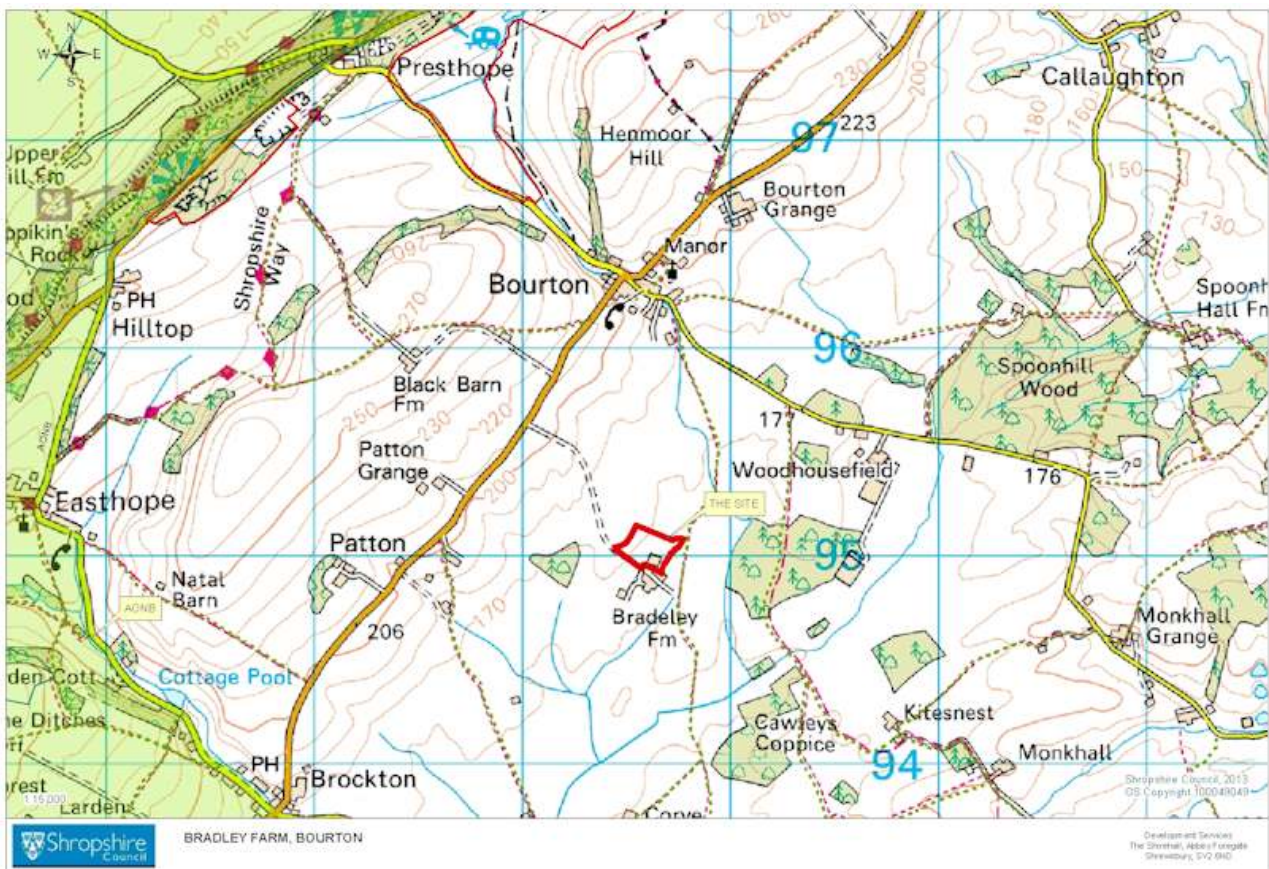


## Development Management Report

<b>Application Number:</b> 13/04309/EIA	<b>Parish:</b> Much Wenlock
<b>Proposal:</b> Erection of: four poultry rearing buildings; ten feed bins and other ancillary buildings; improvements to vehicular access; landscaping including woodland planting; construction of a surface water attenuation pond following removal of earth bunding and existing buildings	
<b>Site Address:</b> Bradeley Farm, Bourton, Much Wenlock, TF13 6JN	
<b>Applicant:</b> CH Benbow And Co	
<b>Case Officer:</b> Grahame French	<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>



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

## REPORT

### 1.0 THE PROPOSAL

- 1.1 The proposal is to build a four-shed poultry unit to replace the existing pig production enterprise as the pig enterprise requires significant re-investment to continue to be commercially viable. The four new poultry sheds would have associated feed bins, control rooms and service yard area. A scheme of onsite and offsite landscaping is included to support the existing landscape features surrounding the site. Two of the existing pig rearing buildings would be removed and the breeding sow building would be converted to be used as an ancillary building associated with the poultry unit and for storage for the arable farming enterprise.
- 1.2 Three sheds (Sheds 1, 2 and 3) would be constructed to the north west of the existing farm buildings and one shed (Shed 4) would be constructed on the site of two existing pig rearing developments to the north east of the farm. The sheds would each measure 97.99 metres long, 24.69 metres wide, 2.64 metres to eaves and 4.84 metres to ridge. The proposed sheds would be constructed with a solid concrete floor, metal portal frame and roof and side wall cladding. The sheds would have a fan canopy and baffle area extending full width of the rear elevation. The purpose of the baffle would be to reduce dust and noise emissions from the gable end extraction ventilation fans.
- 1.3 The buildings would be fitted with high-speed roof extraction (6 per shed) and rear gable end extraction fans. The roof extraction would be via outlets which would be staggered either side of the ridge line with the finished height of the outlets being 5.75 metres high. Each shed would have a control room attached which would measure 4 metres long by 4.2 metres wide. Four feed bins would be positioned on concrete plinths between the sheds. These would be cylindrical with a conical top and bottom and would be 9.22 metres high with a diameter of 3.35 metres. A concrete service pad would be provided to the southwest of the sheds. Existing buildings on the site would house a biomass boiler for providing the heat for the poultry sheds and this activity will be regulated under the Environmental Permit. The fuel will be wood chip or home grown straw.
- 1.5 Spent poultry litter would be cleared out, loaded onto trailers and taken off site immediately to be stored in in-field stores before being applied to the land as organic manure. No manure would be stored on site. The applicant farms sufficient land for spreading the manure and sufficient land for storing the manure within fields and away from ground and surface water sources. The pig farm produces one million gallons of pig slurry and around 1200 tonnes of pig manure per year; this will be replaced with approximately 250 tonnes of poultry manure. None of the land that C H Benbow farms falls within a Nitrate Vulnerable Zone. The buildings would be washed down with compressed air at the end of each crop cycle and then washed. Dirty washing water and any contaminated rain water would be directed to collection tanks.
- 1.6 A 100w halogen light would be mounted above each of the main shed doors but lights would face downwards, would be protected by a metal cowel and would only be used during catching at night which takes place on four days of the crop cycle.

