

## Development Management Report

**Application Number:** 13/04877/EIA

**Parish:** Much Wenlock

**Proposal:** Construction of two poultry sheds and feed bins, ancillary works, amendments to existing vehicular access, erection of biomass building and associated landscaping

**Site Address:** Manor Farm, Wistanstow, Craven Arms, SY7 8DG

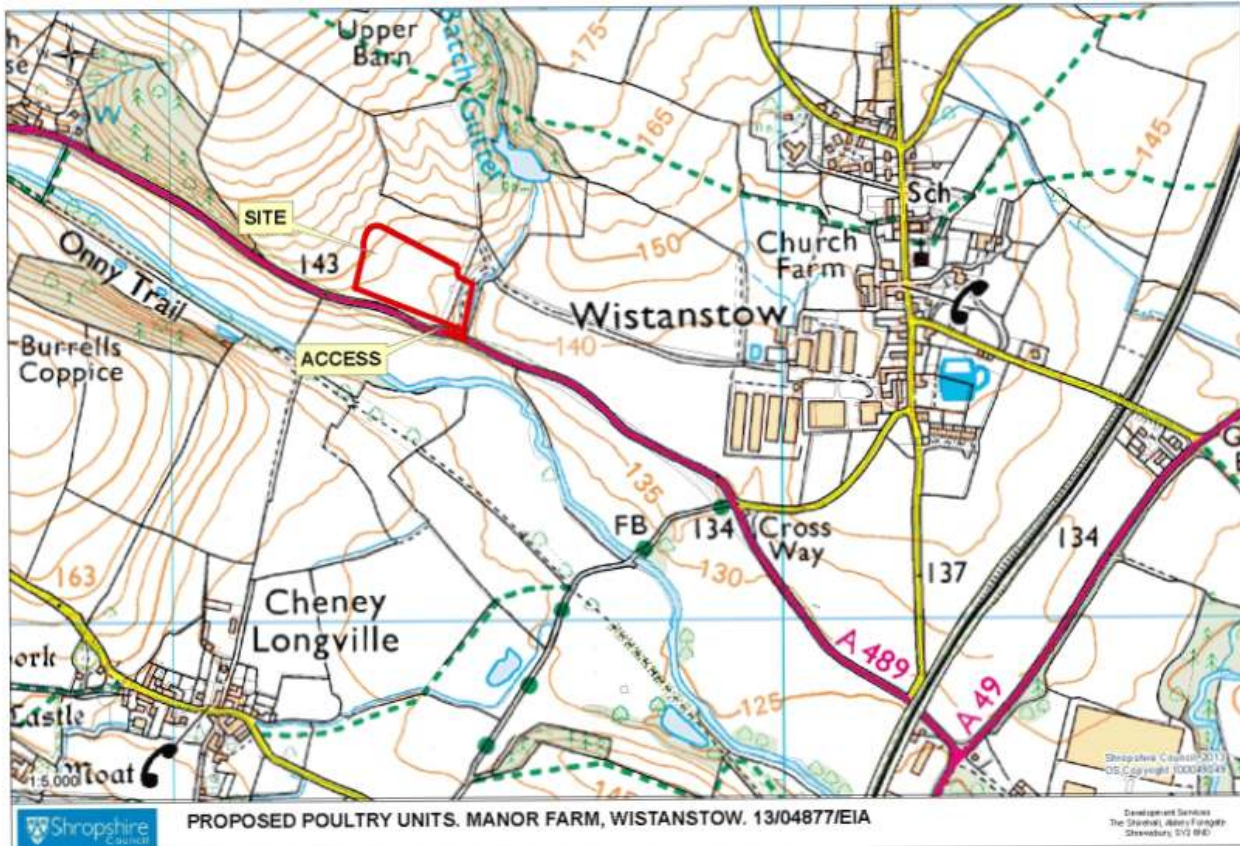
**Applicant:** Mr J L Jones

**Case Officer:** Grahame French

**email:** [planningdmc@shropshire.gov.uk](mailto:planningdmc@shropshire.gov.uk)

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

### REPORT



## 1.0 THE PROPOSAL

- 1.1 J L Jones and Co currently operates a successful poultry enterprise at Manor Farm. Manor Farm is situated on the south-west edge of the village of Wistanstow and consists of a large group of sheds that has progressively expanded westwards from Roman Road running through the village. The existing poultry buildings are situated to the west side of the farm buildings and have been erected in stages since 1997. There are a total of 8 broiler houses on the site. The existing site houses 262,000 heavy birds or 287,000 standards on a single site. Due to the demand for poultry, it is proposed to erect two additional buildings. The additional buildings will house a maximum of 51,513 standard birds in each building leading to a total increase in bird numbers of 103,026.
- 1.2 The two buildings would each measure 109m by 24.5m and will be situated 395m from the closest buildings on the existing site. The overall usable floor area would be 2,676m<sup>2</sup>. The buildings will be of steel portal framed construction with insulated box profile metal sheeting to the walls and box metal profile sheet roofs. The internal flooring would be a smooth, easily washable concrete floor on a damp proof membrane. The walls would be on a poured concrete foundation. The buildings would be insulated with fibre glass insulation to eliminate internal condensation and minimise any solar heat gain. The buildings would be ventilated by a computer controlled tunnel ventilation system with sixteen 1250mm diameter extraction fans in the rear gable wall of each shed. Most of the year the roof fans would provide adequate ventilation and the gable fans would only be needed in very hot weather.
- 1.3 There would be 4 feed bins between the buildings with a capacity of 30 tonnes and measuring 7.5 metres in height and 2.8 metres diameter. A biomass building (22.86m x 18.28m) would house the biomass boilers used to heat the buildings. Timber is already bought in from a local source and stored at the farm for chipping and use in the existing biomass boiler buildings. A hardstanding area for maintenance access would be situated around the buildings. The existing gateway would be retained and the access improved. A yard area would be to the front of the buildings to allow vehicle access and turning. Water storage tanks would be positioned adjacent to the biomass building.
- 1.4 Low intensity lighting on the site would be kept to a minimum to ensure the safe operation of the site whilst reducing any light spill outside the unit. Additional lighting may be required during the removal of birds but this will be carried out in low light levels. There would be no use of high intensity lighting. During hours of darkness the buildings would be lit internally to around 0.4 lux for bird welfare. As the buildings would be clad with high density metal profile sheeting there would be no light spill outside the building. The doors would be shut and windows shuttered at night to stop light escape. At the end of the production cycle, the birds are removed and transported to the processing site. The buildings then go through a thorough clean-out phase which involves dry-cleaning to remove organic material, wash down and disinfecting. The normal turn around period is 10 days before the buildings can be re-stocked and the cycle starts again.
