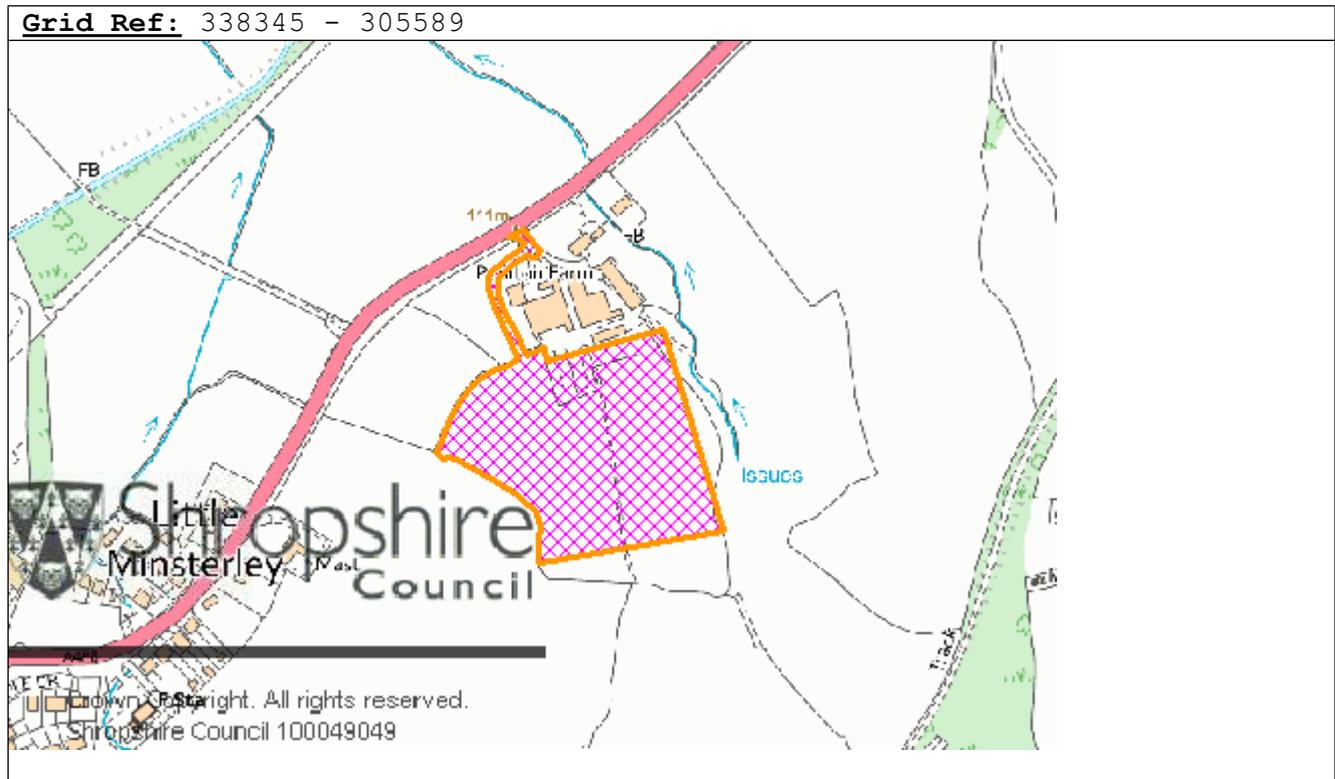


## Development Management Report

Responsible Officer: Tim Rogers  
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### Summary of Application

<b>Application Number:</b> 18/02023/EIA	<b>Parish:</b>	Minsterley
<b>Proposal:</b> Erection of 2no poultry sheds, storage shed; feed bins and associated landscape works.		
<b>Site Address:</b> Poulton Farm Little Minsterley Minsterley Shrewsbury Shropshire		
<b>Applicant:</b> DP & MA Jones		
<b>Case Officer:</b> Philip Mullineux	<b>email:</b> <a href="mailto:planningdmnw@shropshire.gov.uk">planningdmnw@shropshire.gov.uk</a>	



## REPORT

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

### 1.0 THE PROPOSAL

- 1.1 Application is made in 'Full' and proposes erection of 2 number poultry sheds, storage shed; feed bins and associated landscape works at Poulton Farm, Little Minsterley, Minsterley Shrewsbury.
- 1.2 The application is accompanied by an Environmental Statement, design and access statement, planning statement, elevation and floor plans, block plan, site location plan, landscape and visual impact assessment, odour impact assessment, flood risk assessment, amenity risk assessment, ammonia report, historic impact assessment, noise assessment, and ecology assessment. During the application processing further information was received in relation to ammonia issues and clarification with regards to odour and location of receptors.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is located directly to the south of the existing farmstead at Poulton Farm and the proposed development will be built either side of the existing two intensive poultry units on site. The site has been partly levelled in relation to the existing sheds but is set on slightly undulating ground which in general slopes upwards from the existing buildings towards the south of the site. The land then slopes up towards a Coppice and the edge of the Shropshire Hills AONB and Pontesbury to the north-east. To the north the land drops down towards the Rea Brook and Minsterley to the south-west. In addition to the farmhouse at Poulton Farm there is a single residential property known as Greenfields and this is located approximately 150 metres from the sheds and screening is afforded by the existing farm buildings. Poulton Farmhouse is occupied by the applicants and Greenfields by Mrs Jones senior, all of whom have a financial interest in the proposed poultry development.
- 2.2 Information as part of the Environmental Statement indicates that there are currently two poultry buildings situated to the rear of the farm yard which were commissioned early in 2016 and house up to 120,000 broiler chickens. It is proposed to erect 2 new buildings either side of these existing sheds to increase total number of birds on site to 250,000. A permit variation (number EPR/RP3237WW/V002) has been issued by the Environment Agency to cover the additional sheds and increase in bird numbers.
- 2.3 The two additional buildings will be operated on the same cycle as the existing poultry units. With the broilers brought in as day old chicks at a 50-50 mix of males and females. At the end of the growing period they will be collected and

transported to a processing plant. The growth cycle will result in the birds being around 1.9kg in weight by clear out. This is the same cycle as those birds reared in the existing poultry buildings. The break between crops will be at least 10 days, leading to an average of 8 crops per annum.

- 2.4 The poultry sheds will measure the same size as the existing sheds on site which is 26.61 metres wide and 122.12 metres long. The height of each shed will measure 5.76 metres to the ridge and 2.24 metres to the eaves. The two sheds will be located one each either side of the existing sheds. The poultry sheds will be of standard construction comprising portal steel-framed buildings with box profile sheet cladding to the sides and roof and it is proposed that the sheds will be of the same material as the existing sheds, finished in recognised colour code BS12B29 Juniper Green so as to complement the existing sheds.

### 3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 The proposal comprises Schedule 1 EIA development, as such the Council's Scheme of Delegation requires that such applications are determined by Planning Committee.

### 4.0 **Community Representations**

- 4.1 Minsterley Parish Council has responded indicating support for the application.

### 4.2 **Consultee Comments**

- 4.3 **Natural England** have responded to the application indicating:

Internationally and nationally designated sites

The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations'). The application site is within the Impact Risk Zone of the The Stiperstones and the Hollies Special Area of Conservation (SAC) which is a European site. The site is also notified at a national level as the Stiperstones and the Hollies Site of Special Scientific Interest (SSSI). The site is also within the Impact Risk Zone of the Midlands Meres and Mosses Phase 1 Ramsar site (Marton Pool, Chirbury).

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have<sup>1</sup>. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

Habitat Regulations Assessment required

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 63 and 64 of the Habitats

Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

1 Requirements are set out within Regulations 63 and 64 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 63 and 64 are commonly referred to as the 'Habitats Regulations Assessment' process.

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

In advising your authority on the requirements relating to Habitats Regulations Assessment, it is Natural England's advice that the proposal is not necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. Natural England advises that the likely environmental pathways relate to air pollution and deposition.

#### Sites of Special Scientific Interest (SSSI)

The development site is also within the Impact Risk Zones of a number of SSSIs including

Minsterley Meadows, The Stiperstones and Hollies, Marton Pool Chirbury and Earl's Hill &

Haberley Valley SSSIs. Natural England is aware that Shropshire Council has its own guidance for assessing intensive livestock unit proposals and Natural England would advise that your authority assesses the proposal in line with this.

#### 4.4 **Historic England** have responded to the application indicating:

The development of two poultry sheds, storage shed, feed bins and associated landscape works is within the setting of the Scheduled Ancient Monument known as Callow Hill Camp: a small multivallate hillfort (UDS: 1019828). Small multivallate hillforts are rare with around 100 examples recorded nationally. Their significance lies in allowing an understanding of the nature of settlement and social organisation within the Iron Age period. The setting or surroundings in which a heritage asset is experienced allows us to further appreciate the context in which the monument was occupied and inappropriate development within this setting could have a negative impact on the significance of the monument. We are currently working with the owners of the hillfort to reduce tree cover on the Scheduled Ancient Monument which will make it more prominent in the landscape and increase the impact of the proposals on the monument.

If the proposed development is approved, planning conditions should be applied which require the prior approval of design details and finished in order to minimise the visual impact on Callow Hill Camp Scheduled Ancient Monument.

#### Recommendation

Historic England has no objection to the application on heritage grounds.

Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

**4.5 The Environment Agency** has responded to the application indicating:

Environmental Permitting Regulations: The proposed development will accommodate up to 130,000 birds, which is above the threshold (40,000) for regulation of poultry farming under the Environmental Permitting (England and Wales) Regulations (EPR) 2016, as amended. This will take the total number of birds on site to 250,000.

The Environmental Permit (EP) controls day to day general management, including operations, maintenance and pollution incidents and will include the following key areas:

- ② Management – including general management, accident management, energy efficiency, efficient use of raw materials and waste recovery.
- ② Operations - including permitted activities and Best Available Techniques (BAT).
- ② Emissions - to water, air and land including to groundwater and diffuse emissions, odour, noise and vibration, monitoring.
- ② Information – records, reporting and notifications.