- 1.7 The site would provide direct employment for 3 people with an additional labour requirement amounting to the equivalent of approximately 1.2 additional full time workers.
- 1.8 Native oak woodland would be planted to the north and west of the site to screen the development. Additional individual trees would also be planted on the eastern site frontage to soften the appearance from Bradeley Farm and the associated cottages. The remainder of the internal landscape areas would be seeded with a wildflower grassland mix. To the east a belt of alder would be established to strengthen tree cover along the existing watercourse and provide a buffer to the footpath / bridleway to the east. In the wider landscape new hedgerow with trees would be planted along the B4378 and new hedgerow oaks would be planted in gaps in the field boundaries to the north and south-west to further reduce views of the site from these directions.
- 1.9 The proposed poultry farm would require an environmental permit from the Environment Agency to operate. This provides a system for regulating poultry operators based on the general principle that operators should take all appropriate preventative measures against pollution, in particular through the application of Best Available Technique (BAT) enabling improvements in environmental performance.
- 1.10 The proposed development would accommodate in excess of 85,000 broiler chickens so falls within schedule 1 of the Environmental Impact Assessment Regulations. Accordingly, the application is accompanied by an EIA.
- 1.11 Amendments to the proposals: The applicant has submitted an amended layout following a review of detailed operational measures. This includes mirroring the buildings on their current alignment and the relocation of the service pad so that it is on the opposite end to Bradeley Farm to facilitate more efficient operations. This includes improvements in site drainage as the fall of the shed floors is now in the same direction as the roof drainage. It is considered that the drainage and landscaping arrangement would not be materially affected and that the conclusions of the Environmental Statement are not affected by the amendment.

## **2.0 SITE LOCATION / DESCRIPTION**

- 2.1 The site is an established pig and arable farm located to the south-east of Wenlock Edge south west of Bourton and circa 5km south of Much Wenlock. The proposed poultry units would be located to the immediate northwest of existing buildings at Bradeley Farm. The farm unit includes two farm workers cottages and a main farmhouse. There are no other dwellings within 750 metres of the proposed site. The farm is located at the northern end of the Corvedale valley, near to the source of the River Corve. The B4378, Craven Arms to Much Wenlock road, runs to the north. The application site occupies part of a broad rolling valley bottom. The farm itself comprises a collection of modern and traditional farm buildings ranging in scale and type with the larger more modern buildings being located to the north of the farmstead.
- 2.2 The surrounding landscape is largely in arable use interspersed with woodland blocks, particularly to the north-east. There are two other existing sets of poultry houses within 2km to the east of the site at Woodhouse Fields. Access to the farm is from the B4378 to the north-west. The remainder of the farm is in arable use and comprises of a mix of medium, large and very large scale fields bounded by hedgerows or remnant hedges.

2.3 The pig farm has been constructed in a number of phases since the 1960's at Bradeley Farm. Access to the farm is achieved via a private access which runs from the B4378. This publically adopted highway links Craven Arms to the south-west to Much Wenlock to the north of the farm.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The proposals comprise schedule 1 EIA development so a committee decision is mandatory under the Council's Scheme of Delegation.

### 4.0 COMMUNITY REPRESENTATIONS

4.1 Much Wenlock Town Council: No objection, provided the site is properly screened and landscaped.

4.2 Natural England: No objection – no conditions requested. This application is in close proximity to Wenlock Edge SSSI and Derrington Meadow SSSI. Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which these sites have been notified. We therefore advise that this SSSI does not represent a constraint in determining this application. Natural England recommends that the Shropshire Hills Partnership is consulted to confirm whether or not it would impact significantly on the purposes of the AONB designation. This application provides opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of wildlife corridors and roosting opportunities for bats. We encourage the woodland screening and species rich grassland included in this proposal. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. We have not assessed this application and associated documents for impacts on protected species but would refer to Natural England's Standing Advice on protected species as it is a material consideration in the determination of applications. The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure provision. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement.

4.3i. Environment Agency (17/01/14): The EA initially objected to the proposals on the basis that further information on noise and odour should be submitted. Further information was subsequently submitted and the following comments have been received:

- ii. For completeness, we previously commented on the above application on 29 November 2013 and 17 January 2014 (our letter references SV/2013/107397/01-L01 and SV/2013/107397/02-L01 respectively). Within the odour assessment report submitted, we note that the applicant has sought to demonstrate that the proposed poultry unit will be equivalent, if not in parts better, to the existing pig unit emissions. To clarify we do not regulate the current pig unit on site under the Environmental Permitting (England and Wales) Regulations (EPR) 2010. We therefore do not have any records regarding the current operations. Further to a discussion with your Public

Protection Team, we understand that there have not been any substantiated complaints made with regards to the existing pig unit, relating to odour or noise. We note that the report does not demonstrate how the overall odour emission rate ('blueprint') for the proposed poultry unit was calculated and whether this has considered a worst case scenario i.e. the later stages of the crop cycle and clean out. In order to inform the consideration of this application, we recommend that the applicant provides further information to clarify the above. For completeness if the development was not to replace the existing pig units on site, we would request further more detailed assessment of odour and noise, as part of the Environmental Impact Assessment (EIA). We also seek further clarification on how the odour from the existing pig unit, relates to the likely odour emissions associated with the later stages and clean out of the proposed poultry sheds. We note that the clean out of the proposed poultry sheds will take place 7 to 8 times per year, based on the number of flock cycles, however it is unclear how the potential fluctuations of odour associated with each flock cycle compares to the existing pig cycles and clean out. As previously stated, during the early stages of crop cycles, odour emissions are typically lower. This may equate to a proportion of the crop cycle being less odourous than the existing pig unit. However the clean out phase should be considered in more detail. Mitigation measures should be considered for clean out when problematic odour is most likely. It should be noted the operator will be required to have an Odour Management Plan (OMP), controlled as part of the Environmental Permit (EP), to reduce odour emissions from the site. However, this still may not necessarily prevent all odours at levels likely to cause annoyance; and the OMP requirement is often a reactive measure where substantiated complaints are encountered. The OMP can reduce the likelihood of odour pollution but is unlikely to prevent odour pollution when residents are in proximity to the units and there is a reliance on air dispersion to dilute odour to an acceptable level. The EIA should suggest some control measures which could be used to reduce the likelihood of odour annoyance during these essential 'clean out' work periods – particularly if weather conditions (i.e. wind direction) are unfavourable and potential odour nuisance/complaints more likely. These could be included in a 'detailed' OMP as part of the Permit.

