

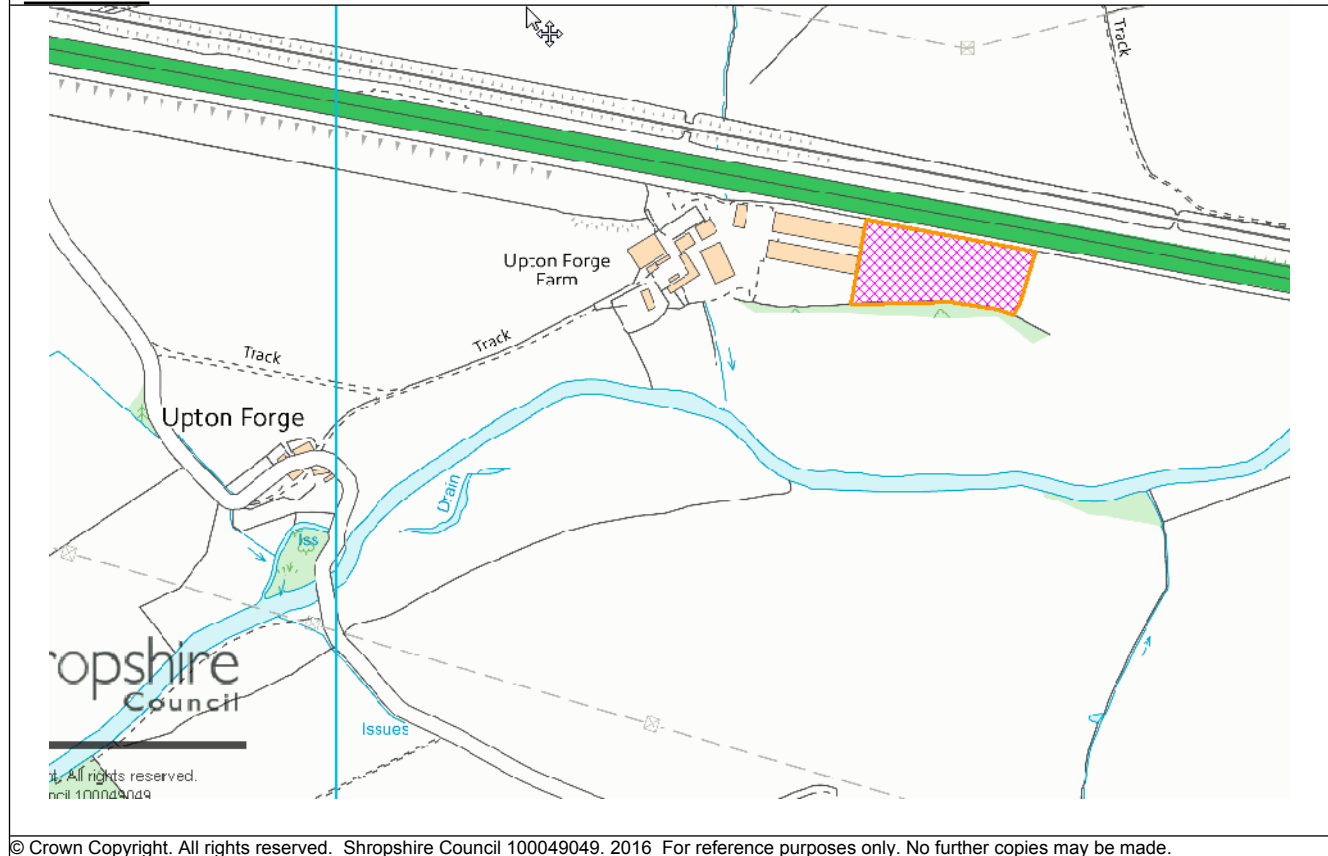
Development Management Report

Responsible Officer: Tim Rogers
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Summary of Application

Application Number: 17/04609/EIA	Parish:	Upton Magna
Proposal: Extension to Forge Farm Poultry Unit to include two poultry buildings and associated infrastructure		
Site Address: Forge Farm Upton Magna Shrewsbury Shropshire SY4 4UD		
Applicant: Forge Farm Poultry		
Case Officer: Philip Mullineux	email: planningdmnw@shropshire.gov.uk	

Grid Ref: 356323 - 311512



Recommendation:- Delegated approval subject to the conditions as outlined in appendix 1 and any modifications to these conditions as considered necessary by the Head of Planning Services.

REPORT

1.0 THE PROPOSAL

- 1.1 Application proposes an extension to an existing intensive 'Broiler' poultry unit to include two poultry buildings and associated infrastructure at Forge Farm, Upton Magna, Shrewsbury, Shropshire, SY4 4UD.
- 1.2 The application is accompanied by a set of proposed elevation and floor plans, site location plan, block plan, Planning and Design and Access Statement, Environmental Statement which includes reference to noise assessment, odour report, air quality assessment plan, visual impact assessment, historic assessment, flood risk and drainage assessment, amenity impact assessment, arboricultural impact assessment, ecology report, highways assessment and tree location and protection plan. It is understood that the applicants have agreed a routeing plan in relation to HGV movements with the Local Parish Council, this plan was also submitted during the processing of this application for information purposes only.
- 1.3 The application falls into the remit of the Town and Country Planning (Environmental Impact Assessment), Regulations 2017 Schedule two development, in relation to floor space and as such an Environmental Statement is considered necessary in support of the application for development on site. The threshold for schedule one development is 85,000 broiler birds, this application proposes housing for an additional 76,000 broiler birds on site, taking the total up to 196,000. As such the application was advertised by the Council as development accompanied by an Environmental Statement.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is located on the north eastern side of an existing intensive broiler unit which itself is located on the edge of the farmstead known as Forge Farm which it forms part of. The surrounding area consists primarily of agricultural land down to a mixture of arable cropping and grassland. The village of Upton Magna is approximately 1km to the north-west, to the north side of the adjacent A5 public highway which runs parallel with the site alongside its eastern side. The farm is accessed via a private drive leading from the minor Council maintained road to Upton Forge. This minor road terminates at Upton Forge. There is no direct access on to the A5.

2.2 The application proposes two further intensive 'broiler' poultry buildings to the east of the existing buildings. The existing three poultry buildings were permitted for up to 120,000 birds. This application proposes housing for 76,000 birds which will take numbers up to 196,000 divided between five sheds. This is based on the number of chicks that will be delivered at the start of the cycle. At the end of the cycle this number will probably be less due to an average mortality rate of 4% during each crop.

2.3 The standard broilers will be grown up to 39 days with at least a 10 day turn around period. The break between crops could be longer at certain times of the years such as Christmas or if clean-out is delayed, leading to around 7 crops per year.

The broilers will be brought in as day old chicks at a 50-50 mix of males and females. One thinning will take place at 31-32 days with 40% of the birds being removed at around 1.75kg in weight. The rest of the birds will be removed on 39 days at around 2.4kg in weight.

2.4 The proposed buildings will each measure 103.63 metres by 18.28 metres (340ft by 60ft) bird area (living area accommodation), floor space plus the fan canopy. The buildings will be situated directly to the east of existing buildings at Forge Farm.

