



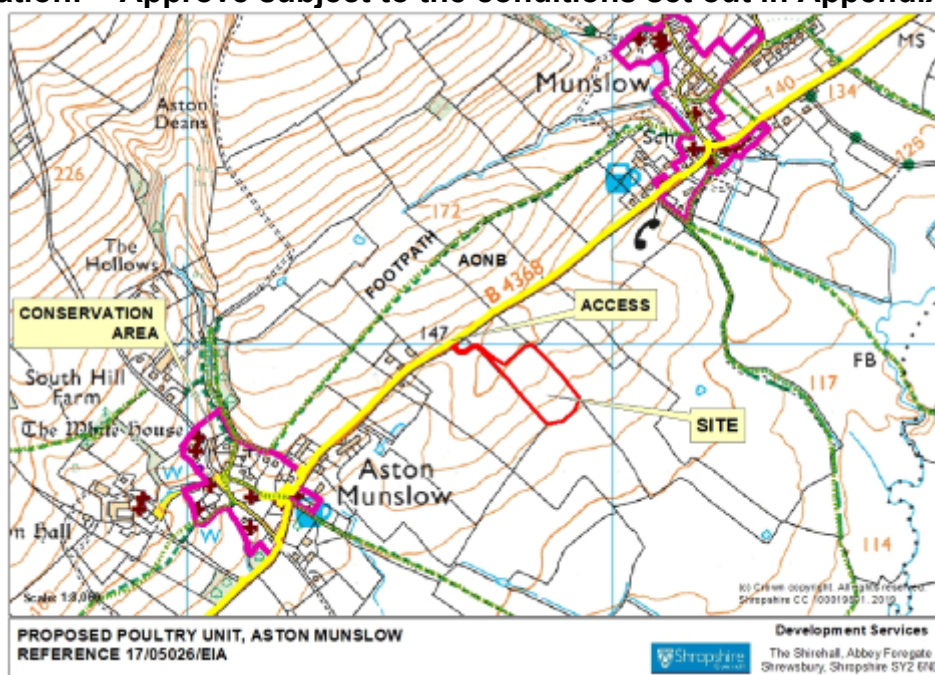
Committee and date
South Planning Committee
12 February 2019

Development Management Report

Responsible Officer: Tim Rogers
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Application Number: 17/05026/EIA	Parish: Munslow
Proposal: Erection of two poultry sheds with office/wash facilities; 4 feed silos; creation of vehicular access with visibility splays, estate road and yard; formation of screening bunds	
Site Address: Land to the north east of Aston Munslow, Near Craven Arms, Shropshire	
Applicant: G & M Povall and Son	
Case Officer: Grahame French	email: planningdmc@shropshire.gov.uk

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



REPORT

1.0 THE PROPOSAL

1.1 The applicants, G & M Povall & Son farm are a family business who farm land adjoining the B4368 at Aston Munslow and at Elsie Barn Farm, Siefton. The main enterprise of dairy farming is volatile so the family wishes to diversify and establish a

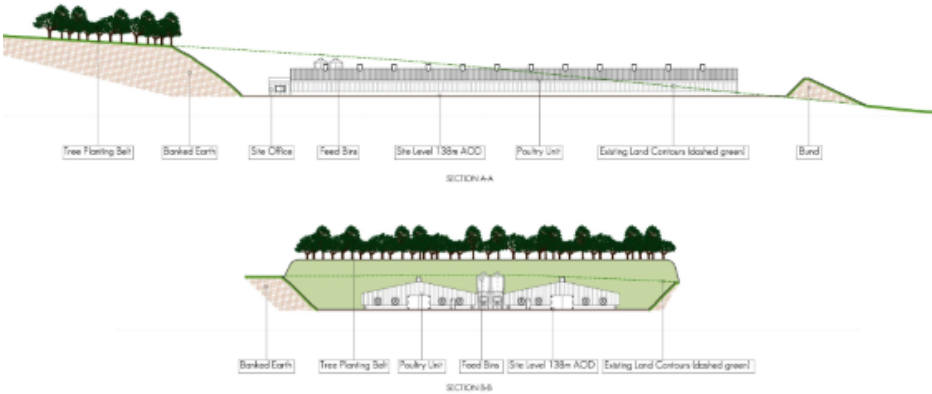
Contact: Tim Rogers (01743) 258773

poultry rearing enterprise ('Valley View Poultry'). The dairy buildings are located at Elsie Barn Farm but it is necessary to keep the poultry and dairy buildings separate for operational and biosecurity reasons. The applicant is in discussion with Country Fresh Pullets (part of the Lloyds Animal Feed Group) who are leading suppliers of pullets to the UK free range egg industry.

- 1.2 It is proposed to construct two poultry buildings housing a maximum of 76,000 rearing birds in total. The buildings will each measure 91.43m x 21.33m and will typically house approximately 36,000 pullets (72,000 in total). More floor area is required in rearing units than broiler units as the birds are taken up to 16 weeks. The buildings would be of timber framed construction with side cladding coloured in juniper green. A staff office and rest room would be provided between the buildings and a personnel corridor would provide covered access between the buildings. There would be 4 feed bins situated between the buildings.



- 1.3 The proposed layout provides access to the rear and between the poultry sheds and a yard area to the front for turning. A track around the building also offers adequate space for the turning, manoeuvring and for maintenance of the buildings.



- 1.4 The poultry buildings are low profile in nature and the applicant states that the site is already well screened with very limited public views. The buildings would be cut into the slope with bunding and tree planting proposed to minimise visual impact. This

includes strengthening existing hedgerows surrounding the site and a new belt of tree planting on the southern boundary of the field to the south of the site.

- 1.5 A new access (T junction) is proposed just to the south west of an existing agricultural access which serves the field and adjacent land. This will be sufficiently wide (6.8m) to accommodate simultaneous entry and exit of the largest vehicles. The access point provides the maximum junction visibility along the site road frontage. This is 121.8m in a north easterly direction based on a 60mph limit and 67.2m in a south westerly direction based on a 40mph limit.
- 1.6 The application is supported by an Environmental Statement under Schedule 1 of the EIA Regulations.

2.0 SITE LOCATION / DESCRIPTION

- 2.1 The proposed site (area 1.97ha) is located within a 7ha arable field on the south side of the B4368 to the north-east of Aston Munslow. There are hedges to all sides of the field and a plantation on the eastern boundary. The site lies between the small villages of Aston Munslow and Munslow. It is located 125m south east of the AONB. The nearest wildlife sites are over 2km away and the nearest SSSI is 3.6km to the west.
- 2.2 The closest residential properties are The Cottage and Corvedale House to the north-east edge of Aston Munslow approximately 240 metres from the site. The centre of Aston Munslow close to the public house is just under 600 metres to the south-west of the centre of Munslow around The Square around 660 metres to the north-east. There are several large farms and manor houses in the area.
- 2.1 The main dairy farming enterprise is located at Elsie Barn Farm, Siefton and extends to around 230 acres (93ha). The family also owns a further block of land off the B4368 north of Aston Munslow in which the application site is located. This extends to 84 acres (34ha) and is utilised for arable cropping including maize for silage production. The site has been chosen as it is away from the dairy buildings for biosecurity reasons and is screened by existing topography and landscape features.

3.0 REASON FOR DELEGATED DETERMINATION OF APPLICATION

- 3.1 The application is referred to committee under the Council's Scheme of Delegation as the proposals relate to development under Schedule 1 of the Environmental Impact Assessment Regulations 2011.

4.0 COMMUNITY REPRESENTATIONS

- 4.1.1. Munslow Parish Council - Further to the Parish Council's initial response, having made a further study of the available material the Council now wishes to object on the following grounds.

Impact on our landscape:

- i. The proposed poultry development is large scale and represents significant development at the heart of our Parish and within close proximity to the Shropshire Hills AONB. We have reviewed the revised Landscape and Visual Impact Assessment (LVIA) and it does little to allay our fears regarding the scale and impact of the

proposals. The LVIA concludes that in all cases impact is "not significant". We believe the LVIA is imperfect and we do not agree with its findings for the following reasons:

- a. Landscape Impact
 - This site is currently a Greenfield; should it be permitted the development would be larger than any other buildings in our parish and would undoubtedly represent a significant change to landscape character.
 - Efforts to hide the sheds will require significant transformations to the contours and of the hillside and therefore its landscape impact (and underlying rock strata) will be significant.
- b. Landscape Designation
 - The proposed sheds are immediately adjacent to the protected landscape of the Shropshire Hills AONB (c.100m). This development will be visible from within the AONB, from the slopes below Wenlock Edge and immediately above the B4368 (AONB boundary) and also from opposite side of the Corvedale (also designated AONB) where it will similarly be visible. This part of the Corvedale and the AONB is already disproportionately impacted by intensive livestock units which makes this part of the AONB vulnerable to further development. Such cumulative visual impacts represent a threat to the integrity of the AONB designation.
 - We do not accept the LVIA's conclusion of not significant. In this instance we would draw attention to the Planning Committee's recent rejection on detrimental landscape impact grounds for a similar poultry units application at Hopton Heath; a development which is significantly further distant from the AONB boundary than the proposed Aston Munslow development. The curtilage of this development extends to the AONB boundary.
- c. Visual Impact
 - The development will be visible from Corvedale House (Aston Munslow) and from locations along the Parish Rights of Way network.
 - The Development will be visible from the Three Castles Walk a Shropshire Council Promoted walk.
 - The LVIA fails to identify all the visual receptors. E.g. from Little London.
 - The development is reliant on screening to minimise its visual impact. Having examined screening attempts at nearby intensive livestock units we are not convinced that screening will sufficiently mitigate impact. We do not agree with the LVIA's conclusion of "not significant". We believe the development is major and its impact will be significant. Here we reference National Planning Policy Framework (NPPF) 115 "Great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty". This applies not only to developments proposed within an AONB but if proposed in its setting such that the AONB would be affected. And NPPF 116 "Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest". We would ask, where are "exceptional circumstances and "public interest" demonstrated in the application?
- ii. Impact on Built Heritage and Historic Village Character
 - A distance of only 600m separates properties in Aston Munslow and Munslow. The poultry sheds will be located midway between the two villages. Recognising the special quality of our villages, we have over 20 listed buildings and both Aston Munslow and Munslow are designated Conservation Areas. Only 1.1km from the proposed development is the Registered Parkland of Millichope Park. Our built heritage is a much-cherished part of Munslow Parish whose character will be

damaged by inappropriate development. We cannot agree with the applicant's Heritage Impact Assessment that states: "no impact on the character, setting or significance of any of these designated heritage assets." The Council has a duty to care for the historic character of this Parish.

iii. Creeping Expansion

- The Council has examined the Planning Register and are concerned by the numbers of recently permitted poultry units that have subsequently applied to expand their operations once planning permission has been granted. The Parish Council is concerned that if permission is granted, this provides opportunities for the Aston Munslow site to further expand, significantly increasing the scale of the operation and thus its impact on the Parish. Not counting this development there are already 15 poultry farms within 4km of the Parish boundary. .

iv. Impact on Parish Economy

- Tourism is important to our Parish and visitors come from far and wide to enjoy our historic villages and our "Outstanding Natural Beauty". Visitors help to keep our Parish a vital and flourishing place. Highly valued, by locals and visitors alike our pubs and tourism businesses trade off the AONB's/Corvedale's special qualities - our tourism businesses include:

- The Whitehouse (Landmark Trust);
- The Swan Inn;
- The Crown Country Inn (The Former Hundred House);
- Coseley House B&B;
- Malt House Holiday Cottage;
- The Chains Holiday Cottages;
- Wildgoose Plant Nursery and Tearooms;
- Hundred House Coffee.