- iii. The Addendum to the Environmental Statement (ES) includes a 'simple comparison' between the likely noise emissions associated with the existing pig unit and the proposed poultry unit. The ES predicts that there may be a positive impact on sensitive receptors within 400m of the proposed site. Similar to the OMP discussed above, the operator will be required to have a Noise Management Plan (NMP), controlled as part of the EP, to reduce noise emissions from the site. We note that the current application does not include a biomass boiler. Should the proposed poultry units be heated via a biomass boiler, we advise that an additional planning application is submitted, which should include a H1 Screening Assessment, further information can be found at: <https://publications.environment-agency.gov.uk/PDF/GEHO0410BSIL-E-E.pdf>

4.4 SC Trees: No objection. Providing the measurements and information given by the agent are accurate it would be appropriate for tree protection conditions to be applied to any permission (included in Appendix 1). The proposed hedgerow creation and tree planting is also supported subject to an appropriate condition.

4.5 SC Archaeology: No objection. The Environmental Impact Assessment uses English Heritages online data to determine that no archaeological records of non-designated heritage assets are located within 1km of the proposed development. Shropshire

Council's Historic Environment Record (HER) currently holds in excess of 10 records within 1 kilometre of the development site which provide evidence for occupation ranging from the Neolithic period through to the Medieval. Most of these lie between the periphery of the 1km buffer and 500m of the development site. One record, a putative Deserted Medieval Village (HER PRN 03367) lies within the development boundary. It is considered that no designated heritage assets would be affected by the development. In view of the above and in line with National Planning Policy Framework (NPPF), it is recommended that a programme of archaeological work be made a condition of any planning permission for the proposed development. (included in Appendix 1).

- 4.6 SC Highways: No objection;
- 4.7 S.C.Ecology: No comments received.
- 4.8 S.C.Drainage: No objection. The design and layout of the surface water drainage is acceptable. A condition and informatives relating to foul water drainage are recommended and are included in Appendix 1.
- 4.8 Public representations: The application has been advertised in accordance with relevant provisions and the nearest properties have been individually notified. Representations have been received from 2 local residents in response to this publicity:
- i. Brown: Supports the proposals. A poultry unit has less potential for waterway pollution because you are spreading dry manure not slurry. Therefore there is less chance of airborne pollution as slurry is not being aerosoled into the air. The plans show well screened sheds and feed bins. By continuing animal production, They will be providing local employment and financial benefits to local community and schools
  - ii. Vaughan: No objection subject to the following comments. Residents along the Much Wenlock to Shipton road (B4378) are already subjected to very large and noisy lorries thundering along this road throughout the night as an existing chicken farm in Bourton (Woodhouse Fields) is allowed to use this road for transport of both chickens and bulk food. This is despite the fact that a weight restriction order (wro) exists for the road. The Bradley Farm proposal for a second chicken farm in Bourton would bring further heavy traffic along the road between Wenlock and Shipton and despite the claims that overall traffic would not increase, it is a fact that bulk chicken food is relatively light compared to the dense liquid food already transported to Bradeley Farm and hence the physical size of the bulk chicken food lorries would be huge compared to the existing tankers. The Wenlock to Shipton road has a weight restriction on it because of its limited width and the proximity of houses along its edge, particularly in Bourton, Brockton and Much Wenlock. The road near to Bradeley Farm is particularly narrow and bulk containers can not pass motor cars safely at normal speed. I suggest that if this application is granted then the existing chicken farm at Woodhouse Fields should be confined to use of the Morville road (B4368) which is much wider and which the farm already uses to some extent. I am concerned that the creation of a second large chicken farm in bourton will further increase the volume of very large lorries using the B4378 (Much Wenlock to Shipton road). This road has a WRO in place to protect properties alongside the road. There are areas on this road which do not have central dividing lines because they are virtually single track and any chicken collection or bulk feed delivery lorry creates a danger to the nearby dwellings and to any other vehicle using

the road. The houses in Much Wenlock near the Gaskill Arms and those on Bourton crossroads are particularly threatened and any other vehicle meeting the lorries is in danger. To counter the increased danger on the B4378, I would suggest that the existing WRO be enforced with regard to the lorries attending the existing chicken farm at Woodhouse Fields. Access to this farm is more easily gained along the B4368 (Morville) road, which is much wider and is not single track for any of its length. It should be noted that Bourton is a conservation area and is being damaged by these lorries, whereas access from Morville to Woodhouse Fields involves the passing of no properties which are directly alongside the lane.

## 5.0 THE MAIN ISSUES

- Policy context and justification for the development;
- Environmental effects of the development (odour, noise, traffic, drainage, pollution, visual impact, heritage and ecology).

## 6.0 OFFICER APPRAISAL

### Policy context:

- 6.1 National Policy: The National Planning Policy Framework (“NPPF”) advises that the purpose of the planning system is to contribute to achieving sustainable development (para 6) and establishes a presumption in favour of sustainable development (para 14). This means “approving development proposals that accord with the development plan without delay” and supporting sustainable economic growth (para 18). There are three dimensions to sustainable development: an economic role, a social role and an environmental role (para 7). Significant weight should be placed on the need to support economic growth through the planning system (para 19). Paragraph 28 states that “planning policies should support economic growth in rural areas in order to create jobs and prosperity...”.
- 6.2 The applicant states that the proposed development performs an economic role because it involves investment and economic diversification of an existing business which will provide local rural jobs for local people. It is stated that the development performs a social role because the jobs and investment would in turn promote a strong vibrant community. It is also stated that the development performs an environmental role because it is an environmentally efficient system of farming with associated landscaping to protect the local natural and built environment and biodiversity benefits and will not give rise to any significant environmental or heritage impacts (Section 7). Specifically, the applicant states that there would be net gains in biodiversity from the landscaping proposals (para 118) and there would be no significant adverse effects on health and quality of life due to the separation distance between the site and places where people live.
- 6.3 Core Strategy: Policy CS1 of the Core Strategy sets out in general terms that Shropshire will support investment and new development and that in the rural areas outside of settlements this will primarily be for “economic diversification”. Policy CS5 (Countryside and Green Belt) supports agricultural development, provided the sustainability of rural communities is improved by bringing local economic and community benefits. Proposals should however be “on appropriate sites which maintain and enhance countryside vitality and character” and have “no unacceptable adverse

environmental impact”. The policy recognises that “the countryside is a ‘living-working’ environment which requires support to maintain or enhance sustainability”. Paragraph 4.74 states that: “Whilst the Core Strategy aims to provide general support for the land based sector, larger scale agricultural ...related development, including ... poultry units ... can have significant impacts and will not be appropriate in all rural locations.”