There will be 2 feed bins situated between the buildings which will have a capacity of around 18 tonnes and measure 6.6 metres in height and 2.8 metres in diameter. The buildings will be heated by existing biomass buildings located in each end of the existing 3 poultry buildings. It is proposed that the external walls will be box profile polyester coated steel sheeting in goosewing grey and the roof in slate grey to match the existing poultry buildings on site.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Local Parish Council objects. The proposal is for schedule two development, in accordance with EIA Regulations. However, the application proposes a significant amount of broiler birds near to the threshold of schedule one development in accordance with the EIA Regulations and with consideration to cumulative impacts, it has been concluded that Committee consideration is appropriate in this instance. Also the local member requested Committee consideration owing to Local Parish Council concerns in relation to vehicle movements.

4.0 Community Representations

4.1 **Upton Magna Parish Council** have responded to the application objecting. Their response indicates:

This planning application was discussed at a meeting on the 12th of October 2017 and it was proposed, seconded and resolved unanimously that Upton Magna Parish Council objects to it for the following reasons:

- As in our objection to the current planning application 16/04965/EIA (proposed poultry units at The Rea, Upton Magna) the Parish Council and parishioners are extremely concerned about the increase in HGV traffic on

the narrow unclassified road that runs from Berwick Wharf to the access road to Forge Farm. This road is already used by HGVs delivering to CJ Wild Bird Food, cars, large farm vehicles, cyclists and pedestrians. The passing places are insufficient to support any increase in HGVs.

- There will be an increase in smell and flies and a deterioration of air quality for residents of neighbouring properties and for the users of one footpath and two bridleways that run close to the site.
- The units will provide no benefits for the local community to compensate for the increased danger to road users and the threat to health and wellbeing of parishioners.
- Should the parish of Upton Magna be expected to endure the hazards of two proposed poultry unit developments that are only 550 yards apart?

The Parish Council formally requests that this planning application is sent for consideration to the relevant planning committee.

4.2

Withington Parish Council (neighbouring), has also responded to the application objecting indicating:

Withington Parish Council wish to object to the expansion of the number of chicken sheds at Forge Farm from 3 to 5 units, reference number 17/04609/EIA, for the following reasons.

HGV TRAFFIC

- The expansion will result in an increase in the number of HGV movements along the Pelham Road between Berwick Road and Upton Forge Farm near Upton Magna and it is this route that most residents of Withington take to get to Shrewsbury. The road is narrow with infrequent passing places to allow HGV's to pass each other safely. There have been a number of instances where HGV's have needed to reverse to allow another to pass which in itself is a dangerous manoeuvre to other road users/cyclists and pedestrians.
- It should be noted that a recent separate application currently under consideration by Shropshire Council to build 2 chicken sheds of comparable size at the Rea Farm in Upton Magna stated that the applicants saw the need to install an additional 3 passing places on the Pelham Road. The applicant considered this an important requirement due to the significant increase in HGV traffic. We therefore request that this should also be a requirement for the applicant who wants to build an additional 2 sheds at Forge Farm.
- Our experience of HGV drivers following routes provided by their customers has shown that they are frequently ignored, and drivers just follow their satnavs. The result is that we get a number of HGV's on the narrow country lanes in Withington looking for businesses in Upton Magna and the surrounding area.

- The main lane from Withington to Upton Magna is a designated cycling route which is frequently used by cyclists, pedestrians and horse riders from the local stables. HGV's represent a danger to these users.
- Should the application succeed then we request that a condition should be the installation of signage along the roads from Withington to Upton Magna be installed stating their unsuitability for HGV's.

HEALTH AND WELL BEING

- The siting of the existing units with South West prevailing winds towards Withington causes an issue of smell which will only get worse with the proposed expansion from 3 to 5 units.

EMPLOYMENT

- The application will not result in any significant local employment as in general such operations only require one full time person

Further additional comments have been received from Withington Parish Council which indicates concerns with regards to public highway access and transportation issues in relation to the proposed development. Concerns are also raised in respect potential impacts on health and wellbeing, and impacts on surrounding public footpaths, bridleways and concerns with regards to SC Highway responses in relation to intensive poultry applications in the surrounding area and inconsistencies as well as inaccuracies/omissions in the Environment Statement submitted by the applicants agent..

4.3 **Consultee Comments**

4.4 **The Environment Agency** has responded with the following comments:

Thank you for referring the above application which was received on the 5 October 2017. We would offer the following comments for your consideration at this time.
Environmental Permitting Regulations: The proposed development will lead to a maximum total number of 220,000 birds, which is above the threshold (40,000) for regulation of poultry farming under the Environmental Permitting (England and Wales) Regulations (EPR) 2010. The EP controls day to day general management, including operations, maintenance and pollution incidents. In addition, through the determination of the EP, issues such as relevant emissions and monitoring to water, air and land, as well as fugitive emissions, including odour, noise and operation will be addressed.

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

responsibility of the applicant to undertake the relevant risk assessments and propose suitable mitigation to inform whether these emissions can be adequately managed. For example, management plans may contain details of appropriate ventilation, abatement equipment etc. Should the site operator fail to meet the conditions of a permit we will take action in-line with our published Enforcement and Sanctions guidance.

Forge Farm currently operates under an EP for its intensive poultry operations and has been granted a Variation to the Permit in consideration of the proposed development.

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

Flood Risk: The site is located in Flood Zone 1 (low probability) based on our indicative Flood Zone Map. Whilst development may be appropriate in Flood Zone 1 a Flood Risk Assessment (FRA) is required for 'development proposals on sites comprising one hectare or above where there is the potential to increase flood risk elsewhere through the addition of hard surfaces and the effect of the new development on surface water run-off

Under the Flood and Water Management Act (2010) the Lead Local Flood Authority (LLFA) should be consulted on the proposals and act as the lead for surface water drainage matters in this instance.

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

Shed roofs that have roof ventilation extraction fans present, may result in the build up of dust which is washed off from rainfall, forming lightly contaminated water. The EP will normally require the treatment of roof water, via swales or created wetland from units with roof mounted ventilation, to minimise risk of pollution and enhance water quality. For information we have produced a Rural Sustainable Drainage System Guidance Document, which can be accessed via:
<http://publications.environment-agency.gov.uk/PDF/SCHO0612BUWH-E-E.pdf>

Manure Management (storage/spreading): Under the EPR the applicant will be required to submit a Manure Management Plan, which consists of a risk assessment of the fields on which the manure will be stored and spread, so long as this is done so within the applicants land ownership. It is used to reduce the risk of the manure leaching or washing into groundwater or surface water. The permitted farm would be required to analyse the manure twice a year and the field soil (once every five years) to ensure that the amount of manure which will be applied does

not exceed the specific crop requirements i.e. as an operational consideration. Any Plan submitted would be required to accord with the Code of Good Agricultural Policy (COGAP) and the Nitrate Vulnerable Zones (NVZ) Action Programme where applicable. The manure/litter is classed as a by-product of the poultry farm and is a valuable crop fertiliser on arable fields.

Separate to the above EP consideration, we also regulate the application of organic manures and fertilisers to fields under the Nitrate Pollution Prevention Regulations.

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

<https://www.gov.uk/guidance/pollution-prevention-for-businesses>

Natural England have responded to the application indicating:

4.5

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection. Natural England's advice on other natural environment issues is set out below

International sites – Midlands Meres and Mosses Phase 1 Ramsar and Midlands Meres and Mosses Phase 2 Ramsar.

Natural England previously advised that a Habitats Regulations Assessment (HRA) be undertaken due to the proposed development being within the Impact Risk Zones of these designated sites.

We understand that Shropshire Council is now using an approach to considering intensive agricultural development based on National Resources Wales guidance. As such these sites would be screened out of any assessment.