The Council believes that this development could have a detrimental effect on our local businesses and the people they employ. We would draw the committees' attention to the ongoing sustainability of these businesses which employ significantly more people than the one individual proposed by the poultry units. This is particularly pertinent when considering the applicants reasons for siting the sheds in our Parish.

4.1.2i. Natural England: No objection. 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.

- ii. Prince's Rough, Marked Ash Meadows, Woolverton Wood and Alcaston Coppice Sites of Special Scientific Interest (SSSIs): Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection. We note the findings of the ammonia and ecological assessments and would recommend that the mitigation measures contained within are secured. Further general advice on the consideration of protected species and other natural environment issues is provided.

4.1.3 Historic England: No objection.

4.1.4 Shropshire Hills AONB Partnership: Initial 'standard' response replaced by the following objection:

- i. We have reviewed the applicant's documentation and have concerns regarding the impact of the proposed development on landscape, the visitor economy and biodiversity.
- ii. Impact on Landscape: The proposed development is large scale and represents significant intensification within close proximity of to the Shropshire Hills AONB (Map 1). The proposed development location immediately adjacent to the AONB, its closest point is approximately 140m from the AONB boundary. This development is situated on rising ground and will be visible from within the AONB at various points along PRoW 0546/36/1 (photo 1) and from outside of the AONB but looking towards the AONB and Wenlock Edge from PRoW 0546/35/3 (photo 2).
- iii. As defined by Environment Agency this is an industrial operation (it is such a size that it requires a permit to operate). It is to be located on a greenfield site very close to the villages of Aston Munslow and Munslow. We are concerned that this sets a precedent for the development of industrial scale operations on greenfield sites within or near to the Shropshire Hills AONB. Should the development go ahead, any structures would be larger than any existing buildings in the parish, in this context we believe its scale to be major and its visual impact to be significant and represents the greatest change to the landscape in this part of the AONB and the Corvedale. Furthermore, the development is reliant on screening to minimise its visual impact, the applicant refers to a poplar plantation screening on the NE boundary. These trees are a fast growing timber crop and any screening effect will be lost when felled.
- iv. It is important to consider this development in the context of the Historic Landscape Characterisation (HLC) for the area (Map 2) which reveals a rich mosaic of landscape types defining natural beauty and the settlement patterns of the area. The villages of Aston Munslow and Munslow have 23 Listed Buildings (Map 3), not 'several' as stated in the applicants Environmental Statement. Reflecting the ancient character of these settlements they are designated Village Conservation Areas which are located only c560m (Aston Munslow) and c500m (Munslow) from the proposed poultry unit (Map 2). 1.1km to the NE is the Registered Parkland of Millichope Park (Map 2). We therefore disagree with the applicant's Environmental Statement that asserts "no impact on the character, setting or significance of any of these designated heritage assets."
- v. Cumulative Landscape Impact: We are also concerned regarding cumulative impact. The applicant states that "there are no existing poultry units within 400 metres of the site which could give rise to cumulative impacts". The size of these units is such that 400m distance used here appears arbitrary, and arguably there are cumulative impacts for the area in landscape and nutrient terms (see below) with Corfton and other units operating in the Corvedale (14 EA permitted units within approx 10km radius). Recent constructions of a number of large agricultural buildings contribute to a creeping industrialisation of the Corvedale and Wenlock Edge e.g. Corfton, Larden etc., which in fact makes this part of the AONB highly sensitive to change resulting from further large buildings, as highlighted in the AONB Management Plan.
- vi. Future expansion: We are concerned that if permission is granted, this provides opportunities to expand the operation in future and thus the number of buildings, significantly increasing the footprint of the operation. Corfton and Wistanstow are nearby examples of recently expanding poultry sites.

- vii. Response to Landscape Visual Assessment: The Landscape Visual Assessment states: “The proposed development will have no impact on the character, setting or significance of any designated or non-designated heritage assets”. We do not believe that the absence of significant impact on the AONB claimed in the application’s supporting documents has been adequately demonstrated. We disagree with the statement that “the closest areas of the AONB are not significantly sensitive to agricultural development of this type”. The significance of recreation is underplayed in the statement “Users of public rights of way are considered to be susceptible to change, however, those relatively close to the site are not national trails.” Only a tiny proportion of rights of way are national trails, and many other paths are also important. Rejection on landscape grounds on the periphery of the AONB is not without precedent - the South Planning Committee rejected a similar application for poultry units at Hopton Heath on grounds that development would have detrimental landscape impact. This development is significantly closer to the AONB and we would urge this application to be rejected on similar landscape grounds.
- viii. Impact on Tourism and Village Economy: The Shropshire Hills and the villages in the Corvedale are of great importance to tourism, and through our involvement in sustainable tourism in the area, we believe this development could have a detrimental effect to other local businesses. The applicants run a campsite next to their main farm holding at Elsie Barn (adjacent to the large Corfton Farm poultry unit). In explaining why the poultry units are not to be built at the Elsie Barn site, the application documents say “It is feared that the siting of a poultry unit too close to the campsite could discourage people from visiting the site and have a detrimental effect on this enterprise.” They therefore acknowledge that these units can have a detrimental impact on tourism businesses that trade on the area’s natural beauty, but for the same reasons the proposed location would affect the sustainability other tourism and hospitality businesses in the two villages which employ significantly more individuals than the one job created should the proposed development be granted. Existing local tourism and hospitality business include: Swan Inn, Crown Country Inn, Coseley House B&B, Chadstone B&B, The Whitehouse (Landmark Trust), Malt House Holiday Cottage, The Chains Holiday Cottages and Wildgoose Tearooms. As is apparent from the photographs below, these are part of (and drawing on for their business) the rural character and charm of the area, which would be eroded by this development.
- ix. Impact on Natural Systems: The applicant’s Environmental Statement states that poultry waste would be “utilised on the applicants own farmland where possible and if there is any excess this will be exported to local farms in the nearby vicinity”. The Statement further states: “The intensive use of the land also means that no ecologically important habitats will be impacted by the proposed development”. We disagree with this statement on site specific and on cumulative impact grounds, as set out below. Disposing poultry litter/waste to land is recognised as contributing to eutrophication¹, having negative impact on water quality and freshwater biodiversity. This is because a major portion of N and P in poultry litter is water soluble, surface applications can result in elevated nutrient losses due to surface runoff even in fields where soil P concentrations are low.
- x. As the adjoining fields are located in a hydrologically connected landscape we are concerned that this development would contribute to the cumulative amounts of poultry waste already being spread to land in the Corve Catchment leading to nutrient overload. This already has a negative impact through enrichment of the River Corve (and tributaries) and downstream waters including the River Teme Site of Special Scientific Interest (SSSI) of which the River Corve is a key tributary. This application

fails to take into account the capacity of local soils to absorb ongoing manure applications. This is of concern because the River Corve is currently failing to meet statutory Water Framework Directive (WFD) targets (rated 'Moderate'). Evidence: <http://environment.data.gov.uk/catchment-planning/WaterBody/GB109054044050> and similarly the River Teme SSSI which is also failing to meet WFD and SSSI Favourable Condition targets. Evidence:

<https://designatedsites.naturalengland.org.uk/ReportUnitCondition.aspx?SiteCode=S2000102&ReportTitle=RIVER%20TEME>

The conclusions of the Ammonia Report underplay the impact of deposition. We are concerned that this development will add to the cumulative impact of deposited atmospheric ammonia both from the buildings and subsequent spreading of poultry manure to land in the catchment. We are concerned that the increasing number of poultry units in the area is impacting on oligotrophic sites (including the River Corve). While downwind effects of ammonia emissions are to be expected, studies by Centre for Ecology and Hydrology (CEH) have established that ammonia emissions can be a significant source of nitrogen pollution even upwind from the source. This study has shown that ammonia deposition derived from poultry units of this size is damaging to ecosystems adapted for low levels of nitrogen and that critical exceedance loads are observed 2.8km even upwind.

- xi. Traffic and Road Safety: The site entrance is only 125m from the crest of Munslow Bank (B4368), and along this section of highway the speed limit is 60 mph. The Highways Statement 2.2.1 Road Network states: "Traffic speeds of vehicles approaching from the east in the derestricted section of highway are likely travelling at speeds closer to 50mph given the vertical and horizontal alignment of the B4368 and the fairly tortuous nature of the approach road to the site access". This statement is based on an assumption and does not reflect reality. Vehicles, especially motorcycles regularly exceed the 60 mph speed limit. The proximity of the site entrance needs to be considered in relation to stopping distances. Rule 126 of the Highway Code states: at 60 mph on dry road a minimum stopping distance is 73m. Rule 227 of the Highway Code states: In wet weather, stopping distances will be at least double those required for stopping on dry roads (see 'Typical Stopping Distances'). The wet weather stopping distance thus exceeds the safe stopping distance for this section of road in relation to the brow of the hill. It is concerning that the Highways Assessment appears not to have undertaken this simple assessment. We do not agree with the Highways Statement 2.1.2 Baseline Traffic Assessment that there have not been any traffic incidents on this section of highway, sadly there have been a number of major traffic incidents over recent years, and hence the high number of warning signs to this effect.
- xii. Policy Statements: The following policies support the position that this application should be refused:
- a. Shropshire Core Strategy Policy CS17: Environmental Networks states: 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.

b. Shropshire Council SAMDev Policy MD12: The Natural Environment states:
In accordance with Policies CS6, CS17 and through applying the guidance in the Natural Environment SPD, the conservation, enhancement and restoration of Shropshire's natural assets will be achieved by:

1. Ensuring that the social or economic benefits of development can be demonstrated to clearly outweigh the harm to natural assets where proposals are likely to have an unavoidable significant adverse effect, directly, indirectly or cumulatively, on any of the following:
 - i. the special qualities of the Shropshire Hills AONB;
 - ii. locally designated biodiversity and geological sites;

c. The National Planning Policy Framework is quite clear that general policies within the Framework supporting particular types of development activity do not over-ride the location-specific policies protecting AONBs. Indeed the very first policy paragraph within NPPF, Para 14 on the 'golden thread' of sustainable development, highlights through footnote 9 AONBs as an exception to a presumption in favour of development, as one of a few types of special area where "specific policies in this Framework indicate development should be restricted."

