living along these roads.
- 6.8.7 The Council's Highways Development Control Officer, in his comments earlier in this report, indicated that he considers that the road from Acton Burnell to the edge of Shrewsbury would be capable of accommodating acceptably the traffic movements associated with the proposed poultry unit. His particular concern, however, is regarding the restricted width and other limitations of the remainder of the route to the application site, and in particular the 0.9 mile section of lane through Acton Pigot to the site. The applicant hopes that the data from a recent traffic count undertaken at Cantlop Bridge, together with additional proposals for highway improvements along the lane to the site, will address the Highways Officer's concerns. In the light of these submissions, the Highways Officer will be commenting further on whether his concerns about 'Route B' have been satisfactorily addressed, and his updated comments will be explained at the Committee meeting.

6.9 Pollution issues

- 6.9.1 The Environment Agency has assessed the likely impacts of the proposed development and its views have had a bearing on the conclusion of the Council's ecologist that the proposal would have no adverse impact on sites of ecological value. The Agency has also granted an Environmental Permit for the scheme under its environmental permitting regime, which takes account of the likely impacts of the proposal on various types of receptors but does not consider land use policy issues, which are the responsibility of the Planning Authority.
- 6.9.2 The comments of the Environment Agency, and those of the Council's Environmental Health (Neighbourhood Pollution Control) Officer, demonstrate that they do not envisage the proposed development having any adverse

impacts through emissions to soil, water and air and including noise and odour. Furthermore, these matters would be subject to future monitoring and regulation under a rigorous pollution control regime. It is therefore concluded that the proposed development would not be likely to be a source of pollution or nuisance, and that if that should occur the appropriate regulatory measures would be used.

- 6.9.3 It should be noted in this context that the Environment Agency does not consider it appropriate to regulate the spreading of poultry manure on the applicant's farmland because this is a common agricultural practice which could legitimately take place regardless of the existence of a poultry unit at the farm. With regard to traffic related to the proposed development, the Neighbourhood Pollution Control Officer is unable to control noise generated by vehicles once they have left the site and are on the open road.

6.10 Impact on amenities of local residents

- 6.10.1 The anticipated impact of the proposed development on residents of the surrounding area, as perceived by objectors, is detailed in the listed grounds of objection earlier in this report. Essentially this impact can be regarded as those issues which would have some perceptible impact on the amenities enjoyed by residents as a result of the operation of the proposed poultry unit. Such impacts would include noise, odours and flies from the poultry unit itself and highway hazards, noise and vibration caused by the traffic travelling to and from the site. Certain other issues raised as grounds of objection cannot be regarded as material considerations for the purpose of considering this planning application (for example, adverse impacts on individuals' property values and views).
- 6.10.2 Having regard to the comments of the Neighbourhood Pollution Control Officer, his suggested conditions and the Environment Agency's environmental permit regime, it is considered that noise and other emissions from the proposed poultry unit would not be likely to constitute a significant and unacceptable impact on nearby residents, of whom there are relatively few in the immediate vicinity of the application site (the nearest dwellings are over 250m from the site). All of the farmland surrounding the application site is owned by the applicant, which creates a form of buffer between the proposed development and the properties of neighbouring landowners.
- 6.10.3 The impacts of traffic associated with the proposed poultry unit are recognised as being of legitimate concern to those residents whose properties would be passed by the HGV traffic. The concerns regarding safety on the roads would apply more particularly during the normal working day, when there is greater likelihood of other traffic being on the local roads, notwithstanding that typically these routes are relatively lightly trafficked. There are certain points along the road from Acton Burnell to Weeping Cross on the edge of Shrewsbury where it can be difficult for an HGV to pass a car safely, and this problem would be particularly acute in the event of two HGVs meeting at such a point.
- 6.10.4 The narrower road from Acton Burnell to Acton Pigot and the application site is certainly more difficult for vehicles to pass each other, although the lower levels of traffic, combined with the road improvements proposed by the applicant's traffic engineer, would suggest that traffic hazards would not be unacceptable along this part of the route to the site. Although concern has been expressed by local residents about HGV traffic using routes other than via Acton Burnell to

reach the poultry unit, this is considered unlikely to occur due to the relative inconvenience of the alternatives (which would all involve longer stretches of unsuitable narrow roads) and the contractual obligations on drivers which the applicant suggests should be imposed through a Section 106 legal agreement.