Based on the comments and assessment provided to us by Shropshire Council's Planning Ecologist dated 12 April 2018 Natural England considers that the proposed development will not have likely significant effects on these designations and has no objection to the proposed development.

You may wish to record this to meet the requirements of the Habitats Regulations.

Attingham Park Site of Special Scientific Interest and Allscott Settling Ponds Site of Special Scientific Interest (SSSIs)

Based on the plans and commentary submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which these sites have been notified and has no objection.

An earlier response indicated:

Natural England is a non-departmental public body. Our statutory purpose is to

ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Conservation of Habitats and Species Regulations 2010 (as amended) & Wildlife and Countryside Act 1981 (as amended)

Internationally and nationally designated sites

The application site is within the Impact Risk Zones of internationally designated sites and therefore has the potential to affect their special interest features. International sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). These sites are part of the Midlands Meres and Mosses Phase 1 and the Midlands Meres and Mosses Phase 2 Ramsar site¹ and also notified at a national level as Berrington Pool, Hencott Pool and Bomere, Showmere and Betton Pool Sites of Special Scientific Interest (SSSIs). In addition, the development is within Impact Risk Zones for Attingham Park and Allscott Settling Ponds SSSIs.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have.

The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

¹ Listed or proposed Wetlands of International Importance under the Ramsar Convention (Ramsar) sites are protected as a matter of Government policy. Paragraph 118 of the National Planning Policy Framework applies the same protection measures as those in place for European sites.

² Requirements are set out within Regulations 61 and 62 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 61 and 62 are commonly referred to as the 'Habitats Regulations Assessment' process.

The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process. This can be found on the Defra website. <http://www.defra.gov.uk/habitats-review/implementation/process-guidance/guidance/sites/>

Habitat Regulations Assessment required

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

In advising your authority on the requirements relating to Habitats Regulations Assessment, it is Natural England's advice that the proposal is not necessary for

the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. Natural England advises that the environmental pathways likely to be most relevant to this proposal are through pollution to air and water.

You should use information provided by the applicants to undertake this assessment, it may be useful for the applicant to consider the use of the Ammonia screening Tool to understand the significance or otherwise impacts on the designated sites mentioned above. If the impacts are significant you should consider mitigation as part of the HRA.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Grady McLean on 020 802 61266. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

4.6

SC Regulatory Services raises no objections to the proposal.

4.7

SC Tree Officer has responded to the application indicating:

The submitted Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan has indicated that all the trees on and adjacent to the site fall outside of the development area.

I can support the application if the following is made a condition of an approval:

All trees which are to be retained in accordance with the approved plan shall be protected in accordance with the submitted Tree Protection Plan and in accordance with BS 5837: 2012 "Trees in relation to Design, Demolition and Construction recommendations for tree protection". The protective fence shall be erected prior to commencing any approved development related activities on site, including ground levelling, site preparation or construction. The fence shall be maintained throughout the duration of the development and be moved or removed only with the prior approval of the LPA.

Reason: To safeguard the amenities of the local area by protecting trees.

4.8

SC Drainage Manager raises no objections. The response indicating:

The surface water drainage proposals in the Drainage Report and Flood Risk Assessment are acceptable in principle.

4.9

SC Conservation have responded to the application indicating:

This application is for the provision of two additional poultry units and associated infrastructure on the site of an existing poultry unit business. The site has been subject to an EIA screening process which deemed a heritage assessment and LVIA were necessary in order to properly assess environmental effects on cultural heritage assets and the historic landscape. The proposal site itself may be considered to fall within the wider setting of the Grade II listed farmhouse, Forge Farm.

Policy Context:

In considering the proposal due regard to the following local and national policies and guidance has been taken, when applicable including policy CS6 'Sustainable Design and Development' and CS17 'Environmental Networks' of the Shropshire Core Strategy, Policy MD13 'The Historic Environment' of SAMDev, as well as with national policies and guidance, National Planning Policy Framework (NPPF) published March 2012. Section 66(i) of the Planning (Listed Building and Conservation Areas) Act 1990 applies in terms of the requirement for the LPA to have due regard to preserving the setting of listed buildings as changes to setting can affect the significance of the heritage asset. Consideration of the significance of heritage assets and the impact of any proposed works to those assets should be undertaken in line with guidance contained within the EH/HE publications including Conservation Principles (2008), Seeing the History in the View (2011) and The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning: 3 (2015) and any other relevant guidance documents to be notified by Historic England.

Assessment:

The site, whilst within the wider landscape setting of the listed farmhouse, is visually separated from the historic buildings by the intervening development of three existing poultry sheds, as confirmed by the applicant's heritage impact assessment. Coupled with the low profile of the proposed structures, their potential effect on the character and significance of the listed building is limited.

In summary, we would agree with the assessment, which identifies that there would little or no impact on the character, setting or significance of the built designated heritage assets identified in the report - either those in close proximity to the site or further afield, including Attingham House and Park.

It must be noted, however, that the site lies within the immediate setting of the former mill leat running to Upton Forge, which itself is a non-designated heritage asset. Archaeology colleagues will provide comments on this aspect of the development separately and it's potential to affect significance through change to the setting of the asset.

Recommendation:

4.10

With screening and the use of an appropriate dark matt colour finish to the building envelope, and feed storage infrastructure, the residual effect of the development's impact on listed buildings is deemed to be negligible and the proposals acceptable, subject to relevant conditions.

SC Archaeology Manager has responded to the application indicating:

Comments: Background to Recommendation:

The proposed development comprises two addition poultry units for up to 76,000 birds, which together with the three existing units, would be bring the total capacity at Forge Farm to 196,000 birds.

The farmhouse at Forge Farm is Grade II Listed (NHLE ref. 1239509) 17th century timber framed house with 19th and 20th century additions. Three ranges of associated traditional farm buildings exist to the north-east and are separated from the proposed development site by the intervening modern portal farmed sheds and existing poultry buildings.

The Shropshire Historic Environment Record also indicates that the proposed development site is located c.200m west of the former site of Duncote Forge (HER PRN 04320). In the 18th century this was part of Upton Forge (HER PRN 01613), which was located c.740m to the south-south-west. Established in the mid-17th century, possibly re-using an earlier corn mill, the iron-working forge at Upton expand to become one of the largest ironworks in the country in 18th and early 19th centuries. Leased by William Hazeldine in 1800, it supplied ironwork for some of the major civil engineering projects of the age, including the links for Thomas Telford's Menai Bridge. A leat (HER PRN 29229) which supplied water to the forge and former pool are located immediately south of the proposed development site.

In addition, there are also a number of prehistoric and Roman cropmark sites within the wider vicinity of the proposed development site. These include a ring ditch of likely Early Bronze Age date c.620m to the south west (HER PRN 04165); together with three cropmark enclosures of likely Iron Age to Roman date c.635m to the west (HER PRN 08098), 500m to the south-west (HER PRN 00049), and c.610m to the east (HER PRN 04391).

An archaeological watching brief conducted in 2012 on the previous extension to the poultry farm found that that part of the site had low archaeological potential. Whilst this remains the case for the present proposed development site, for the reasons set out above it remains possible that archaeological remains from the prehistoric and post-medieval period are present on it.

RECOMMENDATION:

A Heritage Impact Assessment by Richard K Morriss and Associates has been submitted in relation to the requirements set out in Paragraph 128 of the NPPF and

Policy MD13 of the Local Plan. We confirm that we concur with its findings with regard to the archaeological interest of the proposed development site.