The specific policy in Para 115 of the Framework states:

115. Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.

This application represent a significant change in land use in a greenfield location. We would argue that this constitutes 'major development' and so para 116 of NPPF also applies:

116. Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated

If the development is not judged major, we contend that it should still be refused against other relevant policies.

d. Shropshire Council Core Strategy and SAMDev policies also indicate the great weight which should be applied to the AONB designation and indicate that this application should be refused:

Explanation to Policy CS5 Countryside and Green Belt, para 4.72 (extract) "whilst this policy seeks to facilitate a wide range of beneficial rural development, the operation of this policy, in conjunction with Policy CS6 and more detailed policies in the SAMDev DPD, recognises the need to consider the scale and design of proposals, where development is most appropriately sited, environmental and other impacts. There will be a significant emphasis on achieving quality and sustainability of design, particularly locally appropriate design and use of materials. Thus, proposals which would result in isolated, sporadic, out of scale, badly designed or otherwise unacceptable development, or which may either individually or cumulatively erode the character of

the countryside, will not be acceptable. Whilst these considerations will apply generally, there will be areas where development will need to pay particular regard to landscape character, biodiversity or other environmental considerations including in the Shropshire Hills Area of Outstanding Natural Beauty.”

Policy MD2 Sustainable Design, Explanation (extract)

For development affecting the Shropshire Hills AONB, particular regard should be paid to the Shropshire Hills AONB Management Plan and supplementary guidance.

Policy MD7 – General Management of Development in the Countryside (explanation, para 4.66) The changing needs and effects of agricultural and other related enterprises in the countryside are a particular local issue, in particular the impacts of large scale agricultural buildings.

- e. General sustainable design criteria and development management considerations are as relevant to this type of development as other proposals in the countryside and the Plan seeks to balance the needs of the countryside as a working environment with its role as a place to live and enjoy. The policy defines the primary considerations that will be taken into account in considering agricultural development proposals which require planning consent. Additional criteria set out in other relevant policy such as MD2 Sustainable Design and MD12 Natural Environment which, for example, highlights special requirements in the Shropshire Hills AONB, which would also need to be taken into account in considering applications. It should be noted that where appropriate, planning conditions will be attached to a permission to control the quality of the development and to ensure the scheme incorporates appropriate agreed mitigation measures such as coloured external cladding, landscaping and waste management; This development is of concern and should it go ahead it would put in jeopardy the conservation objectives set for meeting River Corve WFD targets and returning the River Teme SSSI to favourable condition.

- f. The following Natural Environment policies apply:

Policy MD12 Natural Environment (Explanation)

4.113 Policy MD12 sets out in detail the level of protection offered to Shropshire’s natural assets. Natural assets include: biodiversity and geological features; trees, woodlands and hedges in both rural and urban settings; the ways in which the above combine and connect to create locally distinctive and valued landscapes, including the Shropshire Hills Area of Outstanding Natural Beauty and the contribution all of the above make to visual amenity;

4.114 Such assets provide ecosystem services including; flood relief; soil retention; climate change mitigation and adaptation; carbon sequestration; interception of airborne pollutants; water filtration; amenity value; health and well-being benefits and opportunities for tourism and recreational activities. These services are essential to a thriving economy;

4.115 Internationally and nationally important sites of wildlife conservation and geological interest as well as legally protected habitats and species will be afforded the highest level of protection in line with the relevant legislation and policy. Great weight will also be given to conserving and enhancing the natural beauty of the Shropshire Hills AONB, having regard to the AONB Management Plan. Development proposals affecting or involving the following will be assessed in accordance with the relevant legislation and national policy; European and nationally designated wildlife sites (Special Protection Areas (SPA), Special Areas of Conservation (SAC), Ramsar and Sites of Special Scientific Interest (SSSIs) and all candidate designations; Major developments in Areas of Outstanding Natural Beauty; Ancient woodland, other

irreplaceable habitats and aged or veteran trees; Pollution – including noise, water, air and light pollution Further details are given in the Natural Environment SPD;

- g. The following policies of the Shropshire Hills AONB Management Plan 2014-19, approved by Shropshire Council, also indicate that this application be refused:
Valuing the AONB in Planning and Decisions - Protection of the AONB. In line with national and local authority planning policies, the AONB has the highest standards of protection for landscape and natural beauty and the purposes of designation should be given great weight in planning decisions, also taking into account the statutory AONB Management Plan.

Encouraging a Sustainable Land Management Economy - Agricultural development. Farm enterprises need to be in harmony with the environment and not degrade this resource, which also provides an important economic asset for the future.

Design of new agricultural buildings including location, structure and materials should be of a high standard appropriate to the AONB, taking account of the published AONB agricultural buildings design guidance.

http://www.shropshirehillsaonb.co.uk/wpcontent/uploads/2010/10/Agricultural_Buildings_Design_Guide3.pdf

- 4.1.6i Environment Agency: No objection. Environmental Permitting Regulations: The proposed development will accommodate up to 72,000 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.

- ii. 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. At this stage the applicant has not made a permit application but are aware that they need a permit to operate such a site. The ammonia screening exercise has shown that the development does not have potential to impact any designated habitats from ammonia emissions. 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.

- iii. 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.

- iv. 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.

- v. 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>
 - vi. 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.
 - vii. 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>.
- 4.1.7 SC Highways: No objection. No Objection – Subject to the development being undertaken in accordance with the approved details. It is considered that the Transport Statement supporting this development proposal is adequately robust and demonstrates the potential traffic impact of this poultry development on the adjacent public highway. Conditions and informative notes are recommended.
- 4.1.8i. S.C.Ecology: No objection subject to conditions and informative notes. The main farming enterprise is dairy with the farm buildings being located at Elsieh Barn Farm. The farming area extends to around 230 acres around Elsieh Barn Farm with a further block of land extending to 84 acres at Aston Munslow. This block of land is utilised for arable cropping including growing maize for silage production. It is proposed to erect two poultry rearing buildings on land to the north-east of Aston Munslow. Each shed will house approximately 36,000 pullets which will arrive as day old chicks and reared for 16 weeks when they will be transferred to laying units. There will then be a 4 week turnaround before the next flock enter the buildings. The pullets will be housed on a whole house system, meaning they have full access to the shed floor. The sheds will be heated for the first 3 – 5 weeks while the chicks are small. Following the clean out the manure will be taken straight off the site.

- ii. The point of access has been located to provide the maximum junction visibility along the site road frontage. In this regard visibility has been provided at 2.4m x 121.8m in a north easterly direction based on a traffic 60mph and in accordance with Manual for Streets which is now compliant with Shropshire Council's Design Guidance. Visibility to the south west is provided as 2.4m x 62.7m based on a design speed of 40mph. SC Ecology would seek confirmation from the planning case officer that if hedge removal is required to create visibility splay, then it will be replanted with a mixed, native species hedgerow with the addition of standard trees.
- iii. Consideration needs to be given to the potential impacts of drainage, pollution during and post construction and surface water run-off into the drain along the northern boundary of the site and the watercourse that passes under the access track. Appropriate methods will need to be employed to ensure the hydrology and ecology of the watercourses are not negatively affected by the proposals.
- iv. Great Crested Newts: Seven ponds were identified during the ecological study conducted by Salopian Ecology. All of which lie in excess of 250m from the site. A precautionary method statement has been prepared by the consultant ecologist detailing Reasonable Avoidance Measures (RAMs) to be adopted during works as a failsafe measure for Great Crested Newts. These measures are considered proportional to the level of ecological interests on site and the negligible likelihood of this species being present.
- v. Bats & Trees: A single mature Oak tree upon the south-eastern boundary supports suitable features for roosting bats by virtue of small cavities associated with branch failure and flush cuts from historic tree surgery operations. It is understood that this tree will be unaffected by the proposal. Recommendations have been given to avoid artificial illumination of the boundaries to maintain dark corridors for commuting bats across the site. The boundary features provide suitable opportunities for nesting birds and will be retained as part of the proposal. In the event that vegetation removal is required this should be undertaken, outside of the nesting season. New hedgerow/Tree planting has the opportunity to diversify and add to existing foraging opportunities for a range of species notable nesting birds.
- vi. Designated Sites: There are two Local Sites/Ancient Woodland within 2km of the proposed poultry unit:
 - Childshill Coppice Ancient Woodland so518889
 - Hazeldine Coppice Ancient Replanted Woodland so497866

There are three National Designated Sites within 5km of the proposed poultry unit:

- Marked Ash Meadows
- Woolverton Wood and Alcaston Coppice
- Prince's Rough – 18.3 kg/h/yr – no incombination

Referring to Table 21 within the Natural England Commissioned Report NECR210 (March 2016), as the background level of nitrogen deposition is currently >15 kg N/ha/y the increase of 1.19kg/N/ha/yr is unlikely to further reduce measured species richness

Isopleth have provided a technical report to support this application. In summary:

Site	N kg/ha/yr deposition Baseline	Site Critical Level	PC Conc (µg/m3)	PC % of CL	Site Critical Load	PC N Kg/ha/yr	PC % of CLo
Princes Rough	18.2	3	0.004	0.1	20	0.2	0.12
Wolveton Wood & Alcaston Coppice	30.4	1	0.014	1.4	15	0.11	0.72
Marked Ash Meadow	21	3	0.003	0.1	20	0.01	0.04
Hazeldine Coppices	19.3	1	0.153	15.3	15	1.19	7.98
Childshill Coppice	19.3	1	0.097	9.7	15	0.76	5.05

Summary for impact on designated Sites:

vii. Although this proposal is adding to the deterioration of the Nationally & Locally Designated sites listed above, the proposal is unlikely to have a significant adverse effect, directly, indirectly or cumulatively, on the sites assessed. There will be no loss in site integrity. Mitigation & enhancement measures have been provided in support of this proposal to demonstrate how the application will reduce impact on designated sites:

- Woodland & hedgerow planting (2962-001 REVA.)
- 0.89ha of permanent grassland will be created
- 6m ecological buffer will be created along 283m of the River Corve (this should be fenced so that the planning condition is easily enforceable).

viii. As concluded this proposal will have an effect on designated site, however the existing background levels mean that the small increment of atmospheric ammonia and nitrogen deposition is unlikely to have an impact on site integrity. Mitigation measures have been proposed, and must be conditioned and enforced. Natural England must comment on this proposal prior to a planning decision being made. SC Ecology is unaware of a 'restore' strategy in place at the designated sites which are within 5km of this planning proposal. Conditions and informatives are recommended.