- 6.10.5 The fact that the highest concentration of traffic movements associated with the proposed poultry unit (i.e. when the sheds are being cleared of birds) would occur at night gives rise to particular concern about sleep disturbance being suffered by residents on the route. However, the timing of these vehicle movements in the latter half of the night is intended to reduce the risk of sleep disturbance in the more critical early hours of the night.
- 6.10.6 The spreading of manure from the proposed poultry unit on the fields of Acton Pigott Farm is not considered to represent a potential loss of amenity to local residents since this currently takes place using manure imported from elsewhere in the County. However, the scheme will have the advantage of ending the use of HGVs or large farm trailers to bring such manure to the farm.

7.0 CONCLUSION

7.1 The proposed new intensive poultry rearing unit would comprise large functional main buildings, with smaller ancillary structures nearby, but these would be of a scale and design typical of modern agricultural buildings in this rural area and which could be appropriately screened by planting to acceptably mitigate their visual impact on the surrounding landscape. It would appear probable (subject to confirmation from the Highways Development Control Officer) that the traffic and highways implications of the scheme can be regarded as broadly acceptable, provided that the proposed road improvements would be of a suitable standard. Whilst recognising the local concerns about the traffic movements associated with the proposal, it is not considered likely that this traffic would have an unacceptable impact on the amenities of residents of the surrounding area in comparison with the traffic which already uses the routes concerned. The other potential environmental impacts of the proposed development have been investigated and it is considered that these can be appropriately mitigated. In many respects, therefore, the proposal can be regarded as complying with the objectives of the National Planning Policy Framework, and the relevant policies of the West Midlands Regional Spatial Strategy and the Shropshire Core Strategy.

7.2 However, by reason of the proximity of the application site to the buildings and land of historic significance at nearby Golding, it is considered that the nature and the large scale of the proposed development is such that it would have a seriously detrimental effect on the character and appearance of the setting of these heritage assets, and that such adverse impacts could not be adequately mitigated. It is therefore concluded that the proposal would be unacceptable in its impact on the setting of the heritage assets at Golding, and would thus be contrary to the objectives of the relevant parts of the National Planning Policy Framework, and the relevant policies of the West Midlands Regional Spatial Strategy and the Shropshire Core Strategy.

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 - written representations, a hearing or inquiry.

If the decision is 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 intervene 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 a) promptly and b) in any event not later than three months after the grounds for making 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 1970.

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 dependant on the scale and nature of the proposal. The financial implications of any decision are not a material planning consideration and should not be "weighed" in planning committee members' minds when reaching a decision.

10.0 BACKGROUND

Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework (March 2012)

West Midlands Regional Spatial Strategy Policies:

QE1 - Conserving and enhancing the environment

QE3 - Creating a high quality built environment for all

QE5 - Protection and enhancement of the historic environment

QE6 - Conservation, enhancement and restoration of the landscape

QE7 - Protecting, managing and enhancing biodiversity and nature conservation resources

QE9 - The water environment

PA14 - Economic development and the rural economy

PA15 – Agriculture and farm diversification

T2 - Reducing the need to travel

Shropshire Core Strategy Policies:

CS5 - Countryside and Green Belt

CS6 - Sustainable design and development principles

CS7 - Communications and transport

CS13 - Economic development, enterprise and employment

CS16 - Tourism, culture and leisure

CS17 - Environmental networks

CS18 - Sustainable water management

Supplementary Planning Guidance:

Shropshire Landscape Typology (Sept 2006)

Relevant Planning History

None of relevance on this application site, which concerns an open field.

11.0 Additional Information

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

Planning application documents and Environmental Impact Assessment documents

Cabinet Member (Portfolio Holder): **Cllr M. Price**

Local Member: **Cllr T Barker (Cllr C Wild adjacent)**

Appendices

APPENDIX 1 – Habitat Regulation Assessment matrix

APPENDIX 1 - Habitat Regulation Assessment (HRA) Screening Matrix

Application name and reference number:

11/03978/EIA - Flemmings Field, Acton Pigot

Erection of four intensive poultry rearing buildings with roof mounted solar panels; 10 feed bins; biomass heating building and other ancillary buildings; formation of vehicular access; landscaping scheme including earth bund

Date of completion for the HRA screening matrix:

18 January 2012

HRA screening matrix completed by:

Fran Lancaster
 Planning Ecologist
 Shropshire Council
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Table 1: Details of project or plan