On the basis of the recommendations within the Heritage Impact Assessment, and in relation Paragraph 141 of the NPPF and Policy MD13 of the Local Plan, it is advised that a programme of archaeological work should be made a condition of any planning permission for the proposed development. This should comprise an archaeological watching brief during all intrusive ground works. An appropriate condition of any such consent would be: -

Suggested Condition:

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

4.11 Reason: The site is known to hold archaeological interest

SC Highways raises no objections. The response indicates:

No Objection – Subject to the development being undertaken in accordance with the approved details and the following informatives

Observations/Comments:

It is considered that the Highways Statement supporting this development proposal is sufficiently robust and adequately demonstrates the likely impact this development might have on the adjacent public highway. Therefore, it is considered that the proposed development, would be acceptable from a highways & transport perspective.

Informatives:

Mud on highway

The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

No drainage to discharge to highway

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

- construct any means of access over the publicly maintained highway (footway/verge) or
- carry out any works within the publicly maintained highway, or
- authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or
- undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details

<https://www.shropshire.gov.uk/street-works/street-works-application-forms/>

Please note: Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.

4.12

SC Planning Ecology have responded indicating:

Natural England has provided a formal consultation dated 26th April 2018 confirming no objection:

International sites – Midlands Meres and Mosses Phase 1 Ramsar and Midlands Meres and Mosses Phase 2 Ramsar.

Based on the comments and assessment provided to us by Shropshire Council's Planning Ecologist dated 12 April 2018 Natural England considers that the proposed development will not have likely significant effects on these designations and has no objection to the proposed development.

Attingham Park Site of Special Scientific Interest and Allscott Settling Ponds Site of Special Scientific Interest (SSSIs)

Based on the plans and commentary submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which these sites have been notified and has no objection.

Please include the condition and informatives below on a planning decision notice.

Ammonia Emissions

The Environment Agency has permitted the site for a total of 196,000 bird places. Planning Agent Berry's have confirmed via email dated 22.11.2017 that the current proposal is for 76,000 bird places.

SC Ecology has not identified any Natural Assets (i.e. Local Wildlife Sites or Ancient Woodlands) in 2km of the installation. Two Nationally Designated Sites have been identified in 5km namely – Attingham Park SSSI and Allscott Settling

Ponds SSSI. SC Ecology is using screening distances set by Natural Resources Wales to assess planning applications (please refer to NRW Guidance Note 20, 2017). There are no International Designations in 5km of the installation.

The process contribution from 76,000 bird places has been calculated by SC Ecology using Ammonia Screening Tool provided by the Natural Resources Wales:

Habitat Type	Habitat Name	Distance from Emission Source (m)	Ammonia Screening Tool Predicted Ammonia (ug/m ³)	Ammonia Screening Tool Predicted Deposition (N) - kg/ha/yr
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e.g. SAC/SSSI/LWS _____

SSSI	Allscott Settling Ponds	2,924	0.046	0.237
SSSI	Attingham Park	1,322	0.197	1.022

SC Ecology has looked up the SSSI citation on Natural England website - <https://designatedsites.naturalengland.org.uk/SiteSearch.aspx> (attached to this planning response).

Allscott Settling Ponds is designated for its bird community of county importance. Attingham Park is designated for its Invertebrate Assemblage.

SC Ecology is satisfied that the proposal for 76,000 birds is unlikely to have a significant adverse effect, directly, indirectly or cumulatively on designated Wildlife Sites as the citation features are not sensitive to increase in ammonia/nitrogen deposition. SC Ecology concludes that no further information is required to assess impacts on designated sites.

Natural England has formally responded, dated 26th April 2018, stating no objection.

No further survey work is required to support this proposal.

Environmental Network

The site has the potential to enhance the area for biodiversity. The Shropshire Core Strategy contains in Policy CS17: Environmental Network provision for mapping and subsequently protecting, maintaining, enhancing and restoring Environmental Networks in the county in line with the recommendations of both The Lawton Review and the National Planning Policy Framework.

This proposed development site is adjacent to the Environmental Network and as such the proposed scheme must clearly demonstrate how the development will 'promote the preservation, restoration and re-creation of priority habitats and ecological networks' as required by paragraph 117 of the National Planning Policy Framework. Proposed landscape information should be submitted prior to commencement of development. SC Ecology would expect tree planting to be included in the landscape plan.

Please include the conditions and informatives below on a planning decision notice:

1. Within two months of the date of this permission an ammonia mitigation scheme shall be submitted in writing for the approval of the local planning authority. The submitted scheme shall set out measures proposed to enhance the area for biodiversity and mitigate against impacts of the proposed development on designated sites caused by emissions and deposition of ammonia.

The proposed compensation measures shall include woodland/tree/hedge planting. The ammonia mitigation scheme shall include:

- a) details of the planting of woodland/trees/hedgerows and the establishment of grassland (including a layout plan drawn to scale which can be enforced by a planning enforcement team);
- b) the location of planting and seeding;
- c) written specifications (including cultivation and other operations associated with plant and grass establishment);
- d) schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities;
- e) measures for the management of the seeded and planted area for the lifetime of the development, with the objective of maintaining its effectiveness in mitigating against ammonia impacts of the poultry development. This shall include details of:
 - i) aims and objectives of management;
 - ii) preparation of a works schedule (including an annual work plan and the means by which the plan will be rolled forward annually;
 - iii) personnel responsible for implementation of the plan;
 - iv) monitoring and remedial/contingency measures triggered by monitoring;
 - v) the financial and legal means through which the plan will be implemented.

The agreed planting scheme shall be implemented in the first planting season and retained thereafter.

Reason: To ensure an appropriate level of mitigation against the adverse impacts that the development would have on designated sites from ammonia emission/nitrogen deposition, and to seek a biodiversity enhancement consistent with Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Policy MD12 and the policies of the National Planning Policy Framework.

2. Prior to the erection of any external lighting on the site 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.

Informative

Where it is intended to create semi-natural habitats, all species used in the planting

proposal should be locally native species of local provenance (Shropshire or surrounding counties). This will conserve and enhance biodiversity by protecting the local floristic gene pool and preventing the spread of non-native species.

Informative

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

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

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

Informative

Where possible trenches 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 it should be sealed with a closefitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

Informative

4.13 On the site to which this consent applies the storage of all building materials, rubble, bricks and soil must either be on pallets or in skips or other suitable containers to prevent their use as refuges by wildlife.

4.14

Public Comments

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

- 4.15
- ☐ Concerns with regards to over intensive development.
 - ☐ Development will have negative impacts on the surrounding environment.

A letter of concern has also been received from Withington Parish Council, (Neighbouring Parish Council). Issues raised refer to:

- Withington residents frequently use the Upton Magna to Berwick Wharf road. It has been noted that there is an inconsistency between the Shropshire Council Highways reports for Forge Farm and The Rea for what is essentially the same route except for the bridge over the A5.

- Both Applications are South-West to the village of Withington and down wind of the prevailing winds.
- We believe that the Environment Agency 14/8/17 has given new information regarding the combined effect of both projects affecting designated sites.
- We realise that as the planning application is in the Parish of Upton Magna and understand that Withington would not therefore be invited by yourselves to make a comment. Could we please ask that in this instance you inform us if/when a further opportunity to make comments becomes available.