- 1.5 A landscaping scheme would be implemented to help mitigate any adverse visual impact from the proposed development and would also provide biodiversity benefits.

## **2.0 SITE LOCATION / DESCRIPTION**

2.1 The proposed site is located to the west of the farmstead on land farmed by J L Jones & Co and covers an area of approximately 1.76 hectares (4.35 acres). The site comprises grassland and arable land currently used for soft fruit bushes with a hardstanding access track and turning area, and a small wooden building. The site is 395m from the closest existing poultry building. The site slopes up from 134.3m at the south-east corner to 149.65m at the north-west corner. The closest residential property is over 600m to the west of the site. The village of Wistanstow is around 700m to the east of the site and Cheney Longville around 700m to the south. The application is 340m within the AONB and 3.5km north-east of the Clun watershead area where special conservation measures apply.

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

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

## **4.0 COMMUNITY REPRESENTATIONS**

4.1 Wistanstow Parish Council: No Objection to this application but would not agree to any further expansion in this area of land.

4.2i. Natural England: The proposal is in proximity to a European Site so a Habitats Regulations Assessment screening should be performed. Natural England have no objection to the proposal in relation to this European Site. The proposal is near Shropshire Hills Area of Outstanding Natural Beauty (AONB) and the AONB Partnership should be consulted - Natural England has no further comment about the potential impact on the AONB. In consideration of the nearby Site of Special Scientific Interest we have no objection with a condition for a detailed water protection plan for construction and operation. The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 site), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the River Clun Special Area of Conservation (SAC), which is a European sites Please see the subsequent sections of this letter for our advice relating to SSSI features. In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

ii. European Sites - No objection. The consultation documents do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, ie the consultation does not include a Habitats Regulations Assessment. In advising your authority on the requirements relating to Habitats Regulations Assessment, and to assist you in screening for the likelihood of significant effects, based on the information provided, Natural England advises that the proposal is not necessary for the management of the

European site and is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment. When recording your HRA we recommend you refer to the following information to justify your conclusions regarding the likelihood of significant effects (LSE). We note pathways for potential damage include air emissions. The Environment Agency Environmental Permit LSE screening document (EPR/ZP3532LH/V002) shows that process contributions for ammonia have no LSE.