6.4 The applicant states that the proposals conform with CS1 and CS5 because:

- Its primary purpose is economic diversification;
- It will assist in providing balance to the rural community by encouraging local people to live and work in the community;
- It assists in achieving the aim of local food production and also food traceability and security, reducing the UK’s reliance on imported food sources including poultry;
- It will provide local employment and economic benefits;
- The Environmental Impact Assessment demonstrates that the proposals have no unacceptable impact on the environment;
- It will enhance the vitality and character of the living working countryside by sustaining the local community and bringing local economic benefits.

6.5 Policy CS6 advocated high standards of design and sustainability. The applicant states that the proposal incorporates sustainable design considerations including:

- Sustainable drainage, water efficiency and renewable energy generation systems, energy efficiency (appropriate insulation);
- Sustainable construction methods (modern poultry shed design).
- The proposal does not propose significant levels of traffic.
- The proposal does not adversely affect the natural and built environment and is appropriate in scale, density, pattern and design taking into account the local context and character.

6.7 Policy CS13 states that “Shropshire Council will plan positively to develop and diversify the Shropshire economy, supporting enterprise, and seeking to deliver sustainable economic growth ... In so doing, particular emphasis will be placed on ... supporting the development and growth of Shropshire’s key business sectors ... particularly food and drink production ... [and] ... in the rural areas, recognising the continued importance of farming for food production”. The applicant states that the proposal accords with this Policy as it delivers economic growth within the rural economy and the food and drink industry, which is one of Shropshire’s key business sectors.

6.8 It is recognised that the proposals would help to deliver economic growth, rural diversification and improved food security. To be sustainable however and therefore to benefit from the presumption in favour set out in the NPPF the proposals must also demonstrate acceptability in relation to environmental considerations and the policies which cover these matters. This includes CS7 (Transport), CS8 (local amenities), CS13 (economic development), CS17 (Environmental Networks) and CS18 (Water Resources).

Environmental implications of the proposals

- 6.9 Transport: Policy CS7 requires sustainable patterns of communications and transport. A transport report accompanying the Environmental Statement predicts that the proposals will generate a comparable amount of vehicular movements to the existing pig farming business undertaken at Bradeley Farm. The assessment demonstrates that there will be a change in the nature of the activity. The majority of days will see a reduction in vehicular traffic to and from the farm when compared to the pig farming business whilst during certain days of the year there will be a marginal increase of the day time movements. The manure removal from the poultry farm would be less intensive than currently occurs on the pig farm.
- 6.10 The pig production enterprise results in three loads of pigs leaving the farm each week along with deliveries of feed and other consumables; it therefore generates a continual stream at a fairly consistent intensity with a two-week very intensive period of tractor and trailer movements carting manure and slurry from the farm averaging 28.5 to 42.8 movements per day for that period. The poultry farm in contrast will generate a lower steady stream of HGV movement (on half of the days of the cycle there will be no movements at all) followed by two periods of two-day bird collections separated by a week. The manure clearance activity is also carried out on one day out of every 48 days at a much lower intensity. The applicant states that the change in traffic to the farm is well within the day-to-day variation of flow on the adjacent highway network. It is proposed to improve visibility splays at the existing junction onto the B4378. This will improve highway safety at this junction, and will have a beneficial impact for all road users using this route. The farm access road would also be widened to 6m to allow ease of vehicle passing.
- 6.11 Highway officers have not objected to the proposals. One local resident has not objected but has made comments about the level of traffic on the B4378 and the ability of the road to accommodate larger vehicles. These observations are noted. However, it is not felt that a highway refusal could be substantiated on the basis of the above situation. It is concluded that the proposals are capable of complying on balance with Policy CS7.
- 6.12 Odour and noise: Core Strategy Policy CS8 seeks to maintain and enhance existing facilities, services and amenities and to contribute to the quality of life of residents and visitors. The applicant states that the proposals will not give rise to significant effects on amenities of residents and visitors due to the separation distance between the site and places where people live. It will also benefit the local economy and social fabric helping to maintain facilities. The Environment Agency initially objected to the proposals as submitted on the basis that the EIA did not incorporate a detailed assessment of odour and noise and there are sensitive receptors within 400m of the site. There are two agricultural workers cottages tied to the Farm which are located approximately 200m to the south of the proposed site. The applicant has since submitted further information on odour and noise which has been forwarded to the Agency and is discussed below. The Agency has withdrawn its objection but identifies the need for further information. It is considered that this can be addressed as part of the permitting process and via an appropriate planning conditions.

- 6.13 An ADAS report advises that the proposed poultry unit would result in an insignificantly small increase in odour (less than 0.15%) in comparison to the existing pig unit which would be decommissioned. However, the sources of odour (the proposed chicken sheds) would be further away from the dwellings than the existing pig unit which would reduce the impact of odours at these locations. Moreover, the proposed poultry buildings would provide significantly better initial dispersion of emissions by virtue of the use high velocity ridge mounted fans than occurs with the existing pig unit where there is predominantly low level release of emissions. The report advises that sensitivity analysis have demonstrated that the impact of modern ridge extraction fans as proposed for the poultry unit, can reduce the off-site modelled odour concentrations by a factor of two or even three within 200 m of a poultry unit. The report concludes that 'it is reasonable to expect that the odour impact of the proposed poultry unit would result in a reduction in the off-site impact of odours from Bradeley Farm in comparison with the existing pig unit'.
- 6.14 A noise assessment undertaken by the agent assesses noise from the existing pig enterprise and compares it with that expected from the proposed poultry unit. This finds that the sources and frequency of noise events will decrease and the separation distance between sensitive receptors and noise sources will increase. On this basis it can be predicted that there will be a positive impact on the sensitive receptors located within 400 metres of the proposed poultry development.
- 6.15 The applicant states that the potential odour and noise effects of the development would be localised to two cottages with agricultural occupancy restrictions at Bradeley Farm. The assessments of noise and odour show that these properties are not likely to encounter any significant effects even before proposed mitigation measures are taken into account. The proposed poultry site would be managed in accordance with an Environmental Permit issued by the Environment Agency which would incorporate noise and odour management plans which the EA has substantial powers to enforce. The Environment Agency also has the ability to require additional odour or noise modelling reports as part of the Environmental Permitting process. However, it is considered that sufficient odour and noise information has now been provided for land use planning purposes, in the detailed circumstances of the site. This is provided conditions are imposed which impose appropriate hours of working restrictions over bird depopulations, poultry manure movements and for dealing with amenity based complaints. Appropriate conditions covering these matters are included in Appendix 1.
- 6.16 In conclusion, an existing pig enterprise would be decommissioned as part of the proposed development and the proposed poultry unit would be located further from the nearest sensitive receptors. It is considered that sufficient evidence has now been provided to establish for planning purposes that there should be no material increase in odour or noise relative to the existing situation and that such levels may actually decrease. The nearest properties to the development are agricultural workers properties tied to the farm which is otherwise remote from residential property. If however the properties do loose their link to the farm at some future date it is considered that the possibility of some odour and noise being encountered from time to time in this location would be clear to a prospective owner or tenant. There are a number of examples in Shropshire of private properties located a similar distance from poultry units. The current proposals would however be of modern design with the potential for improved odour and noise control, exercised through the recommended