5.0 THE MAIN ISSUES

- Environmental Impact Assessment
- Planning policy and principle of development.
- Siting, scale and design of structures and visual landscape impact.
- Residential amenity.
- Ecology
- Highway access and transportation

6.0 OFFICER APPRAISAL

6.1 Environmental Impact Assessment

6.1.1 A scoping Opinion carried out by the Local Planning Authority dated 16th September 2016 in accordance with Environmental Impact Assessment, (EIA), Regulations 2011 in relation to the housing of up to 82,000 broiler birds in two intensive broiler units on a site where 120,000 birds are existing in three existing separate sheds on site established that overall and with consideration to cumulative impacts with the existing birds retained on site that the development fell under the remit of Schedule 1:17a development in accordance with EIA Regulations.

6.1.2 The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, (came into force on 16th May 2017 replacing the 2011 Regulations), and specify that Environmental Impact Assessment (EIA) is mandatory for proposed development involving the intensive rearing of poultry where the number of broiler birds is 85,000 or more. The proposed development falls into the remit of schedule 2 development of the 2017 EIA Regulations in accordance with 2:1(c) – Intensive livestock installations where the area of floor space exceeds 500 square metres. As such with consideration to the cumulative impacts, the current proposal is considered EIA development. The planning application is accompanied by an Environmental Statement, as referred to in the 2017 Regulations.

6.1.3

The Environmental Statement in support of the application makes reference to a sequential site selection, (alternative locations), as set out in Chapter 3 of the Environmental Statement, to which detail indicates that choice of location was largely down to the requirement in relation to landscape impact, operations efficiency of the agricultural business concerned and locational issues such as highway access and amenity issues. Officers consider detail as set out on site selection is considered satisfactory with consideration to the farming business concerned and the location and impacts etc. Whilst it is acknowledged that an application for two intensive broiler units is currently under consideration, (ref 16/04965/FUL), at a farm known as Rea Farm some 700 metres distance from the application site, this application is as of to date undetermined, and in any case in consideration of location, land topography and distance, the development subject to the application under consideration is considered acceptable.

6.2 Planning policy and principle of development

6.2.1 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). One of its core planning principles is to proactively drive and support sustainable economic development (para. 17). Sustainable development has three dimensions – social, environment, and economic. In terms of the latter the NPPF states that significant weight should be placed on the need to support economic growth through the planning system (para. 19). The NPPF also promotes a strong and prosperous rural economy, supports the sustainable growth and expansion of all types of business and enterprises in rural areas, and promotes the development of agricultural businesses (para. 28). The NPPF states that the planning system should contribute to and enhance the natural and local environment (para. 109) and ensure that the effects (including cumulative effects) of pollution on health, the natural environment or general amenity should be taken into account (para. 120).

6.2.2 Core Strategy Policy CS5 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, particularly where they relate to specified proposals including: agricultural related development. It states that proposals for large scale new development will be required to demonstrate that there are no unacceptable adverse environmental impacts. Whilst the Core Strategy aims to provide general support for the land based sector, it states that larger scale agricultural related development including poultry units, can have significant impacts and will not be appropriate in all rural locations (para. 4.74). Policy CS13 seeks the delivery of sustainable economic growth and prosperous communities. In rural areas it says that particular emphasis will be placed on 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 industry such as agriculture.

6.2.3 SAMDev Policy MD7b indicates planning applications for agricultural development will be permitted where it can be demonstrated that the development is of a

size/scale and type which is consistent with its required agricultural purposes and the nature of the agricultural enterprise, well designed and located and, where possible, sited so that it is functionally and physically closely related to existing farm buildings, with no unacceptable impacts on environmental quality and existing residential amenity.

6.2.4 The above policies indicate that there is strong national and local policy support for development of agricultural businesses which can provide employment to support the rural economy, and improve the viability of the applicant's existing farming business. In principle therefore it is considered that the provision of an extension to the poultry unit in this location, as an extension of acceptable scale to the existing poultry enterprise can be supported. Policies recognise that poultry units can have significant impacts, and seek to protect local amenity and environmental assets. These matters are assessed below.

6.3 **Siting, scale and design of structures and visual landscape impact.**

6.3.1 Core Strategy Policy CS6 seeks to ensure that development is appropriate in scale and design taking into account local context and character, having regard to landscape character assessments and ecological strategies where appropriate. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. Policy MD12 of the SAMDev also puts emphasis on the avoidance of harm to Shropshire's natural assets and their conservation, enhancement and restoration. It is noted that the site is not located within an area designated for landscape value.

6.3.2 The application site is located alongside three existing intensive poultry sheds, also in the control of the applicants, producing broilers and therefore this application is to be considered as a proposal to extend the existing intensive poultry enterprise.

6.3.3 The surrounding landscape is characterised by fields with hedgerow boundaries and small copses of native woodland. Adjacent to the site on its eastern side is the A5 public highway and this acts as a natural boundary to the site with its native screening between the highway and the existing intensive poultry buildings. It is considered that the two further intensive poultry units and the feed silos as proposed will impact on the landscape visually and its character. Poultry sheds may have a significant impact on the surrounding landscape, however in this instance with consideration to the location, it is considered that any impact will not be severe and that the impact can be mitigated with further landscaping. As such it is necessary to attach a condition to any approval notice issued, in order to ensure adequate landscaping is carried out in order to mitigate the development into the surrounding landscape to an acceptable manner.

6.3.4 The Environmental Statement in support of the application includes a chapter that refers to a Landscape and Visual Impact Assessment (LVIA). This concludes that there are no other known poultry developments or other large scale agricultural developments taking place in the immediate area and therefore no known potential

for cumulative landscape of visual effects. The direct effects on landscape will be limited. (as referred to in paragraph 6.1.3 above a separate application is registered with the Council for two intensive broiler units at Rea Farm, which is located some 700 metres from the application site, with consideration to the surrounding land topography, surrounding vegetation and the A5 public highway which separates the two sites, impacts in relation to siting, scale and visual impact is considered acceptable). The proposed development is on an arable field and no important landscape features or elements will be lost as a direct consequence of the development. The proposed development will be compatible with the surrounding agricultural land uses and comprehensive mitigation will be implemented.

With regard to indirect effects and the perception of landscape character, it is considered that the proposed development will have minor effect on the 'Estate Farmlands' landscape character on which the development site is located. The effects on the other character areas surrounding the site will be minor or none. Overall impact on the landscape is considered to be minor.

The development will not have any significant impact on heritage assets. The impacts on visual amenity have been assessed and considered to be minor. Overall, the landscape and visual assessment has established that the proposed poultry installation will have a limited effect on the baseline conditions in terms of both landscape character and visual amenity.

6.3.5 In conclusion, although the development would be visible to certain receptors within the 2km study area, the low level of the buildings, existing buildings, and the restricted/ partial views are such that the development would not dominate the overall scenery. In overall terms, despite a degree of potential impacts, Officers share the findings of the LVIA in that the location of the proposed poultry unit is not considered to be out of scale or keeping with the local setting, or the areas visual amenity and character.

6.3.6 It is also acknowledged that this application is for an extension to an existing poultry unit and as such with landscape mitigation in the form of native tree and hedge planting development on site, can be mitigated to an acceptable level, both visually and cumulatively with consideration to the existing on site. Existing screening on site is not considered adequate in relation to the scale of the development on site in relation to the overall character of the existing landscape, and as such this further strengthens the requirements for landscape mitigation. It is also acknowledged that detail in support of the application indicates the applicants' willingness for further landscape mitigation.

6.3.7 With consideration to the above-mentioned, and further landscape mitigation as discussed, on balance, the development is acceptable in relationship to siting, scale and landscape and visual impact, and as such in accordance with the overall aims and objectives of the NPPF, Policies CS5, CS6 and CS17 of the Shropshire Core Strategy and relevant policies of the SAMDev.