4.1.9 S.C.Drainage: No objection. The drainage proposals in the Flood Risk and Drainage Assessment Report are acceptable in principle.

4.1.10i S.C. Reguatory Services: No objection. An odour assessment has been carried out by AS Modelling and Data Ltd dated 10/10/2017. The assessment concludes that odour can be controlled so as not to cause complaint or significant impact on the amenity of the area. I am in agreement with this and as a result have no objection to the proposal in relation to odour. Odour controls should be left for the environmental permit to regulate which will be issued and regulated by the Environment Agency.

- ii. In relation to noise a noise assessment has been provided by Dynamic Response, reference DYN220217A/1, dated October 2017. The report concludes that combined impacts of HGV movements on site and fan noise could be considered adverse to significantly adverse. As a result I would recommend that the applicant considers relocating noisy activities and plant as far from receptors as is possible e.g. move feed silos and gable end fans to the south side of the site. Should these aspects be provided I would consider it unlikely that noise would cause significant impact on surrounding dwellings. Without changes the current noise assessment suggests that adverse to significantly adverse impacts could occur.
 - iii. As the noise and odour assessments have been based on 76,000 birds on site at any time with a rearing cycle of 20 weeks including clean out time I would recommend that this number of birds is conditioned as a maximum and that this rearing cycle length is conditioned as a minimum to ensure that additional impacts not currently assessed do not occur over time without proper consideration and that these aspects are necessary at the planning stage rather than forming part of the environmental permit.
- 4.1.11i SC Archaeology: No objection. The proposals comprise two poultry sheds and associated infrastructure on land to the northeast Of Aston Munslow, Shropshire. No archaeological features are recorded on the Shropshire Historic Environment Record (HER) within the proposed development site. However the site lies within an area containing prehistoric, Roman, and medieval period remains including Romano-British settlement enclosures (HER PRN 00631 & 33368), and the projected course of a Roman Road (HER PRN 04076) running between Greensforge (Staffs) and Central Wales along the line of A458 to the northwest of the site. In the wider context issues of setting may affect a number of Designated Heritage Assets.
- ii. In view of the above and in accordance with NPPF Section 128 it was recommended at the pre-application enquiry stage (PREAPP/16/00533) that a Heritage Assessment should form part of the Environmental Statement for any subsequent EIA application, to comprise an archaeological desk based assessment and walkover survey of the site to include all heritage assets that may be directly affected by the development and address any issues of setting and visual impact of designated and non-designated heritage assets that may arise. A heritage assessment of the proposal site has been submitted (Mercian Heritage Series 1107, Sept 2017). In respect of the indirect impact of the development on designated and non-designated heritage assets and their settings, the report concludes that there will be no significant impact due to the secluded nature of the proposed study area, the prevailing topography, and the distances involved.
 - iii. In respect of direct impact on known or unknown archaeological remains the assessment concludes the potential for significant buried archaeology is quite low and makes no recommendation for archaeological mitigation. The report does not appear to have consulted the relevant Historic Environment Record (HER) as recommended in section 12 of the National Planning Policy Framework, and therefore does not fully assess the potential direct or indirect impacts of the development on the wider archaeological resource. Whilst the report specifically identifies four known archaeological sites within c.1km of the development site, it neglects to mention a number of equally significant sites within the same area making a much richer grouping of prehistoric to Roman sites. In this respect the submitted Heritage Impact Assessment is deficient in relation to Paragraph 128 of the NPPF. In addition, neither the Heritage Impact Assessment nor the Landscape Visual Assessment by Berrys

includes a Zone of Theoretical Visibility (ZTV), or viewpoints in relation to the Scheduled Monument, Corfham Castle. We do however note that Photograph 14, located in the vicinity of Corfham Castle, indicates the site can be seen from certain locations in this area, but views are fairly distant.

- iv. Notwithstanding these points, in relation to the indirect impact, we would consider that the proposed development will not have any significant impact upon the setting, and therefore the significance, of the Scheduled Monument Corfham Castle, due to limited inter-visibility as a consequence of the intervening topography and distance. We would therefore concur with the Heritage Impact Assessment's findings in this respect. The Conservation Officer will however provide further comments in relation to the impact of the development on Listed Buildings and Conservation Areas. In respect of potential archaeological remains within the development site, we would maintain there is a low, but untested, potential for prehistoric to Roman remains, based on the known HER records of cropmark enclosures (HER PRN 00631 & 33368) in the vicinity of the development site.
- v. Therefore, in view of the above, and in relation to Paragraph 141 of the NPPF and Policy MD13 of the SAMDev component of the Shropshire Local Plan, it is advised that a programme of archaeological work be made a condition of any planning permission for the proposed development. This should comprise a watching brief during any ground works associated with the proposed development. (An appropriate condition has been included in Appendix 1)

4.1.12i SC Conservation No objection. In considering the proposal due regard to the following local and national policies and guidance has been taken, when applicable including policies CS6 'Sustainable Design and Development Principles' and CS17 'Environmental Networks' of the Shropshire Core Strategy, policy MD13 of SAMDev as well as with national policies and guidance, National Planning Policy Framework (NPPF) published March 2012. Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended).

- ii. The site lies more or less equidistant between the Corvedale villages of Munslow and Aston Munslow. Both settlements possess compact conservation areas and contain numerous listed buildings and non-designated heritage assets that consist of dwellings, public houses and farmsteads, some of which are located in clusters within the valley. Being an open valley, the topography is undulating with ridges, but is generally flat, therefore affording longer range views to and from the site from many different directions, especially from the west and south. The site just lies outside of the Shropshire Hills AONB. In accordance with paragraph 128 of the NPPF and policy MD13 of SAMDev, a Heritage Impact Assessment by Richard K Morriss has been submitted as part of this EIA application which is noted, along with a LVIA by Berrys. The LVIA contains a photographic overview of the site from the various nearby settlements of Munslow and Aston Munslow along with views from an adjacent public right of way. Some aspects of the site are not visible from some locations such as within the villages of Munslow and Aston Munslow, but it is considered that the site shall be visible from longer-range views along the public right of way, especially from the south and west, where the section drawings demonstrate how the site would look from these vantage points.
- iii. Conclusion/Recommendation: Whilst the HIA and LVIA state that the proposal concludes that there will be 'no impact', it is considered that the proposal constitutes

'less than substantial harm' (on the lesser end of the spectrum), as defined under paragraph 134 of the NPPF. Whilst the impact on the relevant designated and non-designated heritage assets is somewhat limited, along with the fact that the topography of the site would result in overall limited harm (if the proposed mitigating measures are in place, including cutting into the site and the provision of bunds as demonstrated in the submitted section drawings), the scale of the proposal shall inevitably result in some impact, especially with regards to the general rural hinterland and setting surrounding the site, where some of the roofscape may be visible from incidental views. The proposal therefore needs to be balanced in terms of the potential harm that may be caused to adjacent heritage assets as well as the general rural character of the area, against any potential public benefits. There is also concern with regards to traffic movements and the potential impact that this may have on existing historic buildings around the site, where many such buildings have a building line that aligns directly onto the highway. Therefore increased traffic movements may have adverse impacts upon the structural integrity on some of these buildings, where this should be bared in mind. Conditions are recommended.

- 4.1.13i. SC Trees: No objections subject to the appropriate protection and enhancement of natural environment features (Trees & Hedgerows) in accordance with National and Local policies and guidance. There is a mature veteran oak at the eastern corner of the site it is clear that the extensive excavations will impact upon this prominent landscape feature. Such trees are identified as irreplaceable in local and national policies & guidance as long standing elements of habitat corridors and stepping stones in agricultural landscapes otherwise denuded of mature tree cover. The applicant needs to provide evidence that this application will not have a detrimental impact upon this veteran tree or that the social and economic benefits of the development justify the impacts upon the tree. In which case appropriate mitigation of those impacts would be necessary through the provision of a tree protection plan. We consider that the most appropriate measure would be to move the proposed layout to the NW leaving a larger buffer between the veteran oak tree and the development activities.
- ii. From the plans submitted it appears likely that sections of hedgerow will be removed to provide visibility splays at the site entrance. We therefore recommend the need for landscape mitigation to include provisions for the replacement planting of native species hedgerows along the boundaries' of the visibility splay and new access road to compensate for any losses. The applicant has indicated areas of tree planting for landscape mitigation, in principle these appear sufficient but a higher level of detail and a clear statement of intent that the planting will succeed should be required through planning conditions.
- iii. In considering the proposal where applicable due regard has been given to the following local and national policies and guidance, including policies CS6 (4.81, 4.83 4.86) 'Sustainable Design and Development Principles' and CS17 'Environmental Networks' of the Shropshire Core Strategy, policy MD2 (1, 2i & 2iv, 5i, 3.8,3.11, 3.12, 3.14) & MD12 of SAMDev as well as with national policies and guidance, National Planning Policy Framework (NPPF) published March 2012. Sections 7, 9, 58, 61,64 115 & 118 and: British Standards: BS5837:2012 Trees in relation to demolition design and construction: recommendations, BS 8545:2014 Trees: From nursery to independence in the landscape ' recommendations. BS 4428:1989, Code of practice for general landscape operations' (Excluding hard surfaces). UK Gov. Guidance - Ancient woodland and veteran trees: protecting them from development. Conditions are recommended.