planning conditions and the Environment Agency's permitting regime. It is concluded that refusal on grounds of odour or noise could not be justified and that the proposals are compliant on balance with relevant amenity policies including Core Strategy Policy CS8.

#### Natural and Historic Environment:

- 6.17 Policy CS17 states that "development will identify, protect, enhance, expand and connect Shropshire's environmental assets, to create a multifunctional network of natural and historic resources, and should not adversely affect visual, ecological ... heritage or recreational assets.
- 6.18 Ecology: An ecological report assesses the potential impacts of the proposed poultry farm on protected species and their habitats. Habitats on-site are generally of low value given the intensive use of the site for agriculture and the value of the site as habitat for protected species was found to be limited. There are no records for specially protected species in the 1km surrounding the site. Without mitigation the construction, operation and decommissioning of the proposed poultry installation would potentially affect on-site habitats and species principally through disturbance and habitat loss. However, the report concludes that the proposed mitigation measures (including the provision of woodland planting, conservation rough grassland creation and the use of sensitive construction methods, amongst others) would ensure that impacts are minimised and biodiversity is enhanced.
- 6.19 There are three statutory sites within 5km of the site (Wenlock Edge, Hughley Brook and Derrington Meadow) with one woodland County Wildlife Site and some other areas of ancient woodland within 2km. The site consists of arable land (currently Rape), a single Oak tree, rank/tall grassland around & amongst farm buildings (with some Bramble scrub), and modern agricultural buildings (one of which is to be demolished). A small stream, with an over-mature remnant hedgerow, runs along the east boundary of the site; off site these link to woodland in the north and continue around the edge of the farm southwards. The stream is a tributary of the River Corve. The features of current ecological interest on the site are the mature infield Oak and the east boundary stream and hedgerow which may be used by commuting and foraging bats and are used by scrubland birds. The existing buildings were found to offer limited potential for bat roosts. The in-field oak is potentially suitable for bats but would be retained. In terms of Great Crested Newt, there are no ponds within at least 250m of the site and the predominantly poor terrestrial habitats mean there is no predicted impact on this species. No evidence of Badger or Otter was noted. Skylark (a ground nesting, UK priority species) was heard at some considerable distance from the site; the site was considered to be unsuitable for this species to breed. The ecological survey considers the site to be unsuitable for Dormice, reptiles and Water Vole.
- 6.20 The main recommendations of the ecological report are:
- The in-field Oak, which has some potential for bat roosts, should be retained;
  - bat surveys may be required if any felling or lopping is proposed.
  - Removal of any hedgerow or scrub should be carried out outside the bird breeding season.

- Bank(s), likely to be created along the west boundary of the site, could be sown and managed as an area of rough/rank grassland to enhance other such areas close to the site, as foraging habitat for birds.
- Shrub planting/hedgerow, using native species, could be employed around the edge of the site.
- The planned more distant planting of trees (for screening purposes) should preferably be of native species.

Conditions and notes covering these recommendations have been included in Appendix 1. It is considered that the proposals would not impact adversely on ecological interests and the proposed landscaping measures are capable of delivering ecological enhancements in accordance with Policy CS17.

- 6.21 Visual impact: The proposed site is set down in a valley location at the northern end of the Corvedale over 900m from the nearest privately owned residential properties. There is a maximum vertical height difference of 124m from north-west to south east across the farm unit. The remainder of the farm is in arable use and comprises of a mix of medium, large and very large scale fields bounded by hedgerows or remnant hedges with occasional small woodlands. No public rights of way are directly affected by the proposed development. However there are footpaths and a bridleway in the surrounding landscape with potential views of the site, one of which passes within 50m to the east at its closest. The site is located 2.5km from the nearest part of the Shropshire Hills AONB and is not visible from the AONB due to distance and the intervening topography. Therefore there is no requirement to consult the AONB Partnership in this case.
- 6.22 A Landscape and Visual Impact Assessment (LVIA) explains the potential impacts of the proposed poultry farm on the fabric of the landscape and the perception of landscape character of the area. It also considers the potential impacts of the proposed development on visual amenity, assessing individual views surrounding the site in accordance with established methodology. The site is located within the Estate Farmlands landscape description unit. The LVIA concludes that the development will have no significant effect on either landscape character or visual amenity. Whilst the proposed poultry units would be quite large structures they sheds would be of a 'low profile' design, would be located in a topographic depression adjacent to existing agricultural buildings, would generally be viewed only from a distance and the proposed landscaping measures would further assist in integrating the site into its surroundings. It is concluded that the proposals would not give rise to an unacceptable visual impacts on the landscape provided they are subject to appropriate landscaping and surface treatment conditions. It is considered that any residual visual effects after the proposed landscaping is taken into account would be limited and outweighed by the benefits of the scheme to agriculture and the rural economy.