- iii. We note that the proposal is extension of an existing poultry farm and not affecting the surrounding screening. Natural England does not wish to comment on this proposal. The development however, relates to the Shropshire Hills Area of Outstanding Natural Beauty (AONB). We therefore advise you to seek the advice of the AONB Partnership / AONB Conservation Board. Their knowledge of the location and wider landscape setting of the development should help to confirm whether or not it would impact significantly on the purposes of the AONB designation. They will also be able to advise whether the development accords with the aims and policies set out in the AONB management plan.
- iv. Site of Special Scientific Interest: This application is in close proximity to Onny River Section SSSI. However, given the nature and scale of this proposal, subject to the comments below on conditions, Natural England is satisfied that there is not likely to be an adverse effect on this site. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.
- v. Conditions: The Environmental Statement Table 11.6 outlines considerations for protection of the watercourses during the construction and operational phases. A detailed plan for watercourse protection for both the on-site ditch and nearby River Onny Section should be submitted before commencement of works. This condition is required to ensure that the development, as submitted, will not impact upon the geological features of special interest for which Onny River Section SSSI is notified. Of particular concern are nutrient or pH changes caused by contamination entering the River Onny including nutrients, hydrocarbons and particulates which could damage water quality and erode the geological face or cause the face to be obscured (e.g. by algae or flocculated material). We note that the proposal includes excavation for building foundations and may temporarily expose portions of the geological features for which the River Onny Section SSSI is notified (Acton Scott, Onny Shales or Purple Shales formations). We encourage the applicant to notify the Shropshire Geological Society and give them the opportunity to log these features whilst they are temporarily exposed. This would provide valuable information about these geological formations within the SSSI.
- vi. Other advice: We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:
  - local sites (biodiversity and geodiversity)
  - local landscape character
  - local or national biodiversity priority habitats and species.

- vii. Protected Species: We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.
- 4.3i. Environment Agency (17/01/14): The site currently operates under an Environmental Permit (EP); reference EPR/ZP3532LH, for the rearing of 287,000 birds. This planning application seeks to increase bird numbers on site to 390,026, in two additional units, some 500m to the west of the existing poultry units. Each proposed shed will house 51,513 birds in each. Under the Environmental Permitting (England and Wales) Regulations (EPR) 2010, the EP (including any variations) covers the following key areas of potential harm:
- Management, including general management, accident management, energy efficiency, efficient use of raw materials, waste recovery and security;
  - Operations, including permitted activities, operating techniques, closure and decommissioning;
  - Emissions to water, air and land - including to groundwater and diffuse emissions, transfers off site, odour, noise and vibration, monitoring;
  - Information – including records, reporting and notifications;
  - Poultry production – including the use of poultry feed, housing design and operation, slurry and manure storage and spreading;

All of the above are permitted within the requirements of Best Available Techniques (BAT). We would encourage the 'twin tracking' of the EP variation application, with the aim of encouraging more comprehensive submissions and thereby more informed, and speedier decisions i.e. more detailed information should be available to enable sufficient consideration of key land use issues and so assist in your determination of the planning application (EIA). We can also provide more detailed reassurance or concern on the proposals adequacy, to assist in your consideration of any Habitats Regulations Assessment as 'competent authority' at the Planning stage. This does not affect our responsibility as a similar authority when considering the technical detail of the EP application.

- ii. Ammonia Emissions: The emissions from poultry can directly damage vegetation and can wider affect eutrophication and acidification of sensitive habitats. At the pre-application stage for the EP an ammonia screening assessment would be carried out to identify if a detailed air impact assessment would be required to support the Permit application. Site specific ammonia screening is required to determine whether this may be a concern for this site. We note that the applicant has submitted the results of an ammonia screening assessment, dated 11 July 2011, based on 300,000 birds. On the

basis that the numbers used to inform the assessment do not correspond to those proposed, and the period of time since the assessment was undertaken, the applicant needs to submit an up-to-date, relevant ammonia screening assessment to identify if a detailed air impact assessment is necessary. Further to our correspondence with the Agent on 16 December 2013, with regards to the need for an ammonia screening assessment, we can confirm that we received an application for an ammonia screening assessment on 3 January 2013. We are currently reviewing this and endeavour to respond in due course, to help inform the EIA. At this time we cannot confirm whether a detailed air impact assessment would be required.

iii. Odour: Our guidance (Intensive farming 'How to comply' versions 1 and 2, Odour management at intensive livestock installations) states that odour must be considered where:

- there are 'sensitive receptors'\* located within 400m of the installation; and/or
- the installation (if existing) has a history of substantiated odour related complaints within the last three years.