Our consideration of the relevant environmental issues and emissions as part of the EP only apply to the proposed poultry installation and where necessary any Environment Agency regulated intensive farming sites.

We granted a variation to the existing EP on the 12 December 2017. A copy of the Permit was submitted with the planning application for completeness.

EP controls: The EP will control relevant point source and fugitive emissions to water, air and land; including odour, noise, dust, from the intensive poultry farming activities within the permit 'installation boundary'. 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.

Odour and Noise: As part of the permit determination, we do not normally require the applicant to carry out odour or noise modelling. We require a 'risk assessment' be carried out and if there are sensitive receptors (such as residential properties or businesses) within 400 metres of the proposed installation boundary. In this instance odour and noise management plans are required to reduce emissions from the site.

An Odour Management Plan (OMP) and Noise Management Plan (NMP) should help reduce emissions from the site, but it will not necessarily completely prevent all odour and noise. A Management Plan should set out the best available techniques that the operator intends to use to help prevent and minimise odour and noise nuisance, illustrating where this is and is not possible. There is more information about these management plans at:  
<https://www.gov.uk/government/publications/intensive-farming-introduction-andchapters>

A management plan will not necessarily completely prevent all odours, or noise, or at levels likely to cause annoyance. The OMP can reduce the likelihood of odour pollution but is unlikely to prevent odour pollution when residents are in proximity to the units and there is a reliance on air dispersion to dilute odour to an acceptable level. In addition, the OMP/NMP requirement is often a reactive measure where substantiated complaints are encountered. This may lead to a new or revised OMP/NMP to be implemented and/or other measures to be in place.

Note - For the avoidance of doubt, we do not 'directly' control any issues arising from activities outside of the permit installation boundary. Your Public Protection team may advise you further on these matters. However a management plan may address some of the associated activities both outside and inside of the installation boundary. For example, a NMP may include feed delivery lorry operation hours / vehicle engines to be switched off when not in use on site. Bio-aerosols and dust: Intensive farming has the potential to generate bio-aerosols (airborne particles that contain living organisms) and dust. It can be a source of nuisance and may affect human health. Sources of dust particles from poultry may include feed delivery, storage, wastes, ventilation fans and vehicle movements.

As part of the permit determination, we do not normally require the applicant to carry out dust or bio-aerosol emission modelling. We do require a 'risk assessment' be carried out and if there are relevant sensitive receptors within 100 metres of the installation boundary, including the farmhouse or farm worker's houses, then a dust management plan is required.

A dust management plan (DMP) will be required similar to the odour and noise management plan process. This will secure details of control measures to manage the risks from dust and bio-aerosols. Tables 1 and 2 and checklist 1 and 2 in 'assessing dust control measures on intensive poultry installations' (available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/297093/geho0411btra-e-e.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/297093/geho0411btra-e-e.pdf)) explain the methods the operator should use to help minimise and manage these emissions.

Note - For any associated human health matters you are advised to consult with your Public Protection team and/or Public Health England (PHE).  
Water Management: Clean Surface water can be collected for re-use, disposed of via soakaway or discharged 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, sludge, slurry and agricultural fuel oil) Regulations 2010 (SSAFO). Yard areas and

drainage channels around sheds are normally concreted. Buildings which have roof or side ventilation extraction fans present, may deposit aerial dust on roofs or “clean” yards which is washed off during rainfall, forming lightly contaminated water. The EP will normally require the treatment of such water, via french drains, swales or wetlands, to minimise risk of pollution and enhance water quality. For information we have produced a Rural Sustainable Drainage System Guidance Document, which can be accessed via: <http://publications.environment-agency.gov.uk/PDF/SCHO0612BUWH-E-E.pdf>

Manure Management (storage/spreading): Under the EPR the applicant will be required to submit a Manure Management Plan, which consists of a risk assessment of the fields on which the manure will be stored and spread, in cases where this is done 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 regularly analyse the manure and the field soil to ensure that the amount of manure which will be applied does not exceed the specific crop requirements i.e. as an operational consideration. More information may be found in appendix 6 of the document titled “How to comply with your environmental permit for intensive farming.” <https://www.gov.uk/government/publications/intensive-farming-introduction-and-chapters>

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. In cases where the applicant proposes to pass the manure to a third party they are required to keep quantity records of where the by-product has been transferred to and have a contingency plan in place for alternative disposal or recycling sites in cases of an emergency. Separate to the above EP consideration, we also regulate the application of organic manures and fertilisers to fields under the Nitrate Vulnerable Zone (NVZ) Rules where they are applicable, in line with Nitrate Pollution Prevention Regulations. Further NVZ guidance is available at: <https://www.gov.uk/guidance/nutrient-management-nitrate-vulnerable-zones>

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>

#### 4.6 **SC Land Drainage** have responded indicating:

The technical details submitted for this Planning Application have been appraised by WSP UK Ltd, on behalf of Shropshire Council as Local Drainage Authority. All correspondence/feedback must be directed through to Shropshire Council's Development Management Team.

The proposed surface water drainage is acceptable

Earlier responses indicated:

Further to our comment dated 8th June 2018, no calculations have been provided

**An earlier response indicated:**

The technical details submitted for this Planning Application have been appraised by WSP UK Ltd, on behalf of Shropshire Council as Local Drainage Authority. All correspondence/feedback must be directed through to Shropshire Council's Development Management Team.

Condition:

No development shall take place until a scheme of the surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

Informative Notes:

1. The surface water proposal in the FRA is acceptable in principle, however, on drainage calculations have been provided.

**4.7 SC Regulatory Services** have responded to the application indicating:

I have no specific comment on the proposals put forward since last comments in August 2018. The manure management will take place in line with an agricultural Code of Practice. This is considered the minimum requirement for any operation where residents are in close proximity.

An earlier response indicated:

Having reconsidered the information provided I am of the opinion that due to some additional betterments on top of the proposed impacts represented in the odour assessment isopleths of odour impact I consider that my previous comments are too strong and that the odour impact on nearest properties will be slight. As a result I have no objection to the proposed application. However, should the operation look to increase in size in future any units brought forward are likely to require odour abatement technology to be employed

Earlier responses indicated:

Having considered the odour assessment and Council maps of the area it is noted that at least 7 properties are predicted to be exposed to more than 3 odour units for more than 2% of the time. As a result the current application is not deemed suitable. In order to progress I would recommend that the applicant considers

abatement technologies which would reduce odour emissions from the site. Abatement technology for ammonia, dusts and odour are already being considered by at least one other poultry operator currently seeking planning approval which suggests that abatement technologies are available and a financially viable option for the industry.

Without abatement it is my opinion based on the applicants submitted information that a significant detrimental impact to residential amenity will be created at 7 or more properties in the locality should this development be granted approval.

Earlier responses indicated:

Having considered the noise report submitted with this assessment I have no objections to the proposed development and no conditions to recommend.

Having considered the odour assessment it is noted that properties 10-12 Station Road have not been included in the assessment. I would advise that these properties are added as relevant receptors and noted in Table 6-1 in order that the impact can be assessed. In addition can the consultant please state the emission rate per bird at different times in the cycle and how this was calculated in order that the input parameters can be considered.

Once the additional information has been submitted please consult me for additional comment

An earlier response indicated:

The proposal is set to create a large increase in the number of birds on this site. Having considered the odour assessment I have noted that the assessment does not consider the residential property called Greenfields to the north of the site adjacent to the residential property under the applicants control at Poulton Farm. Having regard to the odour assessment odour is expected to reach 10 odour units in the garden area which would be considered to be a significant as it is double the moderate adverse impact of 5 odour units which the assessment itself states would be regarded as significant.

As Greenfields is not shown as being within the control of the applicant on the location plan it is assumed that this receptor is not financially linked to the farm activities. As the development has been modelled to show a likely significant impact on this property I recommend the application is refused.

I have noted a noise assessment has also been submitted however it is not deemed necessary to spend time on this aspect due to resource implications as the application seems to be a non starter having considered the information above.

Please consult Regulatory Services for additional comment should more information and clarification be provided. As addition comment on the odour assessment is that it does not mark the receptors assessed on the site map making it hard to interpret the information presented. Should any future information be submitted for review in relation to the odour assessment this aspect will need to

be addressed. It is not acceptable to assume any consultee or member of the public to reference the report separately against grid references and seems a deliberate attempt not to highlight particularly the property known as Greenfields mentioned in comments above.

**4.8 Shropshire Fire and Rescue Service** have responded indicating:

As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Service's "Fire Safety Guidance for Commercial and Domestic Planning Applications" which can be found using the following link: <http://www.shropshirefire.gov.uk/planning-applications>

Specific consideration should be given to the following:

Enclosed Agricultural Buildings over 280m<sup>2</sup>

Access for Emergency Fire Service Vehicles

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.

Water Supplies for Fire fighting – Building Size

It is important to note that the current Building Regulations require an adequate water supply for firefighting. If the building has a compartment of 280m<sup>2</sup> 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

**4.9 SC Public Rights of Way** have responded indicating:

The public rights of way, FP 51 and FP 66A are directly affected by the proposal, as acknowledged by the applicant.

The applicants have already applied to divert these footpaths under section 119 of the Highways Act 1980 and this is being processed by officers.

**4.10 SC Planning Ecology** have responded to the application indicating:

Please note application 15/03927/DIS has landscaping. The proposed planting from the previous application (drawing SA17258/02) includes 3 bands of trees. The additional 2 poultry units will impact this.

The applicant has provided an ammonia mitigation strategy drawing number SA28959/08 dated January 2019, this includes 1.9 hectares of tree planting. Providing the planting is carried out as proposed SC Ecology is minded to support this proposal.

I have attached a Habitat Regulations Assessment Matrix to this response. Please formally consult Natural England and take their comments into account prior to granting a planning decision.