View from north-west at farm entrance on B4378 (arrow denotes site location)

- 6.23 **Cultural Heritage:** There are no listed buildings or Scheduled Ancient Monuments within 1km of the site. There are four records within 1km of the site on the National Record of the Historic Environment (NRHE) but none affect the site itself. The Council's archaeology service has not objected but has pointed out that local features on the Council's historic environment record extend closer to the site. An archaeological watching brief condition has been recommended and is included in Appendix 1.
- 6.24 **Water resources:** Policy CS18 requires sustainable water management to reduce flood risk and avoid an adverse impact on water quality. The applicant states that the proposal accords with Policy CS18 as it will not give rise to significant adverse effects on water or flooding. A Flood Risk Assessment considers the potential of the proposals to contribute to surface water flooding as a consequence of increased runoff from roofs and hardstandings. The assessment concludes however that the proposed Sustainable Urban Drainage Systems (SuDS) will ensure any such risk is insignificant. The Council's Drainage section has not objected. Appropriate conditions and advisory notes are recommended in Appendix 1.
- 6.25 **Pollution:** The pig farm produces one million gallons of pig slurry and around 1200 tonnes of pig manure per year; this would be replaced with approximately 250 tonnes of poultry manure. Manure from the site would be stored in in-field stores before being applied to the land as organic fertilizer. No manure would be stored on site, even for a short period. The applicant farms sufficient land area to spread the poultry manure within its own ownership and suitable storage locations are available away from ground and surface water sources. None of the land that C H Benbow farms falls within a Nitrate Vulnerable Zone. It is considered that the proposals would not pose any significant risk to ground or surface water quality.
- 6.26 The poultry units would be heated by a modern biomass boiler system which would be fully compliant with relevant air emission standards. Biomass boilers produce a drier heat than traditional gas fired boilers which reduces the moisture content of poultry litter. This in turn reduces ammonia emissions and has benefits for bird welfare. The renewable heat energy produced by biomass boilers also has benefits in terms of climate change by substituting for the greenhouse gases which would otherwise be emitted by a fossil fuel heating system.
- 6.27 **Material balance:** The proposals would require excavation works in order to create a level development platform. The site would be stepped into the existing gently sloping field. At the north west corner of the site the ground would be excavated by 4.5m, by 2.75m at the south west corner. The east of the site would be constructed at approximately the same height as the existing ground level. There would be gentle

ground remodeling to the west and north of the site to increase the ground level of the field. The applicant has confirmed that surplus excavated material which would need to be removed from the site would be spread thinly over a wide area on the adjoining land within the ownership of the applicant thereby eliminating the need for such material to be disposed of at a suitably licensed inert waste facility.

- 6.28 Consideration of alternatives: The EIA Regulations 2011 require applicants to consider alternatives (Schedule 4). An alternative site was considered as part of the decision making process at a time when the applicant was intending to breed and rear pigs alongside the rearing of poultry. As this is not now the proposal it is not necessary to plan an isolated poultry site away from the main farmstead. The application site was preferred as it would allow the reuse of the existing buildings and farm driveway and also easy connection to existing services. The preferred site is grouped with the existing buildings and is located in an area which the applicant states is the natural expansion direction of the farm. It is considered that the proposed development represents an appropriate choice having regard to other alternatives and the decision to discontinue the pig farming use.

## 7. CONCLUSION

- 7.1 It is considered that the proposals represent an appropriate form of diversification for the existing farm business. It will assist in ensuring the future profitability / robustness of the business whilst continuing to contribute to the local economy and employment. It will also provide locally sourced food as part of a key industry in Shropshire, supplying a strong national demand for poultry meat. The proposals therefore comply with Core Strategy policies CS1(sustainability), CS5 (Countryside) and CS13 (economy).
- 7.2 It is considered that the EIA accompanying the application demonstrates that the environmental impacts of the proposed development are not significant and are capable of being effectively controlled and mitigated. The design of the scheme incorporates sustainable features such as biomass heating, SuDS and landscaping. The recommended conditions would also be supplemented by detailed operational controls available under the Environment Agency's permitting regime. It is concluded that the proposals are capable being accepted in relation to relevant development plan policies and guidance.

## 8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

### 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.
- 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 interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are

concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be a) promptly and b) in any event not later than three months after the grounds to make the claim first arose 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.

### Human Rights

Article 8 give the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community. First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents. This legislation has been taken into account in arriving at the above recommendation.

### 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**

- 9.1 There are likely financial implications of 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. Local financial considerations are capable of being taken into account when determining this planning application – in so far as they are material to the application. The weight given to this issue is a matter for the decision maker.

## **10. BACKGROUND**

### RELEVANT PLANNING POLICIES

Central Government Guidance:

- 10.1 National Planning Policy Framework (NPPF) (DCLG – July 2011)
- 10.1.1 The National Planning Policy Framework (NPPF) came into effect in March 2012, replacing most former planning policy statements and guidance notes. The NPPF provides a more concise policy framework emphasizing sustainable development and planning for prosperity. Sustainable development 'is about positive growth – making economic, environmental and social progress for this and future generations'. 'Development that is sustainable should go ahead, without delay - a presumption in favour of sustainable development that is the basis for every plan, and every decision'. The framework sets out clearly what could make a proposed plan or development unsustainable.

10.1.2 Relevant areas covered by the NPPF are referred to in section 6 above and include:

- 1. Building a strong, competitive economy;
- 3. Supporting a prosperous rural economy;
- 4. Promoting sustainable transport;
- 7. Requiring good design;
- 8. Promoting healthy communities;
- 10. Meeting the challenge of climate change, flooding and coastal change;
- 11. Conserving and enhancing the natural environment;
- 12. Conserving and enhancing the historic environment;

10.2 Core Strategy:

10.2.1 The Shropshire Core Strategy was adopted in February 2011 and sets out strategic objectives including amongst other matters:

- To rebalance rural communities through the delivery of local housing and employment opportunities (objective 3);
- To promote sustainable economic development and growth (objective 6);
- To support the development of sustainable tourism, rural enterprise, broadband connectivity, diversification of the rural economy, and the continued importance of farming and agriculture (objective 7);
- To support the improvement of Shropshire's transport system (objective 8);
- To promote a low carbon Shropshire (objective 9) delivering development which mitigates, and adapts to, the effects of climate change, including flood risk, by promoting more responsible transport and travel choices, more efficient use of energy and resources, the generation of energy from renewable sources, and effective and sustainable waste management.