In this instance there does not appear to be any sensitive receptors within 400m of the installation site boundary. The Environmental Statement (ES) states that the nearest residential property is over 600m away from the proposed site. The existing operation of the poultry farm does not have a history of substantiated odour related complaints within the last three years. On the basis of the above, it is considered unlikely that the additional sheds would contribute any more significant odour emissions than could potentially be produced from the existing poultry operations. Notwithstanding the above, we note the application is supported by an Odour Management Plan, which includes all likely sources of odour resulting from the site, along with measures which could be employed to reduce the likelihood of odour annoyance during the operation (this will be controlled through the EP).

iv. Noise: Similar to odour, our permit guidance (Intensive farming 'How to comply' version 2) advises that noise should be considered where there are 'sensitive receptors' located within 400m of the proposed installation. As discussed above, there does not appear to be any sensitive receptors within 400m of the proposed site. The existing operation of the poultry farm does not have a history of substantiated noise related complaints within the last three years. On the basis of the above, it is considered unlikely that the additional sheds would contribute any more significant noise emissions than could potentially be produced from the existing poultry operations. Notwithstanding the above, we note the application is supported by a Noise Management Plan, which includes all likely sources of odour resulting from the site, along with measures which could be employed to reduce the likelihood of noise annoyance during the operation (this will be controlled through the EP).

v. Dust / Flies: Whilst intensive poultry farms produce dust, past experience has shown that the majority of it is deposited on the farm itself. Therefore provided that the farm is operated to the BAT and considering the distance to the nearest residential property, then we would not anticipate it causing a nuisance to residents living nearby. Based on past experience, flies are generally not considered a problem on broiler sites which operate to BAT standards. An assessment of this will be undertaken by us within the EP variation application, including any necessary controls (mitigation).

- vi. **Water Management:** The Water Framework Directive (WFD) waterbody in closest proximity to the proposed development site is the River Onny- confluence of the River E Onny to the confluence of the River Teme (Waterbody Reference GB109054044330), which is classified as a 'good' waterbody. Any development should not cause any deterioration in water quality. Clean Surface water e.g. rainwater from roofs and yard areas that are clean must be separated from contaminated water (dirty) and can be collected for re-use, disposed of via soakaway or discharged directly to controlled waters. The ES outlines that Dirty Water e.g. derived from shed washings, will be kept separate from surface water and be drained into collection tanks. We note that dirty water is to be drained via impermeable surfaces (hardstanding). Any tanks proposed should comply with the Water Resources (control of pollution, silage, slurry and agricultural fuel oil) Regulations 2010 (SSAFO). Shed roofs that have roof ventilation extraction fans present, may result in the build-up of dust which is washed off from rainfall, forming lightly contaminated water. The EP will normally require the treatment of roof water, via swales or created wetland from units with roof mounted ventilation, to minimise risk of pollution and enhance water quality. The current plans appear to show that roof water will be piped directly into the existing watercourse. We would expect to see some treatment prior to final discharge.
- vii. **Manure Management (storage/spreading):** Under the EP the applicant will be required to submit a Manure Management Plan (when the manure/litter is planned to be used on the same farm), which consists of a risk assessment of the fields on which the manure will be stored and spread, so long as this is done so within the applicants land ownership. It is used to reduce the risk of the manure leaching or washing into groundwater or surface water. The permitted farm would be required to analyse the manure twice a year and the field soil (once every five years) to ensure that the amount of manure which will be applied does not exceed the specific crop requirements i.e. as an operational consideration. Any Plan submitted would be required to accord with the Code of Good Agricultural Policy (COGAP) and the Nitrate Vulnerable Zones (NVZ) Action Programme, where applicable. The manure/litter is classed as a by-product of the poultry farm and is a valuable crop fertiliser on arable fields. It should be noted that repeated applications of manure/litter on the same arable fields may, over time result in high phosphate index soils. High phosphate soils, through leaching or soil loss, may cause diffuse pollution in watercourses.
- viii. **Flood Risk:** Based on our 'indicative' Flood Zone Maps the site falls within Flood Zone 1 (low risk from fluvial flooding). Given the low risk of fluvial flooding to the site, and the scale and nature of the proposed development, we would expect your Council's Flood and Water Management Team, as the Lead Local Flood Authority (LLFA), to lead on and approve the detailed surface water (quantity) drainage design. On the basis that the application is EIA, we have the following strategic comments to offer, in consultation with the LLFA. The increase in hard standing area could result in an increase in surface water run-off. The ES seeks to demonstrate that surface water is not increased when compared to existing run-off rates. A piped system is proposed to attenuate surface water to the Greenfield runoff rates, including confirmation of attenuation to the 100 year plus climate change storm event.
- ix. **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. The