4.2 Public representations:

4.2.1 The application has been advertised in accordance with relevant provisions. 61 representations have been received of which 57 are objecting, 3 are neutral and one is in support. The objections can be viewed online and are summarised as follows:

4.2.4 Objector comments:

- Pollution: Concerns about pollution including ammonia emissions and health consequences. Concerns about noise, odour and light pollution. How will these be controlled? Continuous operation. Section 12.8 para 1 of the EIA states "The noise impact assessment demonstrates that the predicted/calculated daytime and night-time rating noise levels could result in an 'adverse' to 'significant adverse impact' at the nearest existing residential dwelling/noise sensitive receptor to the west if BS 4142:2014 is considered." We are extremely concerned about the potential impact on the village amenity in general and specifically in respect of the impact on air quality and water pollution. Strange that the ventilation was planned for the road end of each building, rather than the valley end. As the ventilation fans would be dispersing the odour and dust away from the building, why not direct this further away from other properties, rather than seemingly closer to them?;
- Concern about the potential for future expansion including possible dwelling;
- Greenfield site detached from existing farm buildings. 'Industrial development' in the countryside;
- Impact on AONB, including landscape and tranquillity. Visibility of the proposed access. Questioning conclusions of applicant's visual appraisal. The buildings of this development will be visible from much of the higher ground in the Corvedale and inevitably spoil its natural beauty. The Corvedale is right on the edge of an AONB;
- Potential adverse effects on tourism and local economy. I fear the poultry unit could discourage people from visiting my business and other similar businesses in the future. The tourist industry brings trade to the area and should be encouraged;
- Concern about road safety from additional HGV movements. B4368 has a history of accidents. The road is fast and narrow;
- Pollution. Concern about manure spreading (odour, pollution, traffic);
- Positive benefits to a single family and to national food security are out-weighed by the negative impact on many others. Inappropriate expansion, in the wrong location, in an area that is internationally famous and valued for its unspoilt beauty. No benefit to the local community.
- Other. Would all or just some of access track be finished in tarmac / concrete? Not clear. No reassurance is provided on measures to secure the effectiveness of landscape planting. There are pheasants in the fields that are part of a flock of 20,000 pheasant chicks on the nearby estate. If Bird Flu got to the farm it would be an uncontrollable ecological disaster. If it is true that the sheds' proposed site is because Mr Povall does not want to lose space on his commercial campsite, then I think this looks rather selfish and irresponsible. He will surely upset hundreds of people in the immediate vicinity, spoil a beautiful landscape and possibly increase

traffic hazard. If the applicant already has an existing farm with dwellings in another local village surely it would make more sense to build this on land there where the farming infrastructure is already in place. If the planned pullet rearing operation turned out to be successful, the project could well be developed much further in the future by the owner, with the resulting increases in noise, odour, traffic and other nuisances. Conversely, if unsuccessful as a pullet rearing site, it is quite likely the owner might wish to switch it over to becoming a 'broiler' site i.e. one which actually farms chickens for meat. In such an instance, the likely levels of both odour / dust and HGV traffic emanating from the site are also likely to increase, potentially significantly. The arrangement to have ventilation on the gable end of the buildings is unusual. In his opinion, it would normally be on the side of the buildings, or in the roof. The plans do not seem to include any provision for accommodation. My contact considered such an operation as likely to need someone on site virtually 24 hours a day.

4.2.5 Neutral comments: Rather than decry changes in agriculture we must encourage farmers and landowners to farm responsibly. Living in a rural community we should not be just critical neighbours but supportive of the people that farm and maintain the countryside that we value. Tourism and leisure pursuits are important to rural life but they are not as essential to our everyday existence, as agriculture and the production of our food. Would consideration be given to having one 30 mph speed limit linking both villages, removing the opportunity to accelerate at a point where vehicles will be turning in/out of the property? Also, that notices warning of turning vehicles, be displayed. What re-assurance can be given that 76,000 will be the maximum number of birds permitted?

4.2.6 CPRE: Objection on the following grounds:

- i. Setting and landscape: Greenfield site close to AONB and visible from elevated land within the AONB. Munslow and Aston Munslow are both conservation areas and are noted for their considerable number of listed buildings. There are two pubs, both listed and a number of B&Bs. All of these tourist destinations are well publicised and are important to the local tourism economy.
- ii. AONB: This application is on a greenfield site and not related to the rest of the applicant's agricultural operation. Poultry Units are intrusive in the landscape, not only in their design but also in the activity associated with their operation. This includes farm and large vehicles accessing the site, storage and subsequent spreading of manure and the associated odour and potential leaching of the water course which feed into the Corve. All of these issues affect the AONB.
- iii. Cumulative Impact: There are a growing number of Large Poultry Farms in the South Shropshire Hills. There have been 21 successful applications for the erection of broiler sheds in Shropshire which have resulted in 3,852,296 poultry places which produce an extra 26.97 million birds a year from these units alone. The extra production is resulting in environmental impacts particularly as a result of manure spreading. Poultry manure has twice as much nitrogen as cattle farmyard manure and three times the level of phosphate. This has potential risks for leaching into the water courses and leading to nutrient overload in the Corve which is already failing to meet statutory Water Framework Directive targets.
- iv. Traffic and tranquillity: The 84368 road has a long history of accidents between the Corvedale villages. After a lot of campaigning and 5 fatal accidents, speed limits have been put within the village boundaries. The access to the site is just outside the speed limit for Aston Munslow and traffic speeds up along this section. The agent's report is

vague about where on the applicant's land the poultry waste would be spread but as he owns only a small parcel of land south of the road it could be inferred that the waste would either cross the road to his land north of the road or travel the three miles through Aston Munslow, Diddlebury and Corfton to his main farm holding. During the summer and at weekends: there is a stream of traffic along this road which includes motor cycles and bicycles.

- v. Employment and Tourism: The Corvedale is a farmed landscape and this landscape has changed over the centuries with changes in agricultural and forestry practices. With the advent of the motor car visitors to the area have increased and the road network has been adapted. Now, South Shropshire has become a major tourist destination, both for days out from the West Midlands Conurbation and for weekend breaks and holidays. The number of B&B, self-catering and hotel beds has increased and employment associated with tourism has in some areas generated more jobs than in farming. The AONB has been successfully promoting sustainable tourism and locally produced food. It is our landscape, our beautiful towns and villages and network of walks and rides which attract people to the area and which promote jobs in tourist accommodation.

4.2.8 Chair of Grow Cook Learn (operators of The Discovery Centre): Objection. We depend on the visitor economy to provide the employment and services we do. Concern about impact of creeping industrialisation on the beautiful farming valley of Corvedale. This is not farming. The proposed siting directly affects the view of and from Wenlock Edge within the AONB from existing rights of way as accepted in the application. The applicant states that chicken manure will be spread on surrounding fields. This manure contains significantly more nitrogen and phosphates than cattle manure and will worsen existing water quality issues in the River Corve. The applicant's LVIA significantly understated the impact of the development on the character of this rural area.

4.2.9 Lloyds Animal Feeds support of the proposals with the following statement:
Shropshire is a county with a strong agricultural heritage, it is important that farmers are given the opportunity to diversify and adapt to meet the ever changing consumer requirements. We have been at the sharp end of the downturn in the sectors of agriculture such as dairy, beef and sheep. Diversification of farming enterprises in Shropshire, in growth sectors, with farmers making long term investments, is good news for our business in securing jobs in our feed mill and employment with the associated transport and farming network in and around the border counties. Planning applications such as this one, which bring employment to rural communities, secure the jobs of people within the supply businesses and contribute to the local community, deserve our support. For this reason we respectfully request Shropshire council support this application.

5.0 THE MAIN ISSUES

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

6.0 OFFICER APPRAISAL

6.1 Policy context:

Contact: Tim Rogers (01743) 258773

- 6.1.1 Development should be in accordance with the Development Plan unless material factors indicate otherwise. The development plan for the site comprises the Shropshire Core Strategy and the SAMDev Plan as informed by the National Planning Policy Framework (NPPF).
- 6.1.2 National Policy: The NPPF advises that the purpose of the planning system is to contribute to achieving sustainable development and establishes a presumption in favour of sustainable development. This means “approving development proposals that accord with the development plan without delay” and supporting sustainable economic growth. There are three dimensions to sustainable development: an economic role, a social role and an environmental role. Significant weight should be placed on the need to support economic growth and productivity (NPPF para 80) and ‘should enable the sustainable growth and expansion of all types of business in rural areas’ including ‘the development and diversification of agricultural and other land-based rural businesses’ (para 83). Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (para 84)
- 6.1.3 The poultry site is located 125m south of the Shropshire Hills AONB with the proposed access being situated 10m south of the AONB which is defined by the edge of the B4368 in this locality. Great weight should be given to conserving and enhancing landscape and scenic beauty of the AONB, which has the highest status of protection. Within the AONB planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest (NPPF para 172). The NPPF applies 3 tests to determine whether exceptional circumstances apply, summarised as follows:
1. Need for the development and economic implications;
 2. Cost and scope for developing it outside of the AONB, and
 3. The extent to which any detrimental land use effects can be moderated.
- 6.1.4 The application is ‘major development’ as it relates to a Schedule 1 EIA proposal and given the area of the proposed buildings @ 4000m². Whilst the site is not located ‘within’ the AONB and so there is no formal requirement to apply the above tests, great weight must still be given to conserving and enhancing the AONB. It is nonetheless considered appropriate to have regard to the AONB tests given the proximity of the AONB boundary and the potential for the proposals to impact to the setting of the AONB.

Development Plan Policy

- 6.1.8 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.”

6.1.9 It is considered that the proposed development would be capable of conforming in principle with CS1 and CS5 because:

- Its primary purpose is economic diversification;
- It will provide local employment and associated economic benefits for local communities;
- 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 has the potential to enhance the vitality and character of the living working countryside by sustaining a local farming business and bringing local economic benefits.
- The applicant advises that the environmental reports accompanying the application demonstrate that the proposals have no unacceptable impact on the environment. This is supported by the general lack of objection from technical consultees.

It is necessary however to demonstrate that any benefits would not be outweighed by negative effects. The environmental issues raised by the proposals are considered in succeeding sections.

6.1.10 The proposal incorporates sustainable design measures in accordance with Policy CS6 including considerations including:

- Sustainable drainage, water and energy efficiency systems;
- Sustainable construction methods (modern poultry shed design).
- The site is accessible via an upgrade to an established access point on the B4368.

6.1.11 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 and supporting rural enterprise and diversification of the economy, in particular areas of economic activity associated with agricultural and farm diversification...., food and drink processing, and promotion of local food and supply chains”. The proposal accords with this Policy as it delivers economic growth within the rural economy and within the food and drink industry, which is one of Shropshire’s key business sectors.