10.2.2 Core Strategy policies of relevance to the current proposals include:

i. CS6: Sustainable Design and Development Principles:

To create sustainable places, development will be designed to a high quality using sustainable design principles, to achieve an inclusive and accessible environment which respects and enhances local distinctiveness and which *mitigates and adapts to climate change*. This will be achieved by: Requiring all development proposals, including changes to existing buildings, to achieve criteria set out in the sustainability checklist. This will ensure that sustainable design and construction principles are incorporated within new development, and that *resource and energy efficiency and renewable energy generation are adequately addressed* and improved where possible. The checklist will be developed as part of a Sustainable Design SPD; Requiring proposals likely to generate significant levels of traffic to be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced; And ensuring that all development: Is designed to be adaptable, safe and accessible to all, *to respond to the challenge of climate change* and, in relation to housing, adapt to changing lifestyle needs over the lifetime of the development in accordance with the objectives of Policy CS11 Protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local

character, having regard to national and local design guidance, *landscape character assessments and ecological strategies where appropriate; Contributes to the health and wellbeing of communities, including safeguarding residential and local amenity* and the achievement of local standards for the provision and quality of open space, sport and recreational facilities. Is designed to a high quality, consistent with national good practice standards, including appropriate landscaping and car parking provision and taking account of site characteristics such as land stability and ground contamination; Makes the most effective use of land and safeguards natural resources including high quality agricultural land, geology, minerals, air, soil and water; Ensures that there is capacity and availability of infrastructure to serve any new development in accordance with the objectives of Policy CS8. *Proposals resulting in the loss of existing facilities, services or amenities will be resisted unless provision is made for equivalent or improved provision, or it can be clearly demonstrated that the existing facility, service or amenity is not viable over the long term.*

ii. CS13: Economic Development, Enterprise and Employment:

Shropshire Council, working with its partners, will plan positively to *develop and diversify the Shropshire economy, supporting enterprise, and seeking to deliver sustainable economic growth and prosperous communities*. In doing so, particular emphasis will be placed on: Promoting Shropshire as a business investment location and a place for a range of business types to start up, invest and grow, recognising the economic benefits of Shropshire's environment and quality of life as unique selling points which need to be valued, conserved and enhanced Raising the profile of Shrewsbury, developing its role as the county town, growth point and the main business, service and visitor centre for the Shropshire sub-region, in accordance with Policy CS2 Supporting the revitalisation of Shropshire's market towns, developing their role as key service centres, providing employment and a range of facilities and services accessible to their rural hinterlands, in accordance with Policy CS3 *Supporting the development and growth of Shropshire's key business sectors and clusters, in particular: environmental technologies; creative and cultural industries; tourism; and the land based sector, particularly food and drink production and processing Planning and managing a responsive and flexible supply of employment land and premises comprising a range and choice of sites in appropriate locations to meet the needs of business, with investment in infrastructure to aid their development or to help revitalise them*. Supporting initiatives and development related to the provision of higher/further education facilities which offer improved education and training opportunities to help raise skills levels of residents and meet the needs of employers Supporting the development of sustainable transport and ICT/broadband infrastructure, to improve accessibility/connectivity to employment, education and training opportunities, key facilities and services Encouraging home based enterprise, the development of business hubs, live-work schemes and appropriate use of residential properties for home working In rural areas, recognising the continued importance of farming for food production and *supporting rural enterprise and diversification of the economy, in particular areas of economic activity associated with agricultural and farm diversification*, forestry, green tourism and leisure, *food and drink processing, and promotion of local food and supply chains*. Development proposals must accord with Policy CS5.

v. CS17: Environmental Networks

*Development will identify, protect, enhance, expand and connect Shropshire's environmental assets, to create a multifunctional network of natural and historic*

*resources. This will be achieved by ensuring that all development: Protects and enhances the diversity, high quality and local character of Shropshire's natural, built and historic environment, and does not adversely affect the visual, ecological, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors.* Further guidance will be provided in SPDs concerning the natural and built environment; Contributes to local distinctiveness, having regard to the quality of Shropshire's environment, including landscape, biodiversity and heritage assets, such as the Shropshire Hills AONB, the Meres and Mosses and the World Heritage Sites at Pontcysyllte Aqueduct and Canal and Ironbridge Gorge Does not have a significant adverse impact on Shropshire's environmental assets and does not create barriers or sever links between dependant sites; Secures financial contributions, in accordance with Policy CS8, towards the creation of new, and improvement to existing, environmental sites and corridors, the removal of barriers between sites, and provision for long term management and maintenance. Sites and corridors are identified in the LDF evidence base and will be regularly monitored and updated.

vii. Other relevant policies:

- Policy CS5: Countryside and Green Belt;
- Policy CS7: Communications and Transport;
- Policy CS8: Facilities, services and infrastructure provision.

10.3 Saved Local Plan Policies:

10.3.1 Shropshire Structure Plan – Relevant saved policies:

- P16: Protecting air quality;

10.3.3 The Bridgnorth Local Plan The site is not affected by any specific designations in the Plan. Previously relevant policies have now been replaced by the policies in the Core Strategy.

10.4 Emerging planning policy documents and guidance

10.4.1 Site Management and Allocation of Development Document (SAMDEV) – The site falls within the Much Wenlock area of the emerging SAMDEV but is not subject to any specific allocation. The SAMDEV acknowledges that 'Shropshire must play its part in providing energy from renewable sources. We want to encourage renewable energy developments but we also need to conserve Shropshire's high quality environment. Current Government guidance suggests we should develop criteria to enable low carbon and renewable energy development to proceed when there are no significant adverse effects on recognised environmental assets'.

10.4.2 Draft policy directions for the SAMDEV have been published and indicate the direction of future policy change. The most relevant directions for the current proposals are:

- MD9 – Managing development in the countryside (seeks to protect heritage, landscape and biodiversity assets);
- MD14 – Protecting and enhancing Shropshire's natural environment (seeks to ensure that biodiversity sites, habitats and species of recognised value are protected and enhanced).

It is considered that the proposals are in broad compliance with these policy directions.

Other relevant plans:

10.5.1 The Much Wenlock Neighbourhood Plan: Key objectives relevant to the current proposals include:

- i. Objective 1 - Local economy and jobs:  
The Neighbourhood Plan will facilitate opportunities for new and existing businesses to create employment growth and it will do this through:
  - the designation of additional land
  - the approval of new premises in appropriate location(s)
  - allowing new mixed-use development so appropriate businesses can operate from homes and dwellings and
  - by resisting the change of use of sites currently designated for employment purposes
  
- ii. Objective 6: Achieving a more sustainable community and addressing climate change:  
The Plan will encourage a move towards a low- carbon economy which includes local food production and the generation of renewable energy. We will do this through:
  - Permitting the allocation of land within the parish to support food production that meets local needs and the local market;
  
- iii. Objective 9: Improving and protecting the local landscape and wildlife:  
The Neighbourhood Plan will encourage sympathetic management of the countryside around Much Wenlock to enhance the high quality landscape, improve local biodiversity and other benefits to the community as part of our 'green infrastructure'
  
- iv. Other relevant objectives include:
  - Objective 3: Traffic management and community well-being;
  - Objective 4: Community facilities;
  - Objective 7: Protecting our local environment through well-designed development;

11. RELEVANT PLANNING HISTORY:

11.1 The application site is located mainly on an agricultural field which has no prior planning history but part of the site occupies an existing building currently used for pig rearing.