construction phase in particular has the potential to cause pollution. Site operators should ensure that measures are in place so that there is no possibility of contaminated water entering and polluting surface or ground waters. No building material or rubbish must find its way into the watercourse. No rainwater contaminated with silt/soil from disturbed ground during construction should drain to the surface water sewer or watercourse without sufficient settlement. Any fuels and/or chemicals used on site should be stored on hardstanding in bunded tanks.

- x. Summary: The EIA is not considered robust at this time to inform the prediction of likely impacts, comparison of alternatives and possible mitigation measures. Once the applicant has submitted additional information, as outlined above, we will be able to comment further on the proposed development. In the meantime, if your Council is minded to approve the application we would request that you inform us of this with your reasons why so that we can make further comments.

*Note: Further information on ammonia modelling has subsequently been provided by the applicant and the agency has confirmed that ammonia emission modelling is not required.*

- 4.4 Highways Agency: No objections. The Highways Agency is now satisfied that the proposals will not have a detrimental impact on the safe operation of the trunk road.
- 4.4 SC Trees: No objection. As indicated in the report by Tree Health Consulting the proposal has no significant direct arboricultural implications that cannot be overcome by an appropriate tree protection plan. From a landscape perspective the proposed bund and new planting will go a long way to screening the site but there remains a gap on the A489 boundary between the south west corner of the site and the secondary field access point, supplementary tree planting into the or close to the hedgerow at this point would help provide long-term screening along this facing. Recommendations:
  - a) Tree protection plan required
  - b) The landscape plan needs further planting along the A489 facing and requires a detailed planting schedule and an establishment and after care plan.
- 4.5 SC Archaeology: No objection. It is recommended that a programme of archaeological work be made a condition of any planning permission for the proposed development. (included in Appendix 1).
- 4.6 SC Highways: No objection provided the access is constructed in accordance with the approved drawing prior to the development hereby approved being first brought into use. The site is currently served by an existing agricultural access onto the A489 that previously has accommodated a pick your own fruit operation and general agricultural activity. The application proposes the improvement of this to facilitate the vehicle movements generated by the scheme and the details submitted in the application are satisfactory from a highway safety aspect. This direct access onto a principle road with adequate capacity to accommodate the vehicle movements generated does have the benefit of avoiding traffic movements on minor, less suitable parts of the highway network. The information provided in the Transport Statement is satisfactory to access the likely vehicle movements generated by the scheme and the resulting conclusions stated within it are in my opinion justified. I would concur with the statement that the A489 has the capacity to accommodate the traffic generated and that due to the most intense vehicle movements being generally at night during the harvesting of the birds,



this will be at a time when other traffic movements are at their lightest. Although the TA assumes the worst case scenario for traffic movements, it is likely that some savings will be made by the combination of activities with the broiler units already operated by the applicant on the adjacent site.

4.7 S.C.Ecology: No comments received.

4.8 S.C.Drainage: No objection subject to conditions.

4.9 S.C. Public Protection: No objections.

4.10 S.C. Rights of Way: No objections.

4.8i. Public representations: The application has been advertised in accordance with relevant provisions and the nearest 36 properties have been individually notified. Objections have been received from 3 local residents in response to this publicity expressing the following concerns:

- Potential health effects of emissions from the plant:
  - The potential for cancer, infant mortality, respiratory illness e.g. asthma, cardiovascular disease (particularly on children).
  - Atmospheric conditions in the area i.e. an area of temperature inversion and the potential for emissions to stay in the area and not disperse.
  - Potential odour from the plant and from the associated lorry traffic.
  - Potential noise from the plant and the associated lorry traffic.
  - Potential increase in lorry traffic on the roads potentially leading to road traffic injuries and disruption to daily routines i.e. using and crossing roads on foot/bicycle would become more difficult especially given the difficulties of getting roads repaired in the area.
  - Proximity of the site to areas designated as Sites of Local Nature Conservation Importance and Areas of High Scenic Value.
  - Potential to affect flora and fauna in local rivers due to the intake and discharge of water coolant in the plant.
  - Disposal of bottom and fly ash.
  - Potential negative effect on house prices area and consequent difficulty in moving away from the area.
- ii. The impact of the existing chicken sheds is bad enough. We do not Want anymore. The impact on the access in the village is unacceptable as The lorries get lost in the narrow lanes. The smell when they clearout The sheds has to be experienced to be believed. It is dangerous to health. I Have just had an operation to remove 2/3 of my right lung due to cancer Which i am told was not smoking related, but could be due to the local Enviroment and the effect of the chicken battery farming used on this Farm. The pollution of the exriment has been found all over the roads in The village as the waste is not covered when being transported. Has There been an enviromental study of the sepage into the river Onny?
- iii. I trust emissions from the biomass incinerator will be considered bearing in mind, for example, the enclosure, and the direction of the prevailing wind.