There are currently two poultry buildings situated to the rear of the farm yard which were commissioned early in 2016 and house up to 120,000 broiler chickens. It is proposed to erect 2 new buildings either side of these existing sheds to increase total numbers to 250,000.

#### Designated Sites

##### European Designated Sites

There is one European protected site in 5km of this proposal. A summary of the ammonia assessment is provided:

A change of more than 1% of the Critical Level or Critical Load does not necessarily indicate that a significant effect (or adverse effect on site integrity) will occur. Referring to the England Commissioned Report NECR210 (March 2016), table 21, If your background level is between over 20kg N then, for example, a sensitive habitat (Upland Heath) would have to increase N deposition (in kg N ha yr) by 2kg N ha yr to reduce measured species richness by 1.

The SCAIL modelling which has been undertaken is known to be precautionary, i.e. if detailed modelling was undertaken for planning application 18/00473/FUL the process contribution is likely to decrease at the designated sites listed.

In-combination the two planning proposals listed would add 0.25 kg N/ha/yr to the wildlife receptor. SC Ecology would not expect this proposal to result in the loss in integrity of the designated site assessed based on the current background level.

Under planning policy MD12 & in line with NPPF to mitigate for the increase ammonia and nitrogen deposition an additional area of tree shelter belt planting has been conditioned.

(Please note: Lower Wigmore Farm, 18/03056/FUL, was not including in the incombination assessment as this proposal will result in the reduction in ammonia emissions from the poultry site).

##### Nationally Designated Sites

There are 3 Nationally Designated sites in 5km of this proposal:

A change of more than 1% of the Critical Level or Critical Load does not necessarily indicate that a significant effect (or adverse effect on site integrity) will occur. Referring to the England Commissioned Report NECR210 (March 2016), table 21, If your background level is between over 20kg N then, for example, a sensitive habitat (Upland Heath) would have to increase N deposition (in kg N ha yr) by 2kg N ha yr to reduce measured species richness by 1.

The SCAIL modelling which has been undertaken is known to be precautionary, i.e. if detailed modelling was undertaken for planning application 18/00473/FUL the process contribution is likely to decrease at the designated sites listed.

In-combination the two planning proposals listed would add 1.319 kg/N/ha/yr to the wildlife receptor. SC Ecology would not expect this proposal to result in the loss in integrity of the designated site assessed based on the current background level.

Under planning policy MD12 & in line with NPPF to mitigate for the increase ammonia and nitrogen deposition an additional area of tree shelter belt planting has been conditioned.

From the planning portal the following in-combination process contribution should be taken into account at Earl's Hill & Habberley Valley SSSI:

Habitat Type	Habitat Name PC as % of CLo	Application Reference	PC N Dep. (kg N/ha/yr)	
SSSI	Earl's Hill & Habberley Valley	18/02023/EIA	0.431	4.31
SSSI	Earl's Hill & Habberley Valley	18/00586/FUL	0.08	1.6
SSSI	Earl's Hill & Habberley Valley	18/05747/EIA & 16/02752/EIA	0.3	0.03
SSSI	Earl's Hill & Habberley Valley	18/05388/FUL	0.03	0.3

Due to the high background level (24kg N/ha/yr), although the proposal will add to the nitrogen deposition listed above, the small increment are unlikely to have a significant impact on the sites integrity alone or in-combination (0.571 kg/N/ha/yr).

Under planning policy MD12 & in line with NPPF to mitigate for the increase ammonia and nitrogen deposition an additional area of tree shelter belt planting has been conditioned.

#### Natural Assets (LWS & AW)

SC Ecology has identified 3 Natural Assets in 2km of this proposal:

Cow Pasture has not been assessed by the applicant. However, it is further from the source, and therefore is unlikely to cause an adverse impact as sites within closer proximity screen out.

A change of more than 1% of the Critical Level or Critical Load does not necessarily indicate that a significant effect (or adverse effect on site integrity) will occur. Referring to the England Commissioned Report NECR210 (March 2016), table 21, If your background level is between over 20kg N then, for example, a sensitive habitat (Upland Heath) would have to increase N deposition (in kg N ha yr) by 2kg N ha yr to reduce measured species richness by 1.

Under planning policy MD12 & in line with NPPF to mitigate for the increase ammonia and nitrogen deposition an additional area of tree shelter belt planting has been conditioned.

SC Ecology would recommend the following planning conditions:

1.No more than 250,000 birds shall be kept on the site at any one time.

Reason: To ensure that the restriction on the maximum number of birds to be kept at the site at any one time can be satisfactorily enforced, in order to prevent adverse impact on local wildlife sites & ancient woodland 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.

2. The agreed Ammonia Mitigation Planting Scheme, which includes (drawing number SA28959/08 dated January 2019) shall be implemented in the first planting season and retained thereafter (minimum 1.9 hectare tree planting). Any trees planted as part of the ammonia mitigation scheme that are lopped, felled or die within five years of first planting shall be replanted.

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

3. 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.

4. A total of 4 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site prior to first use of the building hereby permitted. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained.

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

#### Informative

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

#### Informative

Where possible trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a closefitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches

and pipework should be inspected at the start of each working day to ensure no animal is trapped.

#### Nesting bird informative

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, tree removal, scrub removal, conversion, renovation and demolition work in buildings, or other suitable nesting habitat, 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 or buildings 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. Only when there are no active nests present should work be allowed to commence. No clearance works can take place with 5m of an active nest.

If during construction birds gain access to any of the buildings/vegetation and begin nesting, work must cease until the young birds have fledged.

An earlier response indicated:

#### Recommendation:

- Information is required relating to impact on wildlife sites.
- Information is required to demonstrate biodiversity enhancement in line with MD12 and NPPF.

Shropshire Council's Interim Guidance Note GN2 (Version 1, April 2018):

Assessing the impact of ammonia and Nitrogen on designated sites and Natural Assets from new and expanding livestock units (LSUs) can be accessed on the Shropshire Council webpage

(<http://www.shropshire.gov.uk/environment/biodiversity-ecology-and-planning/new-interim-guidance-for-livestock-unit-lsu-applications/>)

In the absence of additional information, as outlined in GN2, it is not possible to conclude that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010), or Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000).

In addition, based on the current level of information Shropshire Council is unable to conclude that the planning application will not be contrary to MD12, CS17 and NPPF due to impacts on Natural Assets (Ancient Woodland and Local Wildlife Sites).

Please note application 15/03927/DIS has landscaping. The proposed planting from the previous application (drawing SA17258/02) includes 3 bands of trees. The additional 2 poultry units will impact this, compensation planting would be required and would need to be submitted in support of this proposal.

Please formally consult Natural England and take their comments into account prior to granting a planning decision.

There are currently two poultry buildings situated to the rear of the farm yard which were commissioned early in 2016 and house up to 120,000 broiler chickens. It is proposed to erect 2 new buildings either side of these existing sheds to increase total numbers to 250,000.

## Designated Sites

### European Designated Sites

Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (“the 2017 Regulations”) requires that the Council, as competent authority (see regulations 3 and 7), before it determines to grant planning permission for any application likely to have a significant effect on an European Protected Site (either on its own or in combination with other plans or projects) must first make an appropriate assessment of the implications of the application for the European Protected Site in view of that site's conservation objectives.

Each application should be considered on its own merits. There are occasions when other existing or approved development may be relevant in determining whether significant effects are likely as a consequence of a proposed development. The local planning authorities should always have regard to the possible cumulative effects arising from any existing or approved development.

The assessment of cumulative effects is in accordance with the decision in Wealden judgement, which held that in-combination effects should be taken into account at both the scoping and appropriate assessment stage (Wealden District Council v Secretary of State for Communities and Local Government, Lewes District Council, South Downs National Park Authority v Natural England [2017] EWHC 351).

The assessment of air pollution for Poulton Farm has not undertaken an in-combination assessment. Justification as to why an in-combination assessment is not required has also not been submitted.

There is one European protected site in 5km of this proposal. A summary of the ammonia assessment is provided:

Habitat Type	Habitat Name	Receptor Number	PC NH3 (mg/m3)	PC N
Dep. (kg N/ha/yr)	Critical Level	Critical Load	PC as % of CLe	PC as % of CLo
SAC & SSSI	The Stiperstones and the Hollies	Special Area of Conservation		
29				
31-36	0.03	1	10	3%

Information has not been provided to justify why an additional 3% of the sites critical level is acceptable. Based on the information currently submitted SC Ecology is unable to pass a Habitat Regulations Matrix. Please refer to GN2.

#### Nationally Designated Sites

Sites of Special Scientific Interest are nationally designated nature conservation sites that have statutory protection under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000). Based on the information currently submitted in support of this proposal SC Ecology cannot conclude that the application will not damage the scientific interest features of Nationally designated sites.

Shropshire Council, Natural England and the Environment Agency are Public Bodies under the Countryside and Rights of Way Act 2000, Schedule 9, Section 28G:

An authority to which this section applies (referred to in this section and in sections 28H and 28I as “a section 28G authority”) shall have the duty set out in subsection (2) in exercising its functions so far as their exercise is likely to affect the flora, fauna or geological or physiographical features by reason of which a site of special scientific interest is of special interest.

The duty is to take reasonable steps, consistent with the proper exercise of the authority’s functions, to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest.

There are 3 Nationally Designated sites in 5km of this proposal:

Habitat Type	Habitat Name	Receptor Number	PC NH3 (mg/m3)	PC N
Dep. (kg N/ha/yr)	Critical Level	Critical Load	PC as % of CLe	PC as % of CLo
SAC & SSSI	The Stiperstones and the Hollies	Special Area of Conservation		
29				
31-36	0.03	1 10	3%	
SSSI (& LWS)	Minsterley Meadows	13-17	0.185	3 20
6%				
SSSI	Earl's Hill & Habberley Valley	21-27	0.083	1 10 2.7%

Based on the level of information provided SC Ecology is unable to conclude that the application will not impact SSSI designations. Please refer to GN2 and provide additional supporting information. There is currently no in-combination assessment made, and although the process contribution has been provided for each site but there is no further assessment on what impact this increase will have.