6.4 **Residential amenity and public protection**

6.4.1 The proposed development is located approx. some 1.1 km from the nearest

settlement known as Upton Magna. The National Planning Policy Framework in paragraph 122 states that 'local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively.

- 6.4.2 The applicants will need to obtain from the Environment Agency a variation to their existing Environmental Permit in order to operate from the site, this will control issues in relationship to residential amenity. The Environment Agency's response to the application raises no objections, indicating that they have recently issued a variation to the site permit. This will cover issues such as on site noise, emissions and waste and their management, the permit also covers issues of concern in relationship to surrounding residential amenity. An odour management plan will also form part of the Environmental Permit. The response also refers to planning advice as set out in the NPPF. Management operations are as outlined in the EA response as indicated in paragraph 4.4 of this report. The EA response indicates That it will be the responsibility of the applicant to undertake the relevant risk assessments and propose suitable mitigation to inform whether these emissions can be adequately managed. For example, management plans may contain details of appropriate ventilation, abatement equipment etc. Should the site operator fail to meet the conditions of a permit the Environment Agency confirm in their response that they will take action in-line with their published Enforcement and Sanctions guidance.
- 6.4.3 The applicants as part of their Environmental Statement in support of the application have submitted an odour impact assessment in relation to the additional housing of up to 82,000 boilers on site, and this indicates that dispersion modelling has been completed, which predicts that the proposed development will not lead to unacceptable odour impacts. The average impact is below the EA limit for intensive agricultural operations at all assessed receptors. Should the odour control measures detailed in a site odour management plan be followed during typical operation and abnormal events, these potential impacts will be reduced even further.
- 6.4.4 Information submitted in support of the application, as part of the Planning Statement is considered acceptable in relationship to residential amenity, as it is noted that none of the statutory consultees raise any objections on this matter.
- 6.4.5 It is noted that SC Regulatory Services have responded to the application raising no objections. Based on the information submitted in support of the application and on-site observations, it is considered that there will be no significant adverse impact on the amenity of the area and that the permit issued and regulated by the Environment Agency will control elements in relation to surrounding amenity.
- 6.4.6 However the Environmental Permit issued and monitored by the Environment Agency only covers on site activities and therefore feed deliveries to the site and manure movements off the farming unit concerned will not be covered by the

permit, (other than on-site activities), and as such, with consideration to vehicle movements as well as residential amenity, it is recommended that conditions are attached to any approval notice issued restricting times for feed deliveries and that any manure removed off site is done so in sealed and covered containers/trailers. Manure disposal on site will form part of the Environmental Permit regime and is a matter for the applicants to address as part of their environmental permit.

6.4.7

6.4.8 **Manure management, storage and disposal**

Information in support of the application indicates that most of the litter will be used on the farm and any excess exported to local farms for spreading directly to the land or for use as feedstock in on-farm anaerobic digesters. Any manure required to be stored on the farm will be in temporary field storage sites. The Environmental Statement further states that manure storage is important when preventing fly infestations as it can be attractive as a breeding site. By reducing moisture levels in the manure (to around 30%) flies will not find it suitable for laying eggs. Frequent inspections of storage sites are required to ensure there is no fly activity as even manure that is produced, transported and delivered in a dry, fly free condition can sometimes become infested. There will be careful management and monitoring of any manure stockpiles, although the management practices will minimise the need to stockpile by having quick spreading and incorporating to land. Any stockpiled manure will be checked once a week between April and October inclusive to ensure there is no fly activity in the manure. If on these inspections, any fly larvae are found in the manure, immediate steps will be taken to control the fly and larvae populations. The methods to be used for the control are those recommended in the 'Code of Practice for the use of Poultry Manure'. This includes keeping records of inspections, covering the stockpiles at the first sign of fly activity (sheeting raises the temperatures which kills any flies and larvae), ensure the manure remains covered for at least 10 days, and during the summer months of May to September not to store manure near to residential areas.

6.4.9

As part of the Environmental Permit the application will need to supply a manure management plan, this includes a risk assessment of the fields on which the manure will be stored and spread, so long as this is done so within the applicants' land ownership. The unit is also thoroughly cleaned down at the end of each bird cycle. Manure will be removed from the poultry houses at the end of each rearing cycle in sealed trailers and taken from the site to land in the applicants ownership or receiving farms, to which it is understood a 'Farm Manure Management Plan', will ensure satisfactory management, This ensures that the rates and area for spreading within the farm unit are sustainable and meet the DEFRA guidelines to meet:

- Protecting our Water, Soil and Air - A Code of Good Agricultural Practice for farmers, growers and land managers 2009 and
- Manure Management Plan: a step-by-step guide for farmers – June 2003

6.4.10

Poultry manure is considered a valuable agricultural fertiliser and there is high demand from the arable farming industry. Spreading manure provides nutrients to grow crops and also adds organic matter to the soil to improve soil structure. The

6.4.11 storage and spreading of farmyard manure is controlled through the Nitrate Pollution Prevention Regulations 2015. These regulations dictate where manure can be stored, where it can be spread and the timing of spreading during the year. Compliance with the regulations is monitored by DEFRA under cross compliance legislation with fines in place for non-compliance.

6.4.12 The legal process for the transfer of the waste from the site will require the applicant to record the dates and quantities of manure exported and the name address and farm holding number of the recipient farm. Once the manure reaches the recipient farm, the legal duty of compliance with the Nitrate Pollution Prevention Regulations 2015 passes to the recipient. The storage of manure in field heaps is regulated in Part 6 (para 23, sub section 3) of the Nitrate Pollution Prevention Regulations 2015 and the application of organic manure to land is controlled within Part 5 of the Nitrate Pollution Prevention Regulations 2015. The regular removal of the manure removes the potential breeding medium for flies.

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

6.4.14 It is noted that neither the Environment Agency, or the Council's Regulatory Services Manager raises any issues of concern on these matters and this includes reference to potential fly problems. Officers consider information in support of the application on these issues to be acceptable with consideration to the required processing as discussed above.

6.4.15 It is recommended that conditions are attached to any approval notice if members are mindful to approve the application, in order to ensure adequate consideration to disposal of manure generated on site and its spreading on land and consideration to residential amenity, as well as impacts in relation to use of surrounding public footpaths by means of a manure management plan, and also a condition in order to ensure all manure removed off the intensive poultry site is done so in sealed and covered trailers. It must also be noted that the Council's Public Protection section has statutory powers to deal with any proven amenity issues as a result of the development.

On balance the proposal is considered acceptable in relation to surrounding residential amenity issues with consideration to measures as discussed in the paragraph above. As such the proposal is considered to be in accordance with relevant policies of the Shropshire Core Strategy, the Council's SAMDev and the National Planning Policy Framework on issues in relation to residential amenity and

6.5 public protection.

6.5.1 **Ecological issues.**

Policies CS5, CS6 and CS17 of the Shropshire Core Strategy and Policy MD12 of the SAMDev clearly indicate the requirement for development proposals to demonstrate that there are no unacceptable adverse environmental impacts.

6.5.2 Applications should demonstrate a project level Habitats Regulations assessment for all proposals where the local planning authority identifies a likely significant effect on an internationally designated site. Developments should only be permitted if it can be clearly demonstrated there will be no likely significant adverse effects directly, indirectly or cumulatively in relationship to a number of criteria which includes reference to priority species, priority habitats important woodlands, trees and hedges, ecological networks, visual amenity, landscape character and local distinctiveness.