## 5.0 THE MAIN ISSUES

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

## 6.0 OFFICER APPRAISAL

### Policy context:

- 6.1 Development should be in accordance with the Development Plan unless material factors indicate otherwise. The development plan for the site comprises the Shropshire Core Strategy as informed by the National Planning Policy Framework (NPPF).
- 6.2 National Policy: The National Planning Policy Framework advises that the purpose of the planning system is to contribute to achieving sustainable development (para 6) and establishes a presumption in favour of sustainable development (para 14). This means “approving development proposals that accord with the development plan without delay” and supporting sustainable economic growth (para 18). There are three dimensions to sustainable development: an economic role, a social role and an environmental role (para 7). Significant weight should be placed on the need to support economic growth through the planning system (para 19). Paragraph 28 states that “planning policies should support economic growth in rural areas in order to create jobs and prosperity...”.
- 6.3 The proposed development performs an economic role because it involves investment and economic diversification of an existing business which will sustain local rural jobs. It also performs a social role as the continued employment supports a strong local community. The applicant states that the development also performs an environmental role because it is an environmentally efficient system of farming with associated landscaping to protect the local natural and built environment and biodiversity benefits and will not give rise to any significant environmental or heritage impacts. Specifically, the applicant states that there would be net gains in biodiversity from the landscaping proposals (para 118) and there would be no significant adverse effects on health and quality of life due to the separation distance between the site and places where people live.
- 6.4 The application site is located on farmland which, like the existing poultry unit, is located just within the AONB. The NPPF advises that great weight should be given to conserving landscape and scenic beauty in such areas, which have the highest status of protection in relation to landscape and scenic beauty (115). Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:
- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
  - the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
  - any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated (NPPF s116).

- 6.5 It is considered that the economic benefits of the proposals are capable of qualifying in principle as exceptional circumstances which would justify development on this margin of the AONB. This is provided that the proposals would not give rise to any unacceptably adverse impacts on other land use interests. These issues are considered in succeeding sections.
- 6.6 Core Strategy: Policy CS1 of the Core Strategy sets out in general terms that Shropshire will support investment and new development and that in the rural areas outside of settlements this will primarily be for “economic diversification”. Policy CS5 (Countryside and Green Belt) supports agricultural development, provided the sustainability of rural communities is improved by bringing local economic and community benefits. Proposals should however be “on appropriate sites which maintain and enhance countryside vitality and character” and have “no unacceptable adverse environmental impact”. The policy recognises that “the countryside is a ‘living-working’ environment which requires support to maintain or enhance sustainability”. Paragraph 4.74 states that: “Whilst the Core Strategy aims to provide general support for the land based sector, larger scale agricultural ...related development, including ... poultry units ... can have significant impacts and will not be appropriate in all rural locations.”
- 6.7 It is considered that the proposed development is capable of conforming in principle with CS1 and CS5 because:
- Its primary purpose is economic diversification;
  - It will provide local employment and associated economic benefits for local communities;
  - It assists in achieving the aim of local food production and also food traceability and security, reducing the UK’s reliance on imported food sources including poultry;
  - The applicant advises that the Environmental Impact Assessment demonstrates that the proposals have no unacceptable impact on the environment;
  - It will enhance the vitality and character of the living working countryside by sustaining the local community and bringing local economic benefits.
- 6.8 Policy CS6 advocated high standards of design and sustainability. The applicant states that the proposal incorporates sustainable design considerations including:
- Sustainable drainage, water efficiency and renewable energy generation systems, energy efficiency (appropriate insulation);
  - Sustainable construction methods (modern poultry shed design).
  - The proposal does not propose significant increases in existing traffic levels and the site is immediately accessible from the primary road network.
  - The applicant states that the proposal does not adversely affect the natural and built environment and is appropriate in scale, density, pattern and design taking into account the local context and character.
- 6.9 Policy CS13 states that “Shropshire Council will plan positively to develop and diversify the Shropshire economy, supporting enterprise, and seeking to deliver sustainable economic growth ... In so doing, particular emphasis will be placed on ... supporting the development and growth of Shropshire’s key business sectors ... particularly food and

drink production ... [and] ... in the rural areas, recognising the continued importance of farming for food production". The applicant states that the proposal accords with this Policy as it delivers economic growth within the rural economy and the food and drink industry, which is one of Shropshire's key business sectors.