#### Natural Assets (LWS & AW)

SC Ecology has identified 3 Natural Assets in 2km of this proposal:

Habitat Type	Habitat Name	Receptor Number	PC NH3 (mg/m3)	PC N
Dep. (kg N/ha/yr)	Critical Level	Critical Load	PC as % of CLe	PC as % of CLo

LWS/AW	Poles Coppice and Lees Coppice LWS			
1-8	0.166			
	1	10	16	
LWS	Cow Pasture Marsh SJ397038			
?	?		1	10
AW	Eastridge Wood			
18-20	0.059	1	10	5.9

In accordance with MD12 Policies CS6 and CS17 the avoidance of harm to Shropshire's natural assets and their conservation, enhancement and restoration will be achieved by:

2. Ensuring that proposals which are likely to have a 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;
- iii. priority species;
- iv. priority habitats
- v. important woodlands, trees and hedges;
- vi. ecological networks
- vii. geological assets;
- viii. visual amenity;
- ix. landscape character and local distinctiveness.

will only be permitted if it can be clearly demonstrated that:

- a) there is no satisfactory alternative means of avoiding such impacts through re-design or by re-locating on an alternative site and;
- b) the social or economic benefits of the proposal outweigh the harm to the asset.

In all cases, a hierarchy of mitigation then compensation measures will be sought.

The change in pollutant concentration rate at the locally designated sites is >1% of the critical level/site critical load. We do not know if the Local Wildlife Sites or AW contain features (or could be restored to contain features) that would be sensitive to an increase in nitrogen. Shropshire Council is unable to conclude if the proposal will/will not have a significant adverse effect, directly, indirectly or cumulatively on the sites identified from the assessment currently undertaken.

Options for the applicant regarding impact on LWS and AW:

- a) Provide detailed modelling of the Process Contribution (PC), including BAT (Best Available Techniques) or other avoidance/mitigation measures (i.e. woodland planting, bunding) to reduce the Nitrogen Deposition by more than or equal to the Process Contribution. This would have to be supported by scientific evidence that the proposed mitigation would be appropriate)

If evidence of this can be submitted in support of this proposal then SC Ecology update their comments.

OR

b) Provide sufficient information on the ecological impacts of the development by an ecological consultant on the specific sensitive receptors, in order to determine if the proposal will have a significant adverse effect, directly, indirectly or cumulatively on the sites identified.

- If an adverse effect is identified, provide details of avoidance, mitigation and compensation measures. Provide detailed reasoning as to why the socio-economic benefits out-weigh the quantified residual harm to the sensitive receptor. A planning decision will then be taken based on the information provided and planning policy.

- If an adverse effect is not identified, the ecologist should provide details of enhancements that the planning proposal can offer which will ensure a biodiversity net gain in line with CS17.

Further explanation of point b to assess impact on LWS & AW:

An ecological consultant should be instructed to interpret the likely implications of that increase in pollutant. A sufficiently knowledgeable ecological surveyor, with good botanical skills including lower plants, lichens and fungi, should be instructed to undertake this work. Please check with SC Ecology that the ecologist has sufficient experience before instructing the survey work. Some recommended surveyors can be provided.

The following paragraphs are intended to aid an ecologist in their assessment of impact from pollution concentration on designated sites, in order to make an informed judgment as to whether an adverse effect will actually arise.

This advice should not be taken as strict guidance but does seek to provide a systematic basis for ecologists to make a structured assessment of the likely effects.

Conduct Ecological Survey - Is the site sensitive to Ammonia & Nitrogen Deposition? i.e. are there interest features present (is the site intended for restoration) which could be impacted by increase in pollution concentration?

Step 1. Data search. SC Ecology would recommend contacting Robin Mager at Shropshire Wildlife Trust – Robin Mager robinm@shropshirewildlifetrust.org.uk – to find out the reasons for Natural Asset designations. Robin can also provide a data search for the LWS/AW, this will be able to inform the ecologist if there have been species sensitive to nitrogen recorded in the past or if the habitat present is one in which nitrogen sensitive species are typically found. It should be recognised that the species most sensitive to nitrogen are often the most difficult to identify and are therefore a lack of records for these species doesn't mean they are not present. Just that a suitably competent surveyor has not visited the site.

Step 2. Competent Ecological Surveyor to undertake a detailed survey. This is to confirm whether the habitat feature for which the screening threshold is exceeded is actually present within the area to be affected or should be present in order for the site to achieve its conservation objectives i.e. are there any species which are sensitive to nitrogen, or could there be if the habitat was put into appropriate management?

It should be noted that ammonia modelling uses a precautionary scenario, and the most sensitive habitat type for which that site is designated would have been selected to model the impact from increase in ammonia/nitrogen. However, the ecological surveyor will be able to use APIS and their site visit to see what Critical Level/Load is appropriate.

To aid the ecological consultant, a list of vascular plants and a numeric figures for their nitrogen sensitivity can be found here:

<https://www.brc.ac.uk/biblio/plantatt-attributes-british-and-irish-plants-spreadsheet>

Sites with species listed as having Ellenberg indicator values for Nitrogen of 1 or 2 will be considered to be very sensitive to aerial nitrogenous inputs.

To aid the ecological consultant a guide to nitrogen sensitive lichens can be found on APIS - <http://www.apis.ac.uk/nitrogen-lichen-field-manual>

To aid the ecological consultant, a list of bryophytes and a numeric figures for their nitrogen sensitivity can be found here:

<https://www.brc.ac.uk/biblio/bryoatt-attributes-british-and-irish-mosses-liverworts-and-hornworts-spreadsheet>

Sites with species listed as having Ellenberg indicator values for Nitrogen of 1 or 2 will be considered to be very sensitive to aerial nitrogenous inputs. Note however that the absence of a species does not mean that there is no requirement for protection of the habitat and that in future, the species may return.

Step 3. If there are pollutant sensitive species then a detailed isopleth drawings (contour maps showing the range of Process Contribution across the designated site) could be used to further assess the impact. Comparison of the isopleths with habitat maps prepared by the ecologist for the site (gained from field surveys) may show that the habitats present within the area that is subject to the highest PCs are less sensitive, or are not habitats for which the site was designated. For example: the designated site may have a belt of poorer quality habitat on the outer edge of the site and this may be the area subject to elevated ambient pollutant levels or deposition.

Alternatively, if there are species or habitat that will be impacted by the increased amount of pollutants, consider what proportion of the total resource within the designated site will be affected by concentrations above that threshold. If it is a very small amount (particularly if below 1 % of the habitat resource area or species population) then it may be possible to conclude that no adverse effect would arise, given the relatively subtle effect of atmospheric pollution on many vegetation types (epiphytic vegetation would be impacted to a greater degree). This decision would need to be made on a case by case basis.

Step 4. In all circumstances the ecologist should consider the 'restore' objective. It is also important to consider whether restoration may actually be possible in the affected area due to other historic and perpetual impacts.

Interpretation:

The ecological report, once the actual impact from the increase in pollutant is known, should give consideration to the wording of MD12 where the assessment

predicts adverse effects will occur. The following mitigation hierarchy is followed:

- Preference should be given to preventing or avoiding exposure to the pollutant in the first place by eliminating or isolating potential sources or by replacing sources or activities with alternatives. This is usually best achieved through taking air quality considerations into account at the design stage. For most projects, by the time the air quality effects are assessed in detail, the basic project parameters have been fixed. For some projects, however, it is possible to avoid adverse effects by changing the location and/or design of a project to reduce potential effects. These include:
  - o Relocating the emissions further from the designated site(s) as air quality tends to improve with distance from a source.
  - o Relocate a project downwind of the designated site(s). The prevailing wind direction in the UK is generally, but not always, from the south west. This may significantly reduce pollutant concentrations and deposition rates over the designated site.

- Mitigation Measures should next be considered to minimise, reduce and / or negate the effects of exposure, once all options for prevention/avoidance have been implemented so far as is reasonably practicable (both technically and economically). To achieve this, preference should be given first to:
  - o mitigation measures that act on the source; before
  - o mitigation measures that act on the pathway; which in turn should take preference over
  - o mitigation measures at or close to the point of receptor exposure (all subject to the efficacy, cost and practicability of the available solutions).
 In each case, measures that are designed or engineered to operate passively are preferred to active measures that require continual intervention, management or a change in people's behaviours.

Where the ecologist considers that a potential adverse effect from air quality impacts may occur, it may be appropriate to consider undertaking monitoring of the impact of the project to evaluate whether the mitigation measures are effective. There may also be a case for monitoring where no adverse effects are predicted, but where there is uncertainty in this finding. There are a variety of means by which impacts could be monitored e.g. measurement of atmospheric concentrations, habitat assessments to determine species composition/growth rate.

Where an adverse effect cannot be prevented or avoided, reduction and minimisation measures may be considered in order to increase the acceptability of the project

Compensation for ecological effects of air pollution impacts could therefore include one or more of the following;

- o providing new areas of habitat that support the qualifying interests of the designated site, either at or near to the designated site;
- o enhancing the management of the existing habitats that support the qualifying interests of a designated site, either at or away from the designated site;
- or
- o Where a qualifying interest is a species rather than a habitat, carrying out targeted interventions to improve the conservation status of the species.

The applicant should provide detail to cover:

- a) there is no satisfactory alternative means of avoiding such impacts through re-design or by re-locating on an alternative site and;
- b) the social or economic benefits of the proposal outweigh the harm to the asset.

#### Environment Network

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

This proposed development site must clearly demonstrate how the development will 'promote the preservation, restoration and re-creation of priority habitats and ecological networks' as required by paragraph 117 of the National Planning Policy Framework.