6.1.12 Shropshire Hills AONB Management Plan: The site is located outside the AONB but the access adjoins the AONB boundary. The AONB Management Plan sets out the following priorities which are relevant to the proposed development:

- Valuing the AONB in Planning and Decisions - Protection of the AONB: In line with national and local authority planning policies, the AONB has the highest standards of protection for landscape and natural beauty and the purposes of designation should be given great weight in planning decisions, also taking into account the statutory AONB Management Plan.
- Encouraging of Sustainable Land Management Economy - Agricultural development: Farm enterprises need to be in harmony with the environment and not degrade this resource, which also provides an important economic asset for the future.
- Design of new agricultural buildings including location, structure and materials should be of a high standard appropriate to the AONB, taking account of the published AONB agricultural buildings design guidance.

6.2 Reasons for site location

- 6.2.1 Objectors have questioned why the proposed poultry unit could not be located next to the applicant's farm buildings at Elsie Barn Farm. The applicant has put forward the following reasons for choice of the current site:
- 6.2.2 Biosecurity: There is a need to keep the poultry and buildings separate for biosecurity reasons. Although cattle and poultry are not prone to the same diseases they can be transmitted both by the livestock themselves, people that come into contact with them and by vehicles entering and leaving the farm. In addition milk or fresh meat sales/transport for human consumption can be restricted during outbreaks of certain diseases including foot and mouth and avian influenza. Risks are increased if the poultry buildings are located on the same site as the dairy buildings. An outbreak of avian influenza would temporarily prevent any milk being collected from the farm until a licence has been put in place and full disinfection has taken place inside and outside.
- 6.2.2 Also there is an existing poultry unit at Corfton Farm which is only around 500 metres to the east of Elsie Barn Farm buildings. This is considered to be too close in terms of biosecurity to locate the rearing units on land at Elsie Barn Farm. Poultry units need to operate on a single cycle basis so there are not different ages of birds on site being collected at different times. Split cycles pose a greater risk in terms of biosecurity and spreading of diseases.
- 6.2.3 Dairy management: The land around the buildings at Elsie Barn Farm is primarily utilised for grazing the cows and silage making. The lactating cows need to be kept relatively close to the dairy buildings so they can be walked in to the parlour for milking twice daily when turned out during the summer months. This is a further reason why it is not suitable to locate the poultry buildings at Elsie Barn Farm.
- 6.2.4 Environmental constraints: Elsie Bam Farm is within the Shropshire Hills AONB and Seifton Batch to the west of the holding is designated as a Local Wildlife Site. A bridleway runs from the B4368, past the farm and up to Diddlebury Common. Much of the land surrounding Elsie Bam Farm slopes steeply so would not be suitable for poultry buildings and would be difficult to screen. This site has been chosen as it is away from the dairy buildings and the Corfton Farm poultry unit for biosecurity reasons and is well screened due to the topography of the site and existing landscape features. It is also outside the AONB and further from any designated Local Wildlife sites which are taken into account with regard to ammonia deposition.

- 6.2.5 Tourism: Objectors have suggested that a principal reason for not locating the poultry unit at Elsie Barn Farm was due to the presence of the applicant's nearby campsite. However, the applicant advises that this was not one of the main reasons for locating the poultry buildings away from Elsie Barn Farm. The edge of the campsite is only around 320 metres from the Corfton poultry site and this site has had no impact on the operation or success of the campsite. As such, the applicant does not anticipate any impact at the distance between the proposed site and the closest tourism business.
- 6.2.6 It is considered that the above considerations provide an appropriate justification for the applicant's choice of site and that this would also meet the 'alternatives' test set by NPPF paragraph 172 as any alternatives available to the applicant are not feasible and would be located within the AONB. However, it is still necessary to determine whether the proposals can be accepted in environmental terms.
- 6.3 Environmental implications of the proposals
- 6.3.1 Transport: Policy CS7 requires sustainable patterns of communications and transport. Objectors have expressed concern that the proposals would have an adverse road safety impact and that the B4367 is a fast road with an accident record.
- 6.3.2 A highways assessment indicates that the increase in vehicle movements would not be significant, with crop clearance being only 6 movements per week, 2 traffic movements per week for feed and 28 movements at the end of the crop of two days for the removal of the manure. This assumes a worst case scenario which includes all tractors and trailers manure movements during the day. The manure would be dispersed locally to nearby farms and land owned by the applicant. The proposed access would allow simultaneous entry and exit of all vehicles attracted to the site and the junction visibility accords with the current guidance. The existing field accesses along the site road frontage would be stopped up in favour of the new access. The assessment concludes that the proposals would be suitably accommodated on the existing road network and will not have a significant impact.
- 6.3.3 The NPPF requires that for an application to be refused on highway grounds the residual impacts after mitigation must be severe. SC Highway have not objected subject to recommended conditions and are satisfied with the junction plans, visibility splays and levels of proposed traffic. It is not considered that a refusal on highway grounds would be justified on this basis.
- 6.3.4 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. Poultry units have the ability to create a noise impact upon local residences due to fan noise, feed deliveries, vehicle movements on site and during removal of birds.
- 6.3.5 The application is accompanied by a noise assessment. The sound climate around the site consists of road traffic noise from the B4368 and natural sounds such as birdsong. Existing agricultural activities are also a noise source. This finds that the proposed development will generate some noise, however, given the nature of the noise, the separation distances between potential receptors and the mitigation measures that will be implemented it is not anticipated that this will represent a nuisance to local residents or amenity users. There will be no significant impact as a result of noise generated by the proposed development.

- 6.3.6 Regulatory Services have recommended that the gable end fans and feed bins are moved to the southern end of the site in order to further reduce the possibility of noise disturbance at the nearest private residents. The applicant has amended the layout plan to address this and has updated the original noise calculations. This confirms that any noise emissions would fall well within recommended World Health Organisation limits and would not be an issue at the nearest receptor properties. Regulatory Services have no objections on the basis of this amendment. To provide additional reassurance are recommending an amenity complaints condition. This sets out a formal procedure for handling any complaints if these are subsequently received and validated by the planning authority.
- 6.3.7 Odour: There may be smells when the manure is being removed from the building although this would be for short periods of time only. An odour assessment submitted with the application assess odour at the nearest sensitive receptor properties not associated with the farm. This concludes that no significant impacts are likely given the location of the proposals and the range of internal controls and mitigation measures to be applied. Public Protection and the Environment Agency have not objected. Odour emissions within the site would be subject to detailed controls under the Environment Agency's permitting system. It is considered that the proposals can be accepted in principle in relation to odour issues subject to the amenity complaints procedure condition recommended above.
- 6.3.8 Dust: Internally, a dust laden atmosphere must be prevented for health reasons. The contained nature of the operation precludes the emission of significant amounts of dust particles to the atmosphere.
- 6.3.9 Public Health: The operation of the site would be subject to the rigorous controls of the Environment Agency's IPPC permitting regime. Under the Permit the site is required to operate to Best Available Techniques with conditions to ensure operations are pollution free. As such the proposals are specifically designed to minimise ammonia emissions to air and very stringent biosecurity measures also apply. The Environment Agency and Public Protection have not objected.
- 6.3.10 Drainage: Core Strategy Policy CS18 requires sustainable water management to reduce flood risk and avoid an adverse impact on water quality. A detailed Flood Risk Assessment and Surface Water Management Strategy for the proposed development has been provided. The site is within flood zone 1 and so is outside any flood plain.
- 6.3.11 It is proposed to maintain the existing surface water run-off from the site in accordance with the Technical Guidance to the National Planning Policy Framework (NPPF) and good practices. The surface water from the proposed development buildings will be collected in a mix of open and stone filled trenches and a piped system and will discharge to the existing ditch course at Greenfield rates of surface water run-off. The result of the flood risk assessment/drainage report shows that the site is not within a flood zone, where there is little likelihood of flooding either on the site as a result of development or to any land downstream or elsewhere. A suitable means of dirty water drainage disposal from the proposed development is proposed. The Council's Drainage section has not objected subject to implementation of the proposed drainage measures.
- 6.3.12 Ecology: 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. An Ecological Assessment concludes that there will be no impacts of significance on habitats or protected species and no significant loss of habitat as a result of the development during the construction, operational or decommissioning phase. The assessment concludes that there will be no damage to, or loss of habitat for protected species and that there are no ecological constraints to the development as planned. No trees on or outside the development site would be impacted.

6.3.13 Ecology – ammonia: An ammonia emissions impact assessment assesses the effect of ammonia emissions on the nearest Nationally Designated sites and concludes that the proposal is unlikely to have a significant adverse effect, directly, indirectly or cumulatively on the integrity of these sites. Impacts at two ancient woodlands (Hazeldine Coppices and Childshill Coppice) should be mitigated. An appropriate net reduction of 2.265tpa Nitrogen will be achieved through the use of the (currently arable) 2 hectare site for poultry rearing together with manure management techniques to reduce fertilizer application. In detail, the following mitigation and enhancement measures have been provided in support of the proposal and a condition securing delivery of these measures has been recommended:

- Woodland & hedgerow planting (Plan 2962-001 REVA.);
- 0.89ha of permanent grassland will be created;
- A 6m fenced ecological buffer will be created along 283m of the River Corve.

6.3.14 The council's ecology section and Natural England have not objected. SC Ecology conclude that whilst the proposal will have some effect on designated sites the small increment of atmospheric ammonia and nitrogen deposition from this site is unlikely to have an impact on site integrity.

6.3.15 Objectors have challenged the Council's ecology sections conclusions on ammonia emissions. In summary that are concerned that SC Ecology are underplaying the contribution of the site to background ammonia / nitrate levels and that the Council is under a duty to conserve and enhance biodiversity. An objector has analysed the applicants Ammonia Mitigation Strategy and concludes that it has serious shortcomings and the facility would not be Nitrogen neutral, as required by GN2.

6.3.16 The SC ecologist has responded to these concerns including by citing a Natural England publication supporting the Council's approach <http://publications.naturalengland.org.uk/publication/5354697970941952> and by confirming that the Council has adopted a far more conservative approach in assessing air pollution impacts from intensive livestock units than that which is advocated in current Environment Agency guidance. (<https://www.gov.uk/guidance/intensive-farming-risk-assessment-for-your-environmental-permit>),

6.3.17 In summary, the Council's ecologist and Natural England have not objected. Comprehensive ammonia / nitrate mitigation measures are being proposed and would be secured by condition. The proposals would not affect protected species or habitats and landscaping measures would result in significant habitat gains relative to the current situation. It is considered therefore that the proposals comply with Core Strategy Policy CS17 and SAMDev Policy MD12 and relevant national guidance.