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

#### Environmental implications of the proposals

- 6.9 Transport: Policy CS7 requires sustainable patterns of communications and transport. A highway assessment accompanying the application concludes that the vehicle movements generated by the development will be adequately accommodated within the existing highway network and that proposal would have a very limited impact upon the local highway. It is stated that the proposed access will allow all vehicles to safely turn into and out onto the highway network in a forward gear without impacting upon the safe flow of traffic on the highway. Highway officers and the Highway Agency have not objected to the proposals. It is concluded that the proposals are capable of complying on balance with Policy CS7.
- 6.10 Odour and noise: Core Strategy Policy CS8 seeks to maintain and enhance existing facilities, services and amenities and to contribute to the quality of life of residents and visitors. An assessment of the potential for odour, dust, flies and litter to be produced by the proposed development concludes that no significant impacts are likely given the isolated location of the proposals and the range of internal controls to be applied. A noise assessment advises that the local area is dominated by a mixture of traffic noise from the nearby main roads, the A49 and the A489, as well as noise from the nearby railway track which runs between Shrewsbury and Leominster and is approximately 1km from the site at its nearest point. The proposed development will generate some noise, however, given the separation distances between potential receptors and the mitigation measures that will be implemented it is not anticipated that this will represent a nuisance to local residents or amenity users. Public protection officers have not objected. The current proposals would be of modern design with the potential for improved odour and noise control, exercised through the recommended planning conditions and the Environment Agency's permitting regime. It is concluded that the proposals are compliant on balance with relevant amenity policies including Core Strategy Policy CS8.

#### Natural and Historic Environment:

- 6.11 Policy CS17 states that "development will identify, protect, enhance, expand and connect Shropshire's environmental assets, to create a multifunctional network of natural and historic resources, and should not adversely affect visual, ecological ... heritage or recreational assets.

- 6.12 Ecology: A full Ecological Appraisal and Great Crested Newt survey has been carried out and this concludes that there will be no impacts of major or intermediate significance on habitats or protected species. There will be no significant loss of habitat as a result of the development during the construction, operational or decommissioning phase. The planting of a native hedgerow and trees as part of landscaping works will provide an intermediate positive effect. The ecological report recommends that peripheral habitats, including the stream (east), hedgerows (south), tree lines (east) and boundary trees (east and south) must be retained. None of these habitats should be illuminated by external lighting and where used lighting should be reduced to its most practical level. Ground works must not extend within 250m of the Great Crested Newt breeding pond and fringe habitats must be preserved. A number of other detailed recommendations are made with respect to the construction works and the timing of any scrub clearance. The report notes that there are opportunities to compensate for loss of 'grassland' (and bird foraging habitat) and to enhance the site through hedgerow planting, including planting along the east and west boundaries of the site. Conditions and notes covering these recommendations have been included in Appendix 1.
- 6.13 Ecology – Habitats Regulation Assessment: - Natural England has not objected and has advised that no nearby designated sites would be affected. They have however suggested that a Habitat Regulations Assessment should be produced. Whilst the nearest SSSI is located 150m to the south of the site this has been designated for its geological interest and it is considered that the proposals are unlikely to impact on any features of geological interest due to their nature and separation distance. The next nearest SSSI's are located 3.2km to the north east and 3.4km to the north-west respectively. The only conceivable way in which the proposed site could affect these SSSI's at this distance would be through air emissions of ammonia. However, the applicant has provided further ammonia modelling information to the Environment Agency and they have confirmed on this basis that no further ammonia modelling is necessary. The EA is the appropriate authority for dealing with ammonia emissions from poultry operations and exercises detailed control through the environmental permitting system. As they are not requiring detailed ammonia modelling in this case it is considered that this provides a sufficient degree of reassurance that the levels of ammonia emissions would not impact adversely on these SSSI's. The site is also located 3.46km to the north of the Clun watershed area which is subject to additional pollution control measures. However, local drainage is directed towards the River Onny which drains into a different catchment (the River Teme). Given the spatial separation between the site and the edge of the Clun catchment, the fact that the site is upwind of this area and that the EA has not required detailed ammonia modelling it is concluded that the proposals would be unlikely to impact adversely on the Clun catchment.
- 6.14 It is concluded on balance that the proposals would not impact adversely on ecological interests and the proposed landscaping measures are capable of delivering ecological enhancements in accordance with Policy CS17.
- 6.15 Visual impact and landscaping: A landscape and visual impact appraisal has assessed the potential impacts of the development on the landscape and visual amenity and concludes that the effects would be minor. The site is surrounded by a number of trees which lie along the field boundaries, including those that run along the embankment adjacent to the A489 which screen the site from views from the road. Whilst the proposed poultry units would be quite large structures the sheds would be of a 'low