The existing hedgerows are gappy and offer low ecological value. The proposed landscape scheme should include hedgerow improvements, with planting of additional mixed native species. In order to enhance the site tree belt/woodland planting are recommended, additional field margins of taller vegetation would benefit the wider environment.

#### 4.11 **SC Highways** raises no objections. The response indicates:

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

##### Observations/Comments:

It is considered that the Highway Statement supporting this development proposal adequately demonstrates the potential impact this development might have on the adjacent public highway. In addition, the adjacent A488 has sufficient capacity to accommodate the additional vehicles generated by this development. Therefore, from a highways & transport perspective, it is considered that the proposed development is acceptable.

In an attempt to improve the local situation, it is also recommended that the developer provides an appropriate sealed surface to the first 20 metres of the existing access road. To ensure that any loose material from the site is not deposited on to the adjacent public highway. Not only for vehicular safety but also the safety of passing pedestrians and cyclists using the adjacent foot/cycleway along the A488.

It should also be noted that the safe use of the existing access is reliant on maximising the visibility splays along the A488. Therefore, the applicant should ensure that these splays are maintained appropriately, in perpetuity.

Notwithstanding the above, it is noted that the proposed modified access road serving these poultry units is subject to a relatively sharp right-angled bend, which may prove difficult for HGV's to manoeuvre around, as well as hamper two-way flow. However, this is unlikely to be a highway safety issue, as this bend is located far enough away from the public highway.

Conditions: Driveway, Parking, Loading, Unloading and Turning The development hereby permitted shall not be brought into use until the first 20 metres of the driveway and the areas shown on the approved plans for parking, loading, unloading and turning of vehicles has been provided properly laid out, hard surfaced and drained. The space shall be maintained thereafter free of any impediment to its designated use.

Reason: To ensure the provision of adequate vehicular facilities, to avoid transferring loose material to the adjoining roads and to protect the amenities of the area.

Informatives:

Mud on highway The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto. No drainage to discharge to highway Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

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

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

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

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

Protection of visibility splays on private land

The applicant's attention is drawn to the need to ensure that the provision of the visibility splay(s) required by this consent is safeguarded in any sale of the application site or part(s) thereof.

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.

#### 4.12 **SC Conservation Manager** has responded indicating:

##### Background to Recommendation:

This proposal affects the farmstead known as Poulton Farm, which lies to the north east of Minsterley. There are no designated heritage assets on site or in close proximity, although the farmstead itself has been recorded by the Council's Historic Farmsteads Characterisation Project. The farm house dates to the early 19th Century and the farmstead is comprised of a mix of the remaining traditional agricultural buildings of the same period which would be considered to be non-designated heritage assets in accordance with policy MD13 of the SAMDEV plan, with a series of modern farm buildings of some size surrounding these. A previous historic impact assessment has been updated for the current proposal, and this is acceptable under the terms of the NPPF Para 128 and of the above policy.

The new poultry units proposed would be sited to the rear (south) of the farmstead, with one of these lying closer to the historic farmstead than the existing two sheds. They would largely be subsumed within the context of the current poultry unit in key views of the site.

##### Principles of Scheme:

As we would normally require, a Heritage Impact Assessment has been prepared by Richard Morris which has informed the Environmental Statement submitted with this scheme, and we are generally content with its conclusions. External materials, finishes and colours should match the existing poultry sheds in order to minimise any potential visual impact on any adjacent heritage assets.

##### RECOMMENDATION:

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

#### 4.13 **Public Comments**

#### 4.14 **The Ramblers Association** have responded indicating:

It is so disappointing to have to point out yet again that in an Application prepared by Berry's the questions (6 and 24) relating to Rights-of-Way have been answered incorrectly, as the diversion of a footpath is involved. It is mentioned in the Design Statement and included in the associated documents and the Ramblers have already been consulted about, and agreed to, the proposed diversion. Please can more care and attention be paid to the answering of these questions

### 5.0 **THE MAIN ISSUES**

- Environmental Impact Assessment
- Planning policy and principle of development.
- Siting, scale and design of structures and visual landscape and historic

impact.

- Residential amenity.
- Ecology
- Highway access and transportation

## 6.0 OFFICER APPRAISAL

### 6.1.1 Environmental Impact Assessment

6.1.2 The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, (came into force on 16th May 2017 replacing the 2011 Regulations), and specify that Environmental Impact Assessment (EIA) is mandatory for proposed development involving the intensive rearing of poultry where the number of broiler birds is 85,000 or more. The proposed development falls into the remit of schedule 1 development of the 2017 EIA Regulations in accordance with 1:17(a) – Installations for the intensive rearing of poultry where the amount of broilers exceeds 85,000 birds. As such the proposal is EIA development and an Environmental Statement is required in support of the application. The planning application is accompanied by an Environmental Statement, as referred to in the 2017 Regulations.

6.1.3 The Environmental Statement in support of the application makes reference to a sequential site selection, (alternative locations), as set out in Chapter 3:1 of the Environmental Statement, to which detail indicates that choice of location was largely down to the sustainability of the existing site in relation to the existing intensive poultry operation as well as requirements in relation to landscape impact, operations efficiency of the agricultural business concerned and locational issues such as highway access and amenity issues. Officers consider detail as set out on site selection is considered satisfactory with consideration to the farming business concerned and the location and impacts etc.

### 6.2 Planning policy and principle of development

6.2.1 The National Planning Policy Framework (NPPF) advises that the purpose of the planning system is to contribute to achieving sustainable development (para. 7) and establishes a presumption in favour of sustainable development (para. 8). One of its core planning principles is to proactively drive and support sustainable economic development. Sustainable development has three dimensions – social, environment, and economic. In terms of the latter the NPPF states that significant weight should be placed on the need to support economic growth through the planning system. The NPPF also promotes a strong and prosperous rural economy, supports the sustainable growth diversification of agricultural and other land based rural businesses. (para. 83).

6.2.2 Core Strategy Policy CS5 states that development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to specified proposals including: agricultural related development. It states that proposals for large scale new development will be required to demonstrate that there are no

unacceptable adverse environmental impacts. Whilst the Core Strategy aims to provide general support for the land based sector, it states that larger scale agricultural related development including poultry units, can have significant impacts and will not be appropriate in all rural locations (para. 4.74). Policy CS13 seeks the delivery of sustainable economic growth and prosperous communities. In rural areas it says that particular emphasis will be placed on recognising the continued importance of farming for food production and supporting rural enterprise and diversification of the economy, in particular areas of economic activity associated with industry such as agriculture.

6.2.3 SAMDev Policy MD7b indicates planning applications for agricultural development will be permitted where it can be demonstrated that the development is of a size/scale and type which is consistent with its required agricultural purposes and the nature of the agricultural enterprise, well designed and located and, where possible, sited so that it is functionally and physically closely related to existing farm buildings, with no unacceptable impacts on environmental quality and existing residential amenity.

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

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

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

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

6.3.3 The surrounding landscape is characterised by fields with hedgerow boundaries and small copses of native woodland. The site being located to the rear side of a traditional working farmstead.

- 6.3.4 It is considered that the two further intensive poultry units and the feed silos as proposed will impact on the landscape visually and its character. Poultry sheds often have a significant impact on the surrounding landscape, however in this instance with consideration to the location, and surrounding land topography and built environment, it is considered that any impact will not be severe and that the impact can be mitigated with further landscape mitigation in the form of vegetative planting. As such it is necessary to attach a condition to any approval notice issued, in order to ensure adequate landscaping is carried out in order to mitigate the development into the surrounding landscape to an acceptable manner.
- 6.3.5 The Environmental Statement in support of the application includes a chapter that refers to a Landscape and Visual Impact Assessment (LVIA). This concludes that there are no other known poultry developments or other large scale agricultural developments taking place in the area and therefore no known potential for cumulative landscape of visual effects.  
The direct effects on landscape will be limited. The proposed development is on the existing poultry site and no important landscape features or elements will be lost as a direct consequence of the development. The proposed development will be compatible with the surrounding agricultural land uses including the existing poultry site. With regard to indirect effects and the perception of landscape character, it is considered that the proposed development will have minor effect on the Principal Settled Farmlands on which the development site is located. The effects on the other character areas surrounding the site will also be minor. The development will not have a significant impact on the overall character of the AONB or impact the reasons for why it was designated. The impacts on visual amenity have been assessed and considered to be minor. The landscape is capable of accommodating the development and additional mitigation works will further lessen any impact. Overall, the landscape and visual assessment has established that the proposed poultry installation will have a limited effect on the baseline conditions in terms of both landscape character and visual amenity particularly considering the location of the proposed buildings are either side of the existing units. The proposed development is considered to be acceptable in with regard to the potential effects on landscape character and visual amenity.
- 6.3.6 In conclusion, although the development would be visible to certain receptors within the 2km study area, the low level of the buildings, existing buildings, and the restricted/ partial views are such that the development would not dominate the overall scenery. In overall terms, despite a degree of potential impacts, Officers on balance whilst considering development will have a substantial impact on the landscape, with consideration to the location, land topography and existing intensive poultry unit, overall share the findings of the LVIA in that the location of the proposed poultry unit is not considered to be significantly out of scale or keeping with the local setting, or the areas visual amenity and character.
- 6.3.7 It is also acknowledged that this application is for an extension to an existing poultry unit and as such with landscape mitigation in the form of native tree and hedge planting development on site, can be mitigated to an acceptable level, both visually and cumulatively with consideration to the existing on site. Existing screening on site is not considered adequate in relation to the scale of the

development on site in relation to the overall character of the existing landscape, and as such this further strengthens the requirements for landscape mitigation. It is also acknowledged that detail in support of the application indicates the applicants' willingness for further landscape mitigation.