- 6.3.18 Landscape and Visual impact: The site is located just south of the AONB where the NPPF requires that 'great weight' shall be placed on protecting landscape character / quality. A landscape and visual appraisal concludes that the potential impacts of the development on the landscape and visual amenity would be minor. The landscape is capable of accommodating the development and the site is well screened by existing landscape features including hedges and woodland plantation, as well as the topography of the surrounding area. Visual impact will be further limited by setting the buildings into the slope, creation of a bund and tree planting. Overall, the landscape and visual assessment concludes that the proposed poultry installation will have a limited effect on the baseline conditions in terms of both landscape character and visual amenity.
- 6.3.19 Objectors including Munslow Parish Council and the AONB Partnership have challenged this conclusion. They consider that the effects of the development have been underplayed and that the proposed site is more widely visible and would have an adverse effect on local landscape and visual amenities, including within the AONB.
- 6.3.20 In view of these concerns the officer has procured advice from the Council's landscape consultant, ESP. ESP identified some concerns in relation to the methodology and conclusions of LVIA prepared by the agent. In response to this the applicant has commissioned an entirely new LVIA by a separate consultant. This concludes that the proposed development will have no significant effects on any of the landscape elements, landscape character or landscape designations (including the Shropshire Hills AONB) assessed and will have no significant effects on any of the visual receptors assessed.
- 6.3.21 ESP has reviewed this and concludes that the methodology and study area are appropriate as is the description of the landscape baseline. A zone of theoretical visibility plan has been produced and the identification of landscape and visual receptors appears comprehensive. A number of specific concerns were raised by ESP in their December 2017 review. ESP is satisfied that the findings of the LVIA submitted are reliable given the inclusion of a robust methodology and consistent and evidence based application of that methodology.
- 6.3.22 ESP recommends that consideration should be given to the effects that the proposed earthworks will have on the existing hedgerow, shelterbelt and mature oak tree on the north eastern boundary of the site, and if adverse effects are identified, include details of a revised design to eliminate the risk of harm, or if that cannot be avoided, protection and/or mitigation measures. They also recommend that in the event of planning permission being granted, conditions be imposed relating to submission of details for and implementation and management of landscape proposals. Account has been taken of these recommendations in the conditions set out in Appendix 1.
- 6.2.23 In conclusion, a comprehensive assessment of landscape and visual impact has now been undertaken by a specialist landscape consultant in accordance with relevant Landscape Institute methodology. This has been assessed by the Council's landscape consultant who is satisfied with the methodology and conclusions. Some recommendations have been made by the Council's consultant relating to the need for greater clarity on the effect of the proposals on some existing vegetation and landscape features surrounding the site. These have been taken into account in the conditions set out in Appendix 1. It is accepted that some local views towards the site would be afforded. However, the site would be set down well below the existing ground

level relative to levels within the AONB to the west and would not be widely visible given the low-profile nature of the development. The proposed landscape planting around the site would provide further effective visual containment as this becomes established. Any views from Wenlock Edge would be at a distance of at least 3-4km and would be screened by the proposed planted screen bund on the site's south-east margin.

- 6.3.24 It is considered that the applicant has now demonstrated that the proposals would not give rise to any significant adverse effects on visual amenities within and adjoining the AONB. The officer concludes that any residual effects are capable of being mitigated by the proposed landscaping measures, as supported by the recommended planning conditions. Any limited residual effects on landscape and visual amenities before landscape planting is fully established would be localised and would need to be viewed in the context of the significant policy support for rural businesses and diversification. (Core Strategy Policy CS17, SAMDev Policy MD12).
- 6.3.25 Heritage: A Heritage Impact Assessment has been carried out. This concludes that the proposed development site is relatively well screened and separated from any known designated or non-designation heritage assets. There are no known buried archaeological remains of any significance within the development site. It has been concluded that the potential for significant buried archaeology is low. The assessment considers that the proposals would have no impact on the character, setting or significance of any designated or non-designated heritage assets within, or adjacent to the proposed development site.
- 6.3.26 The Council's historic environment team has not objected and has generally endorsed these conclusions subject to an archaeological investigation condition. The conservation officer advises that any residual effects (before landscape mitigation) would be at the lower end of 'less than substantial harm'. The officer is satisfied that any such minor effects would be outweighed by the policy support for diversification of rural businesses, having regard also to the comprehensive landscaping proposals. (Core Strategy Policy CS17, SAMDEV policy MD13)
- 6.3.27 Manure management: The farm holding is partly located within a Nitrate Vulnerable Zone (NVZ) where additional restrictions on manure and fertilizer application apply. Poultry manure is however beneficial for soil structure and reduces the need for artificial fertilisers. The spreading of chicken manure on the farmland controlled by the applicant would continue to follow best practice methods to reduce the potential for ammonia impact on any receiving watercourse. An outline manure management plan has been submitted and a detailed plan would form part of the applicant's environmental permit. Sufficient land is available to the applicant to spread the manure which would be generated by the poultry operation and to retain an additional 'offset' area where no manure is spread to compensate for ammonia emissions from the poultry scheme. It is considered that manure spreading operations can be controlled within acceptable limits provided the proposed management measures continue to apply.
- 6.3.28 Conclusion on environmental acceptability: Available information including the advice of technical consultees indicates that the proposals would not result in any unacceptably adverse effects on the AONB environment or local amenities once available mitigation measures and the recommended conditions and legal agreement have been taken into account.

6.4 Precedent for expansion

- 6.4.1 Objectors have expressed concern that the proposals could lead to further expansion and cumulative impact. There is no indication at this stage that the proposed pullet rearing use would be subject to further expansion and were any such proposals to come forward subsequently they would be judged on their merits at that stage. However, it should be noted that the proposed development has been designed to be well contained within an engineered depression with comprehensive planting surrounding it. As such, the geography of the site would not lend itself well to any further expansion.
- 6.4.2 A pre-application inquiry for the site in 2016 also proposed a site manager's dwelling. This does not form part of the current proposal and any such proposal would be considered on its merits. Given the restrictions on residential development in the countryside there can be no guarantee at this stage that any such proposal would succeed. The applicant was made aware of this at the pre-application stage and has proceeded with the current proposals.

7. CONCLUSION

- 7.1 The proposals are put forward to enable diversification of the applicant's agricultural enterprise given the volatility of the main business of dairy farming. The justification for placing the site in this location can be accepted in principle as the only other land available to the applicant is less suitable, being located in potentially more visible location within the AONB and close to the applicant's dairy activities, thereby raising biosecurity and operational issues.
- 7.2 The individual impacts raised by the proposals have been assessed by the applicant's EIA and in a comprehensive planning consultation process. Objections have been received from the parish council, the CPRE and 57 local residents. However, there have been no objections from technical consultees. This includes with respect to ecology, highways, public protection, conservation / heritage, drainage and water resources. Detailed site operations would also be subject to strict controls under the environmental permitting system administered by the Environment Agency.
- 7.3 The Council's ecologist is satisfied that the proposals would not lead to any material deterioration of quality for any nearby designated sites. The nearest SSSI is located over 3.7km to the west. The proposals incorporate mitigation measures to minimise the effects of any ammonia emissions. This includes a reduction in application of fertilizer to local fields (including within the 2ha site area) and significant planting proposals. These measures can be secured by condition.
- 7.4 The applicant has commissioned a new landscape and visual impact assessment (LVIA) following criticism of the original LVIA accompanying the environmental statement. This has been studied in detail by the Council's landscape consultant who is satisfied by the content, methodology and conclusions of the new LVIA which advises that there would be no unacceptably adverse impacts on landscape or local visual amenities.
- 7.5 Whilst the site is not located outside (on the margin of) the AONB it is concluded that the proposals would nonetheless meet the tests for major development within the

AONB set by Paragraph 172 of the NPPF. This is on the basis that 1) the need and justification for location of the site can be accepted and no more acceptable alternatives are available to the applicant; 2) no unacceptably adverse environmental effects have been identified after mitigation and 3) given the policy support for local food production and agricultural diversification.

7.6 In conclusion, the scheme would deliver significant benefits in terms of supporting rural food production - a key Shropshire industry (Core Strategy Policy CS13) and the strong national demand for home-produced eggs. In so doing it would also support the vitality of local agriculture and hence the rural community (Core Strategy Policy CS5). The concerns of objectors are fully acknowledged. However, it is considered that the information submitted by the applicant and the advice of technical consultees indicates that the proposals would not give rise to any unacceptably adverse environmental effects once proposed mitigation and relevant planning and permitting controls are taken into account. Therefore, the officer considers that the benefits of the proposals are sufficient to demonstrably outweigh any negative effects. As such the proposals are considered to be in the public interest on balance and accordingly the tests set by NPPF paragraph 172 are considered to be met. By implication, the scheme is considered to be sustainable and compliant with the development plan overall, subject to the recommended conditions and legal agreement.

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.

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:

- 2. Achieving sustainable development;
- 6. Building a strong, competitive economy;
- 8. Promoting healthy and safe communities;
- 9. Promoting sustainable transport;
- 8. Promoting healthy communities;
- 12. Achieving well-designed places;
- 14. Meeting the challenge of climate change, flooding and coastal change;
- 15. Conserving and enhancing the natural environment;
- 16. Conserving and enhancing the historic environment;

10.2 Core Strategy:

10.2.1 The Shropshire Core Strategy 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:

- CS5: Countryside and Green Belt;
- CS6: Sustainable Design and Development Principles;
- CS7: Communications and Transport;
- CS8: Facilities, services and infrastructure provision
- CS13: Economic Development, Enterprise and Employment;
- CS17: Environmental Networks.

10.4.1 Site Management and Allocation of Development Document (SAMDEV)

Relevant policies include:

- MD2 – Sustainable Design;
- MD7b– General Management of Development in the Countryside;
- MD8 – Infrastructure Provision;
- MD12: The Natural Environment;
- MD13: The Historic Environment.

10.4.2 Shropshire Hills AONB Management Plan. Referred to in Section 6 above.

11. RELEVANT PLANNING HISTORY:

- PREAPP/16/00533 Erection of two poultry sheds, with associated infrastructure and site managers dwelling PREAIP 28th February 2017
- 17/05026/EIA Erection of two poultry sheds with office/wash facilities; 4 feed silos; creation of vehicular access with visibility splays, estate road and yard; formation of screening bunds PDE.

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=OXXGWLTDH7K00>

List of Background Papers : Planning Application PREAPP/16/00533 and supporting documents and plans.