Name of plan or project	11/03978/EIA Flemmings Field, Acton Pigot Erection of four intensive poultry rearing buildings with roof mounted solar panels; 10 feed bins; biomass heating building and other ancillary buildings; formation of vehicular access; landscaping scheme including earth bund
Name and description of Natura 2000 site	Berrington Pool Midland Meres & Mosses Ramsar Phase 1 is designated for its open water, swamp and fen habitats. Bomere, Shomere & Betton Pools Midland Meres & Mosses Ramsar Phase 1 is designated for its open water, swamp, basin mire and carr habitats with the species <i>Elatine hexandra</i> and <i>Thelypteris palustris</i> . Natural England, Shropshire Council and Environment Agency have identified that this proposal has the potential to affect European Designated Sites via the effect pathway of aerial emissions.
Description of the plan or project	Erection of four intensive poultry rearing buildings with roof mounted solar panels; 10 feed bins; biomass heating building and other ancillary buildings; formation of vehicular access; landscaping scheme including earth bund

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 appropriate – where a proposal is screened out under the thresholds set by Environment Agency and Natural England no in-combination effects test is required.

Statement

There are 2 European Designated Sites within 10km of the proposed development:

- Berrington Pool Midland Meres & Mosses Ramsar Phase 1
- Bomere, Shomere & Betton Pool Midland Meres & Mosses Ramsar Phase 1

There are 3 SSSI's within 5km:

- Berrington Pool SSSI
- Bullhill Brook SSSI
- Coundmoor Brook SSSI

There are 6 Local Sites within 2km:

- Cound Brook Local Wildlife Site
- Action Burnell Park Local Wildlife Site
- Bull Rough Local Wildlife Site
- Big Wood Local Wildlife Site
- Park Wood Ancient Woodland
- Stevenshill Wood Ancient Woodland

Ammonia emissions at these sites have been assessed by Environment Agency during the Environmental Permitting Process. Environmental Permit reference EA/EPR/PP3638HH/A001 has been issued for the proposed development.

Site Name	Designation	Ammonia Critical Level $\mu\text{g}/\text{m}^3$	Process Contribution (PC) $\mu\text{g}/\text{m}^3$	PC as % of Critical Level
Midland Meres & Mosses Ramsar	Ramsar	1	0.034	3.4
Berrington Pool	SSSI	1	0.034	3.4
Coundmoor Brook	SSSI	1	0.159	16
Bullhill Brook	SSSI	1	0.37	37
Cound Brook	LWS	1	0.134	13.4
Acton Burnell Park	LWS	1	0.276	27.6

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Bull Rough	LWS	1	0.394	39.4
Big Wood	LWS	1	0.125	12.5
Park Wood	AW	1	0.175	17.5
Stevenshill Wood	AW	1	0.494	49.4

A precautionary critical level of 1 µg/m³ has been used for all sites. All sites screen out below the thresholds advised by Natural England and Environment Agency of 5% of critical level for Ramsars, 20% of critical level for SSSI and 50% of critical level for local sites.

2,000 tonnes of poultry manure per year will be stored and spread on agricultural land within the ownership of the applicant. The application of poultry manure to land is a current land practice of the applicant and good practice will be maintained in the storage and spreading of manure including incorporating spread manure into the soil within 24 hours of spreading. Spreading of poultry manure is a common agricultural practice and is used as an alternative to manufactured nitrogenous pellet fertilisers. The spreading of manure is not considered by the Environment Agency in its calculations since it is not considered a 'directly related activity' to the poultry unit given that manure could always be bought and spread in line with best agricultural guidance and practice. Given the distance of the 2 European Designated Sites from the proposal (4.7km and 6.5km) the spreading of poultry manure on the applicant's land, provided it is carried out in line with best practice, will not have a significant effect on any European Designated Site.

The Significance test

There is no likely significant effect of the planning application 11/03978/EIA at Flemmings Field, Acton Pigot for Erection of four intensive poultry rearing buildings with roof mounted solar panels; 10 feed bins; biomass heating building and other ancillary buildings; formation of vehicular access; landscaping scheme including earth bund on any European Designated Site.

The Integrity test

There is no likely effect on integrity of any European Designated Site from planning application 11/03978/EIA at Flemmings Field, Acton Pigot for Erection of four intensive poultry rearing buildings with roof mounted solar panels; 10 feed bins; biomass heating building and other ancillary buildings; formation of vehicular access; landscaping scheme including earth bund

Conclusions

There is no likely significant effect or likely effect on integrity on any European Designated Site from application 11/03978/EIA at Flemmings Field, Acton Pigot for Erection of four intensive poultry rearing buildings with roof mounted solar panels; 10 feed bins; biomass heating building and other ancillary buildings; formation of vehicular access; landscaping scheme including earth bund.

There is no legal barrier under the Habitat Regulation Assessment process to planning permission being granted in this case.