- 6.3.8 The application is accompanied by a historic impact assessment and this concludes that there will be little or no impact on, or cause little or no harm to, the character, setting or significance of any designated or non-designated heritage assets and that the proposal is to extend an existing poultry unit and it is considered that there will be little or no harm to the character, setting or significance of any designated or non-designated heritage assets. If anything, the existence of the new poultry unit on the site has made any such impact even less significant as the character of the existing farmstead will not be altered further to any degree. The new shed to the south is the nearest to any heritage asset – Callow Hill as well as the AONB – but will be dug further into the terrain and will be screened by a new hedgerow and tree planting, thus mitigating any visual impact. With regards to heritage impacts, these comments are shared by Officers, as subject to consideration to external colour it is noted the Council's Conservation Manager raises no objections.
- 6.3.9 With consideration to the above-mentioned, and further landscape mitigation as discussed, on balance, the development is acceptable in relationship to siting, scale and landscape and visual and historic impact, and as such considered in accordance with the overall aims and objectives of the NPPF, Policies CS5, CS6 and CS17 of the Shropshire Core Strategy and Policies MD2, MD12 and MD13, of the SAMDev.
- 6.4 **Residential amenity and public protection**
- 6.4.1 The proposed development is located approx.300 metres from the nearest residential receptors which are outside of the applicants control. The applicants will need to obtain from the Environment Agency a variation to their existing Environmental Permit in order to operate from the site, this will control issues on site in relation to residential amenity. It is noted that the Environment Agency's response to the application raises no objections, indicating that they have recently issued a variation to the site permit. This will cover issues such as on site noise, emissions and waste and their management, the permit also covers issues of concern in relationship to surrounding residential amenity. An odour management plan will also form part of the Environmental Permit. The response also refers to planning advice as set out in the NPPF. Management operations are as outlined in the EA response as indicated in paragraph 4.5 of this report. The EA response indicates that it will be the responsibility of the applicant to undertake the relevant risk assessments and propose suitable mitigation to inform whether these emissions can be adequately managed. For example, management plans may contain details of appropriate ventilation, abatement equipment etc. Should the site operator fail to meet the conditions of a permit the Environment Agency confirm in their response that they will take action in-line with their published Enforcement and Sanctions guidance.
- 6.4.2 The applicants as part of their Environmental Statement in support of the

application have submitted an odour impact assessment in relation to the additional housing of up to 130,000 boilers on site, and this indicates that a detailed odour impact assessment (OIA) of the proposed extension to the poultry development at Poulton Farm. Dispersion modelling has been completed, which predicts that the occasional odour will be perceived the closest locations, however the proposed development is unlikely to lead to odour impacts at a level which would be regarded as unacceptable, when operated in accordance with the recently varied Environmental Permit, issued December 2017. Should the odour control measures detailed in a site odour management plan be followed during typical operation and abnormal events, these potential impacts will be reduced even further.

- 6.4.3 Information submitted in support of the application, as part of the Planning Statement and odour impact assessment is considered on balance acceptable in relationship to residential amenity in relation to odour and noise issues, and it is noted that none of the statutory consultees raise any objections on this matter. Any issues of concern in relation to odour once the unit is in operation will be clearly covered by the Site Permit under the remit of the Environment Agency.
- 6.4.4 It is noted that SC Regulatory Services have responded to the application raising no objections. Based on the information submitted in support of the application and on-site observations, it is considered that there will be no significant adverse impact on the amenity of the area and that the permit issued and regulated by the Environment Agency will control elements in relation to surrounding amenity.
- 6.4.5 However it is noted that the response to the application from the Environment Agency as outlined in paragraph 4.5 above indicates that as part of the site permit determination, they do not normally require the applicant to carry out dust or bio-aerosol emission modelling, and that they require a 'risk assessment' be carried out and if there are relevant sensitive receptors within 100 metres of the installation boundary, including the farmhouse or farm worker's houses, then a dust management plan is required. A dust management plan is required similar to the odour and noise management plan process. This will secure details of control measures to manage the risks from dust and bio-aerosols. Whilst it is acknowledged that the site permit issued and monitored by the Environment Agency will control relevant point source and fugitive emissions to water, air and land; including odour, noise and dust, from the intensive poultry farming activities within the permit 'installation boundary', it is noted their response to the application indicates that they do not wish to make detailed comments on these emissions as part of the current planning application process, and that it will be the responsibility of the applicants to undertake the relevant risk assessments and propose suitable mitigation to inform whether these emissions can be adequately managed. For example, management plans may contain details of appropriate ventilation, abatement equipment etc. Should the site operator fail to meet the conditions of a permit the Environment Agency will take action in-line with their published Enforcement and Sanctions guidance.
- 6.4.6 It is considered that information in relation to dust management in support of the application whilst on balance acceptable, (owing to dwellings outside of the applicants control being over 100 metres from the application site), it is weak, and

it is noted that there are dwellings within 400 metres of the application site. (This includes dwellings within the applicants control and out of their control). This matter is of some concern, as the Environmental Permit issued and monitored by the Environment Agency will not take effect until development is operational on site and as such the applicants all be it at their own risk will of spent considerable sums of money constructing the development. In this instance although owing to distances involved not considered a significant issue, it is considered that further detailed information is required in relation to dust management and that this information is required prior to any development on site and this can be secured via the attachment of a condition to any approval notice issued in order to adequately address this matter.

- 6.4.7 It is also noted that the Environmental Permit issued and monitored by the Environment Agency only covers on site activities and therefore feed deliveries to the site and manure movements off the farming unit concerned will not be covered by the permit, (other than on-site activities), and as such, with consideration to vehicle movements as well as residential amenity, it is recommended that conditions are attached to any approval notice issued restricting times for feed deliveries and that any manure removed off site is done so in sealed and covered containers/trailers. Manure disposal on site will form part of the Environmental Permit regime and is a matter for the applicants to address as part of their environmental permit.
- 6.4.8 Manure management, storage and disposal
- 6.4.9 Information in support of the application as part of the Ammonia Mitigation Strategy indicates that manure will be used on the farm or sold to local farms for spreading directly to the land. Any manure required to be stored on the farm will be in temporary field storage sites. The Environmental Statement further states that manure storage is important when preventing fly infestations as it can be attractive as a breeding site. By reducing moisture levels in the manure (to around 30%) flies will not find it suitable for laying eggs. Frequent inspections of storage sites are required to ensure there is no fly activity as even manure that is produced, transported and delivered in a dry, fly free condition can sometimes become infested. There will be careful management and monitoring of any manure stockpiles, although the management practices will minimise the need to stockpile by having quick spreading and incorporating to land. Any stockpiled manure will be checked once a week between April and October inclusive to ensure there is no fly activity in the manure. If on these inspections, any fly larvae are found in the manure, immediate steps will be taken to control the fly and larvae populations. The methods to be used for the control are those recommended in the 'Code of Practice for the use of Poultry Manure'. This includes keeping records of inspections, covering the stockpiles at the first sign of fly activity (sheeting raises the temperatures which kills any flies and larvae), ensure the manure remains covered for at least 10 days, and during the summer months of May to September not to store manure near to residential areas.
- 6.4.10 As part of the Environmental Permit the application will need to supply a manure management plan, this includes a risk assessment of the fields on which the manure will be stored and spread, so long as this is done so within the applicants'

land ownership. The unit is also thoroughly cleaned down at the end of each bird cycle. Manure will be removed from the poultry houses at the end of each rearing cycle in sealed trailers and taken from the site to land in the applicants ownership or receiving farms, to which it is understood a 'Farm Manure Management Plan', will ensure satisfactory management, This ensures that the rates and area for spreading within the farm unit are sustainable and meet the DEFRA guidelines to meet:

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

- 6.4.11 Poultry manure is considered a valuable agricultural fertiliser and there is high demand from the arable farming industry. Spreading manure provides nutrients to grow crops and also adds organic matter to the soil to improve soil structure. The storage and spreading of farmyard manure is controlled through the Nitrate Pollution Prevention Regulations 2015. These regulations dictate where manure can be stored, where it can be spread and the timing of spreading during the year. Compliance with the regulations is monitored by DEFRA under cross compliance legislation with fines in place for none compliance.
- 6.4.12 The legal process for the transfer of the waste from the site will require the applicant to record the dates and quantities of manure exported and the name address and farm holding number of the recipient farm. Once the manure reaches the recipient farm, the legal duty of compliance with the Nitrate Pollution Prevention Regulations 2015 passes to the recipient. The storage of manure in field heaps is regulated in Part 6 (para 23, sub section 3) of the Nitrate Pollution Prevention Regulations 2015 and the application of organic manure to land is controlled within Part 5 of the Nitrate Pollution Prevention Regulations 2015. The regular removal of the manure removes the potential breeding medium for flies.
- 6.4.13 In accordance with the Environmental Permitting Regime, the applicant will be required to submit a Manure Management Plan, which consists of a risk assessment of the fields on which the manure will be stored and spread, so long as this is done so within the applicants' land ownership. It is used to reduce the risk of the manure leaching or washing into groundwater or surface water. The permitted farm would be required to analyse the manure twice a year and the field soil (once every five years) to ensure that the amount of manure which will be applied does not exceed the specific crop requirements i.e. as an operational consideration. Any plan submitted would be required to accord with the Code of Good Agricultural Policy (COGAP) and the Nitrate Vulnerable Zones (NVZ) Action Programme where applicable.
- 6.4.14 It is noted that neither the Environment Agency or the Council's Regulatory Services Manager raises any issues of concern on these matters and this includes reference to potential fly problems. Officers consider information in support of the application on these issues to be acceptable with consideration to the required processing as discussed above.
- 6.4.15 It is recommended that conditions are attached to any approval notice if members are mindful to approve the application, in order to ensure adequate consideration