**List of Background Papers :** Planning Application 13/04309/EIA and supporting documents and plans.

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

**Local Member:** Cllr David Turner

**Appendices:** APPENDIX 1 - Conditions

## **APPENDIX 1**

### **Conditions**

1. The development to which this planning permission relates shall be commenced within three years beginning with the date of this permission.

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

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

- SK21315-02 (access layout);
- SK21315-01 (visibility splay layout);
- 45105-03 Rev A (proposed site layout);
- 45105-01 Rev A (elevations and floor plans);
- BF-DL-300 Rev A (drainage arrangement);
- 1414.03 Rev A (landscape plan).

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

- 3a. Tree, shrub hedge and other planting and subsequent management shall be carried out in accordance with the approved landscape plan (1414.03 Rev A). All planting and seeding shall be carried out within twelve months of completion of development.

- b. Any tree, shrub or other planted material which dies or is otherwise lost during the first 5 years post-planting shall be replaced with a tree, shrub or other plant of similar size and species.

Reason: To ensure landscaping is carried out and managed in a way that will provide the best conditions for it to reach maturity and thereby provide the intended mitigation and amenity benefits in the long term.

4. The Construction Management Plan (reference CMP-45105) submitted to and approved in writing by the Local Planning Authority on 20<sup>th</sup> February shall be implemented fully in accordance with the approved details for the duration of the construction period.

Reason: In the interests of highway safety.

5. No development shall commence on site in connection with the approval until samples of materials including colour finishes for the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved materials.

Reason: To ensure the materials are appropriate in the landscape.

6. Full details, plan and sizing of any proposed septic tank including percolation tests for the drainage fields should be submitted for approval including the Foul Drainage Assessment

Form (FDA1 Form). British Water Flows and Loads: 3 should be used to determine the number of persons for the proposed development and the sizing of the septic tank and drainage fields should be designed to cater for the correct number of persons and in accordance with the Building Regulations H2 Paragraph 1.18. These documents should also be used if other form of treatment on site is proposed.

Reason: To ensure that the foul water drainage system complies with the Building Regulations H2.

Notes:

- i. *Consent or an exemption certificate is required as appropriate from the Environment Agency for discharging treated foul effluent into the watercourse. However, if the ditch/watercourse is occasionally dry, the treated foul effluent should discharge into a drainage field.*
  - ii. *If using water butts on site these must be monitored to ensure they do not overflow. Opening the tap to allow water to drain freely from the water butt is acceptable as this will act as to attenuate the flow of the surface water collected. It is recommended that the flow route from the water butt is determined to ensure this does not cause issues elsewhere on site.*
7. No development shall commence on site in connection with this approval until the applicant (or agent acting on his behalf) has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: Earthwork remains of ridge and furrow of probable medieval date survive within the field through which the new access road would cross and the programme of archaeological work would be appropriate to mitigate the archaeological impact.

8. The Tree Protection Plan (reference: THC/2014/01/20 AS) submitted to and approved in writing by the Local Planning Authority on 20<sup>th</sup> February shall be implemented fully in accordance with the approved details for the duration of the construction period.

Reason: to protect retained trees and hedges which contribute to the character of the location and the development itself from damage during implantation of the development.

9. No development shall commence on site in connection with the approval until samples of materials including colour finishes for the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved materials.

Reason: To ensure the materials are appropriate in the landscape.

10. Prior to the first use of the development the access junction improvements shall be provided fully in accordance with engineering drawings to be submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

11. 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, a European Protected Species.

10. The proposed surface water drainage scheme shall be installed in accordance with the approved drainage details prior to the first occupation of any of the development hereby approved. Details of the flow control structure should be submitted for approval prior to the commencement of the works.

Reason: To ensure that the surface water drainage system is adequate and to minimize flood risk.

11. Construction works shall not take place outside 06:30 to 19:00 hours Monday to Saturday and at no time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of the area.

12. Lorry movements when transporting birds during depopulation between 23:00 and 06:00 hours shall be restricted to a maximum of 4 movements and no lorries shall leave the development site between 11:00 and 2:00 hours.

Reason: To minimise disturbance to neighbouring residents.

13. The removal of poultry manure shall not take place outside the hours of 07.00 to 18.00 hours Monday to Friday, Saturday 08.00 to 13.00 hours and at no times during Sundays and bank or public holidays.

Reason - In the interests of residential amenity.

*Note: It will be necessary to provide adequate access for emergency fire vehicles. There should be sufficient access for fire service vehicles to within 45 metres of every point on the projected plan area or a percentage of the perimeter, whichever is less onerous. The percentage will be determined by the total floor area of each building. This issue will be dealt with at the Building Regulations stage of the development. However, the Fire Authority advise that early consideration is given to this matter. The Building Regulations, 2000 (2006 Edition) Fire Safety Approved Document B5 provides details of typical fire service appliance specifications.*

14. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for a remediation strategy detailing how this unsuspected contamination shall be dealt with. Work shall thereafter proceed strictly in accordance with the strategy agreed.

Reason: For the protection of surface and groundwater resources.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking and re-enacting that Order with or without modification), no development shall be carried out under Class 6 Parts A and B without the prior grant of planning permission from the Local Planning Authority.

Reason: The effect of carrying out additional development of the facility under agricultural permitted development provisions has not been assessed as part of this proposal. The Local Planning Authority needs to retain full planning control over any future development of the site in order to assess whether any potential impacts associated with further development may cause harm to interests of acknowledged importance.

16. All plant and machinery on site shall be installed as per the figures within the application and maintained thereafter in accordance with the manufacturer's recommendations.

Reason: To protect neighbouring properties.

17. Prior to the bringing into use of the development the operator shall submit for the approval of the Local Planning Authority a complaint procedures scheme for dealing with noise, odour and other amenity related matters. The submitted scheme shall set out a system of response to verifiable complaints of noise received by the Local Planning Authority. This shall include:

- i. Investigation of the complaint;
- ii. Reporting the results of the investigation to the Local Planning Authority;
- iii. Implementation of any remedial actions agreed with the Authority within an agreed timescale.

Reason: To put agreed procedures in place to deal with any verified amenity related complaints which are received during site operation.

Note:

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