6.5.3 Both the Council's Planning Ecologist and Natural England have considered this application. Determination of this application has been held up owing to the on-going concerns in relation to ammonia impacts and the requirement to ensure that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010).

6.5.4 The key issue of concern related to ammonia emissions as a result of the proposed development. All environmental sites need to be assessed in terms of ammonia screening. It is also considered necessary for the requirements for habitat enhancements as a form of ammonia mitigation which is required or should be demonstrated on a proposed landscape plan. (For further information on this issue please refer to paragraphs 4.4 and 4.12 above).

6.5.5 On further consideration in relation to ammonia outputs and mitigation and enhancement measures offered, the Council's Planning Ecologist and Natural England consider that there will be no significant effects on sites of ecological interest, and as such the proposal does not need to be considered in-combination with other plans or projects.

6.5.6 SC Ecology In their response has indicated that they are satisfied that the proposal for 76,000 birds is unlikely to have a significant adverse effect, directly, indirectly or cumulatively on designated Wildlife Sites as the citation features are not sensitive to increase in ammonia/nitrogen deposition. SC Ecology concludes that no further information is required to assess impacts on designated sites.

6.5.7 Natural England formally responded, on 26th April 2018, stating no objection, indicating no further survey work is required to support this proposal.

The site has the potential to enhance the area for biodiversity. The Shropshire Core Strategy contains in Policy CS17: Environmental Network provision for mapping and subsequently protecting, maintaining, enhancing and restoring Environmental

- 6.5.8 Networks in the county in line with the recommendations of both The Lawton Review and the National Planning Policy Framework.

This proposed development site is adjacent to the Environmental Network and as such the proposed scheme will need to clearly demonstrate how the development will 'promote the preservation, restoration and re-creation of priority habitats and ecological networks' as required by paragraph 117 of the National Planning Policy Framework. It is considered that a landscape mitigation condition attached to any approval notice can adequately address this matter.

- 6.5.9

With consideration to the above-mentioned and with additional mitigation and biodiversity enhancement by way of a condition attached to any approval notice issued as discussed, it is considered that the concerns as initially raised on ecological issues can be addressed satisfactorily and as such the development on balance considered to be in accordance with Policies CS5, CS6 and CS17 of the Shropshire Core Strategy, Policy MD12 of the SAMDev and the overall aims and objectives of the NPPF in relationship to sustainable development and environmental and ecology matters.

- 6.6 **Other matters.**

- 6.6.1 **Drainage.**

- 6.6.2 The NPPF and policy CS18 of the Shropshire Core Strategy require consideration to be given to the potential flood risk of development. The site is located in Flood Zone 1 (low probability, in Zone rating) based on the EA indicative Flood Zone Map. The applicants have submitted a flood risk and drainage assessment in support of the application and its findings are considered acceptable. It is noted neither, the EA, or the Council's Drainage Manager raise any objections in relation to drainage matters, the latter indicating the proposal acceptable in principle. It is recommended that a condition with regard to a sustainable drainage system is attached to any approval notice issued. With consideration to such a condition the proposed development considered acceptable on drainage matters and in compliance with Policies CS5 and CS18 of the Shropshire Core Strategy and Policies MD2 and MD7b of the SAMDev and the NPPF on drainage matters.

- 6.6.3 **Highway access and transportation issues.**

- 6.6.4 Whilst the concerns of the Local Parish Council and neighbouring Parish Council in relation to highway and transportation issues are noted, highway and transportation issues are considered acceptable and it is noted that the Council's Highways Manager raises no objections in relation to the proposed development, indicating the Highways Statement submitted in support of the application is sufficiently robust and adequately demonstrates the likely impact this development might have on the adjacent public highway. The increase in bird numbers is related to the expected number of vehicle movements as referred to in the applicants Highways Assessment that forms part of their Environmental Statement. Based upon the vehicle movement figures provided, the increase in traffic for the operation of the

business once the building is completed is not considered to be significant in terms of the capacity of the highway network. The submitted information does identify the traffic associated with the construction phase to which it is acknowledged will be significant, however this is a short term matter. It is noted that the Local Parish Council in response to the application raised concerns in relation to HGV vehicle movements and that since validation of the application that the applicants have agreed a routeing plan in relation to HGV movements along local public highways connecting the site. This process is considered acceptable to Officers and it is recommended that an informative note is attached to any approval notice issued reminding the applicants of their obligations in relation to the traffic routeing agreement submitted in support of the application and agreed in principle with the Local Parish Council. It is appreciated that night time feed deliveries can have an impact on residential amenity and as discussed in paragraph 6.4.6 of this report, it is recommended that this aspect of the development is subject to a condition to any approval notice issued.

6.6.5 Overall, with consideration to transportation and highway matters as discussed above and vehicle movements as indicated by the applicants which includes consideration to HGV movements and the response from the SC Highways Manager, it is considered on balance that the proposed development is acceptable in relation to highway and transportation issues and overall in accordance with relevant local plan policies and the NPPF on highway and transportation matters.

6.6.6 **Archaeology**

6.6.7 The Archaeology Manager in response to the application has indicated that the Shropshire Historic Environment Record indicates that the proposed development site is located c.200m west of the former site of Duncote Forge (HER PRN 04320). In the 18th century this was part of Upton Forge (HER PRN 01613), which was located c.740m to the south-south-west. Established in the mid-17th century, possibly re-using an earlier corn mill, the iron-working forge at Upton expand to become one of the largest ironworks in the country in 18th and early 19th centuries. Leased by William Hazeldine in 1800, it supplied ironwork for some of the major civil engineering projects of the age, including the links for Thomas Telford's Menai Bridge. A leat (HER PRN 29229) which supplied water to the forge and former pool are located immediately south of the proposed development site.

6.6.8 In addition, there are also a number of prehistoric and Roman cropmark sites within the wider vicinity of the proposed development site. These include a ring ditch of likely Early Bronze Age date c.620m to the south west (HER PRN 04165); together with three cropmark enclosures of likely Iron Age to Roman date c.635m to the west (HER PRN 08098), 500m to the south-west (HER PRN 00049), and c.610m to the east (HER PRN 04391).

6.6.9 An archaeological watching brief conducted in 2012 in relation to the existing poultry farm located alongside the application site, found that that part of the site had low archaeological potential. Whilst this remains the case for the present proposed development site, for the reasons as set out above, it remains possible that archaeological remains from the prehistoric and post-medieval period are

present on it.

6.6.10

The Archaeology response acknowledges that an Heritage Impact Assessment has been submitted in relation to the requirements as set out in Paragraph 128 of the NPPF and Policy MD13 of the Local Plan, and that its findings are considered acceptable.

6.6.11

On the basis of the recommendations within the Heritage Impact Assessment, and in relation Paragraph 141 of the NPPF and Policy MD13 of the Local Plan, it is recommended that a programme of archaeological work should be made a condition of any planning permission for the proposed development. This will entail an archaeological watching brief during all intrusive ground works, as recommended by the Archaeology Manager.

7.0

CONCLUSION

7.1

The proposal is for two intensive broiler units in addition to three existing ones which will add a further 76,000 broilers on site taking the total up to 196,000 on site. The application also provides provision for two feed silos and hard standing area.