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

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

## 6.5 **Ecological issues.**

- 6.5.1 Policies CS5, CS6 and CS17 of the Shropshire Core Strategy and Policy MD12 of the SAMDev clearly indicate the requirement for development proposals to demonstrate that there are no unacceptable adverse environmental impacts. Applications should demonstrate a project level Habitats Regulations assessment for all proposals where the local planning authority identifies a likely significant effect on an internationally designated site. Developments should only be permitted if it can be clearly demonstrated there will be no likely significant adverse effects directly, indirectly or cumulatively in relationship to a number of criteria which includes reference to priority species, priority habitats important woodlands, trees and hedges, ecological networks, visual amenity, landscape character and local distinctiveness.
- 6.5.2 Both the Council's Planning Ecologist and Natural England have considered this application. Determination of this application has been held up owing to the on-going concerns in relation to ammonia impacts and the requirement to ensure that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010).
- 6.5.3 The key issue of concern related to ammonia emissions as a result of the proposed development. All environmental sites need to be assessed in terms of ammonia screening. It is also considered necessary for the requirements for habitat enhancements as a form of ammonia mitigation which is required or should be demonstrated on a proposed landscape plan. (For further information on this issue please refer to paragraphs 4.3 and 4.10 above).
- 6.5.4 On further consideration in relation to ammonia outputs and mitigation and enhancement measures offered, the Council's Planning Ecologist and Natural England consider that there will be no significant effects on sites of ecological interest, and as such the proposal does not need to be considered in-combination with other plans or projects.
- 6.5.5 SC Ecology In their response has indicated that they are satisfied that the proposal for 120,000 birds is unlikely to have a significant adverse effect, directly,

indirectly or cumulatively on designated Wildlife Sites as the citation features are not sensitive to increase in ammonia/nitrogen deposition. SC Ecology concludes that no further information is required to assess impacts on designated sites.

- 6.5.6 Natural England have formally responded stating no objection, indicating no further survey work is required to support this proposal.
- 6.5.7 The site has the potential to enhance the area for biodiversity. The Shropshire Core Strategy contains in Policy CS17: Environmental Network provision for mapping and subsequently protecting, maintaining, enhancing and restoring Environmental Networks in the county in line with the recommendations of both The Lawton Review and the National Planning Policy Framework.
- 6.5.8 This proposed development needs to protect and enhance biodiversity and as such the proposed scheme will need to clearly demonstrate how the development will 'promote the conservation, restoration and enhancement of priority habitats and ecological networks' as required by paragraph 174 of the National Planning Policy Framework. It is considered that a landscape mitigation condition attached to any approval notice can adequately address this matter.
- 6.5.9 With consideration to the above-mentioned and with additional mitigation and biodiversity enhancement by way of a condition attached to any approval notice issued as discussed, it is considered that the concerns as initially raised on ecological issues can be addressed satisfactorily and as such the development on balance considered to be in accordance with Policies CS5, CS6 and CS17 of the Shropshire Core Strategy, Policy MD12 of the SAMDev and the overall aims and objectives of the NPPF in relationship to sustainable development and environmental and ecology matters.
- 6.6 **Drainage.**
- 6.6.1 The NPPF and policy CS18 of the Shropshire Core Strategy require consideration to be given to the potential flood risk of development. The site is located in Flood Zone 1 (low probability, in Zone rating) based on the EA indicative Flood Zone Map. The applicants have submitted a flood risk and drainage assessment in support of the application and its findings are considered acceptable. It is noted neither, the EA, or the Council's Drainage Manager raise any objections in relation to drainage matters, the latter indicating the proposal acceptable in principle on receipt of further information in relation to drainage calculations. It is recommended that a condition with regard to a sustainable drainage system is attached to any approval notice issued. With consideration to such a condition the proposed development considered acceptable on drainage matters and in compliance with Policies CS5 and CS18 of the Shropshire Core Strategy and Policies MD2 and MD7b of the SAMDev and the NPPF on drainage matters.
- 6.7 **Highway access and transportation issues.**
- 6.7.1 Highway and transportation issues are considered acceptable and it is noted that the Council's Highways Manager raises no objections in relation to the proposed development, indicating it is considered that the Highway Statement supporting

this development proposal adequately demonstrates the potential impact this development might have on the adjacent public highway. In addition, the adjacent A488 has sufficient capacity to accommodate the additional vehicles generated by this development. Therefore, from a highways & transport perspective, it is considered that the proposed development is acceptable. In an attempt to improve the local situation, it is also recommended that the developer provides an appropriate sealed surface to the first 20 metres of the existing access road. To ensure that any loose material from the site is not deposited on to the adjacent public highway. Not only for vehicular safety but also the safety of passing pedestrians and cyclists using the adjacent foot/cycleway along the A488. It should also be noted that the safe use of the existing access is reliant on maximising the visibility splays along the A488. Therefore, the applicant should ensure that these splays are maintained appropriately, in perpetuity. The response from SC Highways further notes that the proposed modified access road serving these poultry units is subject to a relatively sharp right-angled bend, which may prove difficult for HGV's to manoeuvre around, as well as hamper two-way flow, although acknowledges that this is unlikely to be a highway safety issue, as this bend is located far enough away from the public highway. The response recommends a condition be attached to any approval notice issued with regards to surfacing of the first 20 metre of the driveway to the site and areas for turning, parking and unloading in accordance with detail as set out on the proposed plans.

- 6.7.2 On highway and transportation matters the application is considered acceptable as the site has on balance good access to the adjoining A488 public highway, the proposal representing an extension to the existing intensive poultry enterprise on site. With a condition attached as recommended by the SC Highways Manager in relation to highway safety, on balance this application is considered acceptable and in accordance with relevant local plan policies and the NPPF on highway and transportation matters.

## 7.0 CONCLUSION

- 7.1 The proposal is for two intensive broiler units in addition to the two existing ones which will add a further 130,000 broilers on site taking the total up to 250,000 on site. The application also provides provision for feed silos, (which will increase to eight on site), and hard standing area.
- 7.2 It is acknowledged that the development is significant in scale and does have a limited impact on the landscape. However it is considered that the proposed development, with consideration to the surrounding landscape character, topography and field layout, and existing development on site, (which includes consideration to the AONB), as well as the original farmstead, that with further landscape mitigation, development can be successfully integrated into the surrounding landscape. This will also assist in relation to ammonia emissions which has recently been a contentious issue in relation to intensive poultry applications, a matter that has been subject to detailed and complex consideration. Consideration has also been given to impacts on the historic landscape, as special regard has to be given to the desirability of preserving the historic environment and listed buildings and their settings or any features of

special architectural or historic interest as required by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 7.3 On balance with consideration to the location, size and scale and cumulative impacts, it is considered that there will not be an adverse impact. Also the economic benefits to the business concerned and production of local food with further landscape mitigation in the form of native planting and the external colour of the development, is on balance acceptable in principle.
- 7.4 Public highway access and transportation issues are considered acceptable, as are residential amenity issues, with conditions attached to any approval notice with regards to dust and a manure management plan and transportation of manure off site. It is also noted that matters in relation to on site issues in relation to amenity and day to day management of the site are subject to the Environment Agency's permitting regime. Other issues such as the matter raised by the Ramblers Association are noted, although it is also noted that the Council's Public Rights of Way Manager raises no objections.
- 7.5 The findings and conclusions as indicated in the information submitted in support of the application and the Environmental Statement are on balance considered acceptable, with further consideration to dust management as discussed in this report.
- 7.6 As such the proposed development overall is considered acceptable and in accordance with relevant policies as set out in the Shropshire Core Strategy, the SAMDev, the National Planning Policy Framework and other relevant planning guidance and legislation which includes the provisions of the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The recommendation is therefore one of approval subject to conditions as attached as appendix one to this report, with any modifications as considered necessary by the Head of Service.

## 8.0 Risk Assessment and Opportunities Appraisal

### 8.1 Risk Management

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

- ☐ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- ☐ The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a)

promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

## 8.2 Human Rights

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

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

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

## 8.3 Equalities

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

## 9.0 Financial Implications

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

### Habitat Regulation Assessment (HRA) Screening Matrix

Application name and reference number:

18/02023/EIA  
Poulton Farm  
Little Minsterley  
Minsterley  
Shrewsbury  
Shropshire  
SY5 0BW

Erection of 2no poultry sheds, storage shed; feed bins and associated landscape works.

Date of completion for the HRA screening matrix:

1st February 2019

HRA screening matrix completed by:

Nicola Stone  
Planning Ecologist  
01743-252556

Table 1: Details of project or plan

Name of plan or project 18/02023/EIA  
Poulton Farm  
Little Minsterley  
Minsterley  
Shrewsbury  
Shropshire  
SY5 0BW

Erection of 2no poultry sheds, storage shed; feed bins and associated landscape works.

Name and description of Natura 2000 site The Stiperstones and the Hollies SAC  
(601.46ha) represents a Nationally important area of dry heath and also hosts a significant presence of sessile oak woodlands with Ilex and Blechnum.

Annex I Habitats that are a primary reason for selection of site:

- European dry heaths

Annex I Habitats present as a qualifying feature but not a primary reason for selection of site:

Old sessile oak woods with Ilex and Blechnum in the British Isles

Description of the plan or project Erection of 2no poultry sheds, storage shed; feed bins and associated landscape works.

Is the project or plan directly connected with or necessary to the management of the site (provide details)? No

Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)? Yes.

In-combination assessment completed please see below.

There is one European protected site in 5km of this proposal. A summary of the ammonia assessment is provided:

Habitat Type	Habitat Name	Background N Dep	Receptor Number	PC NH3 (mg/m3)
PC N Dep. (kg N/ha/yr)	Critical Level	Critical Load	PC as % of CLe	PC as % of CLo

SAC & SSSI The Stiperstones and the Hollies Special Area of Conservation 23.2 29  
31-36 0.03 0.156 1 10 3% 1.56

I have identified the following sites which should be assessed in-combination with The Stiperstones & The Hollies SAC: planning application 18/02023/EIA.