Cabinet Member (Portfolio Holder): Cllr Robert Macey

Local Member: Cllr. Cecilia Motley

APPENDIX 1

Conditions

DEFINITION OF THE PERMISSION

- 1a. The development to which this planning permission relates shall be commenced within three years beginning with the date of this permission.
- b. Not less than 7 days advanced notice shall be given in writing to the Local Planning Authority of the intended date for the commencement of operations under the terms of this permission. Such date shall be referred to as 'the Commencement Date'.

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 application form dated 16th October 2017 and the following approved documents and plans:

Approved Documents:

- Environmental Statement by Berrys;
- Appendix 2: Topographical Survey
- Appendix 3: EA Ammonia Screening
- Appendix 4: LVIA by Lingard Farrow Styles (Feb 2018 - updated)
- Appendix 5: Heritage Impact Assessment and Geophysical Survey
- Appendix 6: Highways Assessment
- Appendix 7: Amenity Risk Assessment Tables
- Appendix 8: Ecological Assessment
- Appendix 9: Noise Assessment
- Appendix 10: Flood Risk and Drainage Assessment
- Appendix 11: Odour Impact Assessment
- Appendix 12: Non-Technical Summary

Approved Plans:

- Drawing No. SA24659/01 – Location plan;
- Drawing No. SA24659_EP_02 – Site Plan (Dec 2017 – amended);
- Drawing No. 01/03, 02/03, 03/03 – Topographical surveys (3 plans);
- Drawing No. SA24659/03 – Site sections;
- Drawing No. SA/24659/LVIA – LVIA plan;
- Drawing No. SA24659/03 Rev B – Unit elevation and plans;
- Drawing No. SA24659/06 – Feed bin dimension and elevations;
- Drawing No. 2962-001 – Mitigation Planting Plan (Lingard Farrow Styles)
- Drawing No. AM/AP/100 – Site access arrangements (Woodsyde Developments).

Further information:

- Ammonia Emissions: Impact Assessment by Isopleth. June 2018;

- Ammonia mitigation strategy by Berrys. November 2018;
- Noise Modelling Assessment by Ion Acoustics. July 2018.

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

CONDITIONS WHICH REQUIRE ACTION PRIOR TO THE COMMENCEMENT OR BRINGING INTO USE OF THE DEVELOPMENT

Access

3. The access and visibility splays shall be implemented in accordance with Drawing No. AM-AP-100 prior to the development being brought into use as a poultry facility.

Reason: To ensure a satisfactory means of access to the highway.

4. Notwithstanding the provisions of the Town and Country General Development Order 2015 (or any order revoking or re-enacting that order with or without modification), Any fence or other means of enclosure at the road junction/access shall be set back to the sight lines shown on the approved plan Drawing No. AM-AP-100 and those areas shall thereafter be kept free of any obstruction at all times.

Reason: In the interest of highway safety.

5. Any gates provided to close the proposed access shall be set a minimum distance of 20 metres from the carriageway edge and shall be made to open inwards only.

Reason: To ensure a satisfactory form of access is provided in the interests of highway safety.

- 6a. Prior to the commencement of the development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall amongst other matters detail the following:

- i. Management of vehicle movements;
- ii. Timing of the development;
- iii. The proposed hours of operation;
- iv. Measures for protecting local amenities with respect to noise, dust and light pollution;
- v. The location of any temporary contractor's compound and internal parking provisions;
- vi. Measures for preventing pollution to water resources, including by silt laden surface water run-off.

The Construction Management Plan shall be implemented strictly in accordance with the approved details throughout the construction period.

- b. 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 protect the local environment and amenities during the construction phase.

Number of birds

7. No more than 72,000 birds shall be kept on the site at any one time and the rearing cycle shall not reduce below 20 weeks including clean out time under the terms of this permission.

Reason: To define the permission and ensure that the restriction on the maximum number of birds to be kept at the site at any one time can be satisfactorily enforced. This is in the interests of amenity and in order to prevent adverse impact on biodiversity from ammonia emissions consistent with the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Policy MD12 and the policies of the National Planning Policy Framework.

Landscaping

- 8a. No development shall take place (including ground works and vegetation clearance) until a landscaping plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- i. Planting plans, creation of wildlife habitats and features and ecological enhancements;
- ii. Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
- iii. Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
- iv. Native species used are to be of local provenance (Shropshire or surrounding counties);
- v. Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
- vi. All hard and soft landscape works shall be carried out in accordance with the approved plan; the works shall be carried out during the first available planting season and maintained for the lifetime of the development. Any trees or plants that, within a period of five years after planting, are removed, die or become damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

- b. If any hedge removal is required to create the visibility splays, then any affected hedge shall be replanted with a mixed, native species hedgerow with the addition of standard trees as part of the landscaping plan required under Condition 8a above.

Reason: In order to provide appropriate screening and landscape mitigation for the development and to protect biodiversity.

Ecology

9. Prior to commencement of development (or each phase of development with prior agreement of the Local Planning Authority) an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall be appointed to ensure that the Great Crested Newt RAMs and other ecological mitigation and enhancement measures appropriate to the development, as set out in the Ecological Appraisal report prepared by Salopian Consultancy (October 2017), are adhered to. The ECW shall provide brief notification to the Local Planning Authority of any pre-commencement checks and measures in place.

Reason: To demonstrate compliance with the Great Crested Newt RAMs to ensure the protection of Great Crested Newts, which are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended).

10. 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 lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014). The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To minimise disturbance to bats, which are European Protected Species.

11. The poultry operation hereby approved shall not be brought into use until exact details for delivery of the proposed ammonia mitigation measures proposed in the Ammonia Mitigation Strategy by Berrys accompanying the application have been submitted to and approved in writing by the Local Planning Authority. This shall include but not be limited to the following details:
- i. Area for fertiliser reversion on land under the applicant's control with historical records to show what was previously put on the fields including over a 5 year average;
 - ii. Details of woodland planting area on land under the applicant's control;
 - iii. A manure management plan confirming measures for managing poultry manure from the development.

Reason: To secure delivery of the proposed ammonia mitigation strategy in the interests of habitat protection for designated sites.

Tree protection:

12. No development shall take place until a detailed landscaping plan has been submitted to and approved in writing by the local planning authority. The plan shall include the following measures:
- i. Details of proposed planting measures including type and source of material to be used, e.g. list of native species of local provenance;
 - ii. Timetable for implementation;
 - iii. Details of the initial aftercare and long-term maintenance;
 - iv. Details for monitoring and remedial measures;
 - v. Details for disposal of any waste arising from works.

The plan shall be implemented in accordance with the approved details and all features shall be retained in the manner thereafter.

- b. All new planting shall be subject to a minimum 5 years of aftercare with replacement of any failures with species of an equivalent type within this timescale.

Reason: To ensure that the provision of landscape mitigation is sufficient and completed in accordance with local planning policies and guidance.

13. Where the approved plans and particulars indicate that construction work is to take place within the Root Protection Area (RPA) of any retained trees, large shrubs or hedges, prior to the commencement of any site clearance or development works, an Arboricultural Method Statement (AMS) detailing how any approved construction works / service runs / SuDS schemes will be carried out, shall be submitted to the Local Planning Authority. The AMS shall include details on when and how the works will take place and be managed; and how the trees, shrubs and hedges will be protected during such a process.

Reason: To ensure that permitted work within an RPA is planned and carried out in such a manner as to safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

14. No ground clearance, demolition, or construction work shall commence until a scheme has been approved in writing by the local planning authority to safeguard trees to be retained on site as part of the development. The submitted scheme shall include the provision of a tree protection plan that reflects the guidance given in BS5837:2012. The approved scheme shall be retained on site for the duration of the construction works.

Reason: To safeguard existing trees and/or hedgerows on site and prevent damage during building works in the interests of the visual amenity of the area.

15. No works will commence until the Local Planning Authority has approved in writing that the Tree Protection Measures have been established in compliance with the final approved tree protection plan (Photographs of it in place might suffice).

Reason: To ensure that the Tree protection is set up and maintained in accordance with the Tree Protection Plan.

Drainage

16. If non permeable surfacing is used on the new access and hardstanding area or the new access slope towards the highway, the applicant shall submit for approval a surface water drainage system to intercept water prior to flowing on to the public highway.

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

17. Prior to the commencement date a scheme detailing how the contaminated water in the yard from spillages or cleaning of sheds will be managed/ isolated from the main surface water system shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.

Reason: To ensure that polluted water does not enter the water table or watercourse.

Archaeology

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

Reason: The site is known to hold archaeological interest.

Appearance of buildings and structures

19. No development shall commence on site in connection with the approval until details 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. The external finish of the new buildings shall be in a Jupiter / fern green colour. The development shall be carried out in accordance with the approved details.

Reason: To protect visual amenity within the Area of Outstanding Natural Beauty.

Complaints procedure

20. 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.

CONDITIONS WHICH APPLY FOR THE LIFETIME OF THE DEVELOPMENT

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 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.

22. The delivery of poultry feed to, and the removal of poultry manure from, the development shall take place only between the hours of 07:00 to 18:00 on Monday to Friday, and 08:00 to 13:00 on Saturday, and shall not take place at any time on Sunday or Bank Holidays.

Reason: To protect the amenities of the area.

Informative Notes:

Ecology:

- i. *Great crested newts are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended). It is a criminal offence to kill, injure, capture or disturb a great crested newt; and to damage, destroy or obstruct access to its breeding and resting places (both ponds and terrestrial habitats). There is an unlimited fine and/or up to six months imprisonment for such offences. If a great crested newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England should be contacted for advice. The Local Planning Authority should also be informed.*
- ii. *The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent. It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences. All vegetation clearance should be carried out outside of the bird nesting season which runs from March to August 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 nests then an appropriately qualified and experienced ecologist should be called in to carry out the check.*

Drainage

- iii. *Informative: As part of the SuDS, the applicant should consider employing measures such as the following:*
 - *Water Butts*
 - *Rainwater harvesting system*
 - *Permeable surfacing on any new access and hardstanding area*
 - *Attenuation*
 - *Greywater recycling system*
 - *Green roofs*

Highways:

- iv. *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. Extraordinary maintenance. The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which allows the Highway Authority to recover additional costs of road maintenance due to damage by extraordinary traffic. Works on, within or abutting the public highway*

- v. *This planning permission does not authorise the applicant to:*
- *construct any means of access over the publicly maintained highway (footway/verge); 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.

Fire fighting

- vi. *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 the 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.*
- vii. *It is important to note that the current Building Regulations require an adequate water supply for firefighting. If the building has a compartment of 280m² or more in area and there is no existing fire hydrant within 100 metres, a reasonable water supply must be available. Failure to comply with this requirement may prevent the applicant from obtaining a final certificate.*