7.2

It is acknowledged that the development is significant in scale and does have a limited impact on the landscape. However it is considered that the proposed development, with consideration to the surrounding landscape character, topography and field layout, and existing development on site, with further landscape mitigation, can be successfully integrated into the surrounding landscape. This will also assist in relation to ammonia emissions which has recently been a contentious issue in relation to intensive poultry applications, a matter that has been subject to detailed and complex consideration. Consideration has also been given to impacts on the historic landscape, and on this matter whilst it is acknowledged that the farmhouse connected to the site is a grade II listed building impacts on the setting of the historic environment are considered acceptable. Special regard has to be given to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses as required by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

7.3

On balance with consideration to the location, size and scale and cumulative impacts, it is considered that there will not be an adverse impact. Also the economic benefits to the business concerned and production of local food with further landscape mitigation in the form of native planting and the external colour of the development, is on balance acceptable in principle.

7.4

Public highway access and transportation issues are considered acceptable, as are residential amenity issues, with conditions attached to any approval notice with regards to a manure management plan and transportation of manure off site. It is also noted that matters in relation to on site issues in relation to amenity and day to day management of the site are subject to the Environment Agency's permitting regime. It is noted that the applicants in discussions with the Local Parish Council

have agreed to a transportation routing plan in relation to HGV movements. Other issues as raised by both the relevant and neighbouring Parish Council and in the letter of objection from a member of the public are considered to be addressed satisfactory.

7.5 The findings and conclusions as indicated in the information submitted in support of the application and the Environmental Statement are on balance considered acceptable.

7.6 As such the proposed development overall is considered acceptable and in accordance with relevant policies as set out in the Shropshire Core Strategy, the SAMDev, the National Planning Policy Framework and other relevant planning guidance and legislation which includes the provisions of the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The recommendation is therefore one of approval subject to conditions as attached as appendix one to this report, with any modifications as considered necessary by the Head of Service.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS13 - Economic Development, Enterprise and Employment

Economic Development, Enterprise and Employment

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD2 - Sustainable Design

MD7B - General Management of Development in the Countryside

MD12 - Natural Environment
 MD13 - Historic Environment
 National Planning Policy Framework

RELEVANT PLANNING HISTORY:

11/04954/EIA Erection of one poultry unit with control room, two feed bins, construction of concrete hardstanding area and associated works GRANT 29th February 2012
 12/01354/DIS Discharge of Condition 4 (Landscape Scheme), 5 (Archaeological Mitigation Strategy), 6 (Badger Mitigation Plan) and 7 (Lighting Plan) attached to planning reference 11/04954/EIA - Erection of one poultry unit with control room, two feed bins, construction of concrete hardstanding area and associated works DISAPP 21st May 2012
 16/03371/FUL Erection of grain storage building to include biomass boiler and woodchip storage GRANT 28th October 2016
 16/04030/SCO Request for Scoping opinion: Proposed poultry Units SCO 30th September 2016
 17/04609/EIA Extension to Forge Farm Poultry Unit to include two poultry buildings and associated infrastructure PDE
 SC/MS1990/1004/SY Disposal of surplus highway materials from A5/A49 By-pass PERMIT 30th October 1990
 SA/90/1004 Disposal of surplus natural subsoils arising from excavations for the construction of the A5/A49 Link Road. PERCON 30th October 1990

11. Additional Information

[View details online:](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Cllr R. Macey
Local Member Cllr Lezley Picton
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. Prior to any development on site details will be submitted to the Local Planning Authority and approved in writing with regards to a sustainable drainage system which will take account of both surface and foul water, (contaminated), drainage.

Reason: In order to ensure an adequate drainage system is in place.

4. Prior to any development on site details will be submitted to the Local Planning Authority and approved in writing with regards to a Manure Management Plan which will consider the effects on residential amenity, any nearby public rights of way and ecological concerns from manure spreading to be effectively monitored and controlled.

Reason: In order to ensure adequate consideration to the residual affects of development on site and impacts of disposal of waste , (to which it is accepted manure produced on site is considered a valuable organic fertilizer), generated on site and its subsequent disposal.

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

Reason: The site is known to hold archaeological interest

6. Within two months of the date of this permission a landscape mitigation and ammonia mitigation scheme shall be submitted in writing for the approval of the local planning authority. The submitted scheme shall set out measures proposed to enhance the area for landscape, biodiversity and native woodland/tree/hedge planting. The mitigation scheme shall include:
a) details of the planting of woodland/trees/hedgerows and the establishment of grassland (including a layout plan drawn to scale which can be enforced by a planning enforcement team);

- b) the location of planting and seeding;
 - c) written specifications (including cultivation and other operations associated with plant and grass establishment);
 - d) schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities;
 - e) measures for the management of the seeded and planted area for the lifetime of the development, with the objective of maintaining its effectiveness in mitigating against ammonia impacts of the poultry development. This shall include details of:
 - i) aims and objectives of management;
 - ii) preparation of a works schedule (including an annual work plan and the means by which the plan will be rolled forward annually;
 - iii) personnel responsible for implementation of the plan;
 - iv) monitoring and remedial/contingency measures triggered by monitoring;
 - v) the financial and legal means through which the plan will be implemented.
- The agreed planting scheme shall be implemented in the first planting season and retained thereafter and any species that fail will be replaced with species of similar scale and variety.

Reason: To ensure an appropriate level of mitigation against the adverse impacts that the development would have on designated sites from ammonia emission/nitrogen deposition, and to seek a landscaping and biodiversity enhancement consistent with Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Policy MD12, Policy CS17 of the Shropshire Core Strategy and the policies of the National Planning Policy Framework.

7. All trees which are to be retained in accordance with the approved plan shall be protected in accordance with the submitted Tree Protection Plan and in accordance with BS 5837: 2012 "Trees in relation to Design, Demolition and Construction recommendations for tree protection". The protective fence shall be erected prior to commencing any approved development related activities on site, including ground levelling, site preparation or construction. The fence shall be maintained throughout the duration of the development and be moved or removed only with the prior approval of the LPA.

Reason: To safeguard the amenities of the local area by protecting trees.

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

8. Prior to the erection of any external lighting on the site 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.

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

9. All manure removed off site will be done so in sealed and contained trailers.

Reason: In consideration of surrounding amenity.

10. (a) The number of birds kept at the intensive poultry complex as a whole to which the approved development forms part of within the poultry enterprise shall not exceed 196,000 birds at any one time. (In accordance with detail as set out in the information submitted in support of the application).

(b) Records of the number of birds delivered to the site during each cycle shall be made and these shall be made available to local planning authority on request.

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

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

Reason: In the interests of surrounding residential amenity.

12. All building development on site, (including all the feed silo's), are to be all externally coloured in accordance with the external colour of the existing poultry buildings adjacent to the site.

Reason: In consideration of the visual impact and to assist in mitigating the development into the surrounding landscape.

Informatives

1. The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

2. Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

3. This planning permission does not authorise the applicant to:
-construct any means of access over the publicly maintained highway (footway/verge) or
-carry out any works within the publicly maintained highway, or
-authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or
-undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details

<https://www.shropshire.gov.uk/street-works/street-works-application-forms/>

Please note: Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.

4. Where it is intended to create semi-natural habitats, all species used in the planting proposal should be locally native species of local provenance (Shropshire or surrounding counties). This will conserve and enhance biodiversity by protecting the local floristic gene pool and preventing the spread of non-native species.

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

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

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

6. Where possible trenches 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 it should be sealed with a closefitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

7. On the site to which this consent applies the storage of all building materials, rubble, bricks and soil must either be on pallets or in skips or other suitable containers to prevent their use as refuges by wildlife.

8. The applicants are reminded of their obligations in relation to the HGV routing plan submitted in support of the application and agreed in principle with the Local Parish Council.