A summary of ammonia/nitrogen deposition from the proposals are as follows:

Application	Habitat Name	Distance from Emission Source (m)	PC NH3 (mg/m <sup>3</sup> )	Background N/ha/yr	PC N Dep. (kg N/ha/yr)	Critical Level
	Critical Load	PC as % of CLe	PC as % of CLo			
18/00473/FUL	The Stiperstones and The Hollies SAC	<7km (NE have asked that this site is assessed)	337364/302113	0.02	23.2 0.10 1 10 2% 1%	
18/02023/EIA	The Stiperstones and the Hollies Special Area of Conservation					23.2
			0.03	23.2	0.156 1 10 3% 1.56	

A change of more than 1% of the Critical Level or Critical Load does not necessarily indicate that a significant effect (or adverse effect on site integrity) will occur. Referring to the England Commissioned Report NECR210 (March 2016), table 21, If your background level is between over 20kg N then, for example, a sensitive habitat (Upland Heath) would have to increase N deposition (in kg N ha yr) by 2kg N ha yr to reduce measured species richness by 1.

The SCAIL modelling which has been undertaken is known to be precautionary, i.e. if detailed modelling was undertaken for planning application 18/00473/FUL the process contribution is likely to decrease at the designated sites listed.

In-combination the two planning proposals listed would add 0.25 kg/N/ha/yr to the wildlife receptor. SC Ecology would not expect this proposal to result in the loss in integrity of the designated site assessed based on the current background level.

In order to reduce the ammonia emissions from this proposal the following planning condition will be on a planning decision notice:

1. The agreed Ammonia Mitigation Planting Scheme, which includes (drawing number SA28959/08 dated January 2019) shall be implemented in the first planting season and retained thereafter (minimum 1.9 hectare tree planting). Any trees planted as part of the ammonia mitigation scheme that are lopped, felled or die within five years of first planting shall be replanted.

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

#### The Significance test

The proposed works under application No 18/02023/EIA will have a likely significant effect on Stiperstones and the Hollies SAC. An Appropriate Assessment is required.

#### The Integrity test

It was concluded that the proposed works under planning application No. 18/02023/EIA will not adversely affect the integrity of the European Designated Site: Stiperstones and the Hollies SAC.

### Conclusions

Natural England should be provided with SC Ecologist HRA and the planning case documents and formal comments should be received prior to a planning decision being granted.

### Guidance on completing the HRA Screening Matrix

#### The Habitat Regulation Assessment process

Essentially, there are two 'tests' incorporated into the procedures of Regulation 61 of the Habitats Regulations, one known as the 'significance test' and the other known as the 'integrity test'. If, taking into account scientific data, we conclude there will be no likely significant effect on the European Site from the development, the 'integrity test' need not be considered. However, if significant effects cannot be counted out, then the Integrity Test must be researched. A competent authority (such as a Local Planning Authority) may legally grant a permission only if both tests can be passed.

The first test (the significance test) is addressed by Regulation 61, part 1:

61. (1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for a plan or project which –  
(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and  
(b) is not directly connected with or necessary to the management of that site,  
must make an appropriate assessment of the implications for that site in view of that site's conservation objectives.

The second test (the integrity test) is addressed by Regulation 61, part 5:

61. (5) In light of the conclusions of the assessment, and subject to regulation 62 (consideration of overriding public interest), the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).

In this context 'likely' means "probably", or "it well might happen", not merely that it is a fanciful possibility. 'Significant' means not trivial or inconsequential but an effect that is noteworthy – Natural England guidance on The Habitat Regulation Assessment of Local Development Documents (Revised Draft 2009).

#### Habitat Regulation Assessment Outcomes

A Local Planning Authority can only legally grant planning permission if it is established that the proposed plan or project will not adversely affect the integrity of the European Site.

If it is not possible to establish this beyond reasonable scientific doubt then planning permission cannot legally be granted unless it is satisfied that, there being no alternative solutions, the project must be carried out for imperative reasons of over-riding public interest, and the Secretary of State has been notified in accordance with section 62 of the Conservation of Habitats and Species Regulations 2010. The latter measure is only to be used in extreme cases and with full justification and compensation measures, which must be reported to the European Commission.

### Duty of the Local Planning Authority

It is the duty of the planning case officer, the committee considering the application and the Local Planning Authority as a whole to fully engage with the Habitats Regulation Assessment process, to have regard to the response of Natural England and to determine, beyond reasonable scientific doubt, the outcome of the 'significance' test and the 'integrity' test before making a planning decision.

## 10. Background

### Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS1 - Strategic Approach  
 CS5 - Countryside and Greenbelt  
 CS6 - Sustainable Design and Development Principles  
 CS13 - Economic Development, Enterprise and Employment  
 Economic Development, Enterprise and Employment  
 CS17 - Environmental Networks  
 CS18 - Sustainable Water Management  
 MD2 - Sustainable Design  
 MD7B - General Management of Development in the Countryside  
 MD12 - Natural Environment  
 MD13 - Historic Environment  
 National Planning Policy Framework

### RELEVANT PLANNING HISTORY:

10/02638/AGR Erection of a grain storage building GRANT 20th July 2010  
 10/02639/AGR Erection of an extension to an existing agricultural building GRANT 20th July 2010  
 12/03128/AGR Erection of a steel portal storage shed PNR 9th August 2012  
 15/00487/EIA Erection of 2 no. poultry sheds and feed bins, ancillary works, improvements to existing access, and associated landscaping works GRANT 17th July 2015  
 15/03927/DIS Discharge of Conditions 4 (Attenuation Pond), 5 (Permeable Surface Drainage), 6 (Road Design), 7 (Parking/Turning/Loading), 8 (On Site Construction Method Statement), 9

(Programme of Archaeological Work), 13 (Landscaping) and 14 (External Colour) on Planning Application 15/00487/EIA for the erection of 2 no. poultry sheds and feed bins, ancillary works, improvements to existing access, and associated landscaping works DISAPP 2nd November 2015

15/05111/PSPPA Application for prior approval under Part 14, class J of the Town & Country Planning (General Permitted Development) (England) Order 2015 for the installation of solar panels on the roofs of non-domestic buildings PNR 15th January 2016

18/00078/AGR Erection of a general agricultural storage building WDN 23rd February 2018

18/02023/EIA Erection of 2no poultry sheds, storage shed; feed bins and associated landscape works. PDE

18/03291/FUL Insertion of windows, replacement of window with door and provision of external timber decking GRANT 23rd November 2018

SA/93/0709 Erect and display non-illuminated sign boards. PERCON 6th October 1993

SA/05/1583/F Erection of a portal framed agricultural building and construction of new roadway PERCON 21st December 2005

SA/04/1473/F Alterations and conversion of farm buildings to 4 dwellings and associated workshops and construction of new vehicular access and roadway PERCON 25th November 2004

SA/03/0471/F Conversion of farm buildings to create 4 dwellings and associated office/workshops REFUSE 5th November 2003

## 11. Additional Information

[View details online:](#)

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

**APPENDIX 1****Conditions****STANDARD CONDITION(S)**

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

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

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

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

**CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES**

3. No development shall take place until a scheme of the surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

4. Prior to any development on site a dust management plan will be submitted to the Local Planning Authority and approved in writing. This plan will take into consideration issues on dust and bio-aerosol emission modelling as referred to in the Environment Agency's response to the application.

Reason: In order to ensure adequate consideration to dust and bio aerosol issues prior to any development on site.

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

5. 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.

6. A total of 4 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site prior to first use of the building hereby permitted. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained.

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

7. The development hereby permitted shall not be brought into use until the first 20 metres of the driveway and the areas shown on the approved plans for parking, loading, unloading and turning of vehicles has been provided properly laid out, hard surfaced and drained. The space shall be maintained thereafter free of any impediment to its designated use.

Reason: To ensure the provision of adequate vehicular facilities, to avoid transferring loose material to the adjoining roads and to protect the amenities of the area.

8. Prior to first use of the development hereby permitted a manure management plan will be submitted to the local planning authority and approved in writing. This will include detail in relation to where manure will be disposed of/spread and its storage prior to disposal. The approved plan shall be adhered to at all times.

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

9. The agreed Ammonia Mitigation Planting Scheme, which includes (drawing number SA28959/08 dated January 2019) shall be implemented in the first planting season and retained thereafter (minimum 1.9 hectare tree planting). Any trees planted as part of the ammonia mitigation scheme that are lopped, felled or die within five years of first planting shall be replaced with species of similar species and size within the first planting season of the loss of the original plan being replaced.

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

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

10. Notwithstanding the approved plans all building development on site, (including all the feed silo's), are to be all externally in accordance with colour code BS12B29, (Olive green).

Reason: In consideration of the visual impact and to mitigate the development into the surrounding landscape.

11. All feed deliveries to the site shall take place between the hours of 0700 hours to 2100 hours.

Reason: to protect the amenity of the area and the health and wellbeing of nearby residents.

12. All manure removed off site will be done so in sealed and covered trailers.

Reason: In order to protect the amenity of the surrounding area.

13. No more than 250,000 birds shall be kept on the whole of the intensive poultry site at any one time.

Reason: To ensure that the restriction on the maximum number of birds to be kept at the site at any one time can be satisfactorily enforced, in order to prevent adverse impact on local wildlife sites & ancient woodland 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.

### **Informatives**

1. The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto. No drainage to discharge to highway Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

2. This planning permission does not authorise the applicant to:

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

3. The applicant's attention is drawn to the need to ensure that the provision of the visibility splay(s) required by this consent is safeguarded in any sale of the application site or part(s) thereof.

4. 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.

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

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

7. 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, tree removal, scrub removal, conversion, renovation and demolition work in buildings, or other suitable nesting habitat, 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 or buildings 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. Only when there are no active nests present should work be allowed to commence. No clearance works can take place with 5m of an active nest.

If during construction birds gain access to any of the buildings/vegetation and begin nesting, work must cease until the young birds have fledged.

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