profile' design. Available views are limited and would be capable of being further mitigated by the proposed landscaping works. Any longer distance views from public footpaths running 300m to the north and 540m to the south of the site would be seen against the backdrop of the surrounding hills and would form only part of a wider panorama. The taller feed bins (7.5m) would be positioned between the buildings at the eastern end of the site where views would be attenuated by mature field margin trees.

- 6.16 A landscape plan proposes blocks of tree planting along the eastern and western margins of the site and there are mature hedgerows surrounding the field in which the site would be located. The Council's trees section has also recommended that consideration is given to undertaking additional planting at the top of the roadside embankment to the south of the site. There are some existing hedgerow trees along the eastern half of this margin. However, the southern side of the roadside embankment comprises a thick and continuous belt of trees and it is considered that this provides sufficient visual attenuation for any views towards the site from the south. An appropriately worded landscaping condition has been recommended in Appendix 1. It is concluded that the proposals would not give rise to unacceptable visual impacts on the landscape in this margin of the AONB, provided they are subject to appropriate landscaping and surface treatment conditions. Any residual visual effects after the proposed landscaping is taken into account would be limited and outweighed by the benefits of the scheme to agriculture and the rural economy (Core Strategy Policy CS17).
- 6.17 Cultural Heritage: A heritage appraisal concludes that the potential impacts of the development on designated and non-designated heritage assets would be of minor significance and would not lead to harm or loss of any of these assets. There are no listed buildings within 1km of the site. The nearest scheduled ancient monument (a moat) is located on elevated land 560m to the north but would generally not be seen in the same context as the site. The Council's archaeology service has not objected subject to the imposition of an archaeological investigation condition which has been included in Appendix 1 (Core Strategy Policy CS17).
- 6.18 Flooding: Core Strategy Policy CS18 requires sustainable water management to reduce flood risk and avoid an adverse impact on water quality. The site is not within a flood zone. The drainage details submitted in support of the application indicate that the proposals for dealing with surface water run-off will not result in increased flows from the site and will seek to control run-off where the existing site has no controls. The proposals will seek to reduce the likelihood of flooding providing a controlled drainage system. A suitable means of dirty water drainage disposal from the proposed development is also proposed. The Council's Drainage section has not objected. Appropriate conditions and advisory notes are recommended in Appendix 1.
- 6.19 Manure management: The Environment Agency has confirmed that the Environmental Permit it will issue will include a Manure Management Plan. This consists of a risk assessment of the fields on which the manure will be stored and spread and a protocol for manure spreading. This will ensure that the quantities of manure spread on the land do not exceed recommended limits.

- 6.20 Air emissions: Poultry units generate ammonia which can impact on the local environment. However, the conditions in modern poultry units are designed to minimise such emissions and such operations would be controlled under the Environment Agency's permitting system. The applicant has provided further information on ammonia and on this basis the EA has advised that no additional ammonia modelling is required. Manure from the site would be stored in in-field stores before being applied to the land as organic fertilizer. No manure would be stored on site, even for a short period. The applicant farms sufficient land area to spread the poultry manure within its own ownership and suitable storage locations are available away from ground and surface water sources. None of the land falls within a Nitrate Vulnerable Zone. It is considered that the proposals would not pose any significant risk to ground or surface water quality.
- 6.21 The poultry units would be heated by a modern biomass boiler system which would be fully compliant with relevant air emission standards. Biomass boilers produce a drier heat than traditional gas fired boilers which reduces the moisture content of poultry litter. This in turn reduces ammonia emissions and has benefits for bird welfare. The renewable heat energy produced by biomass boilers also has benefits in terms of climate change by substituting for the greenhouse gases which would otherwise be emitted by a fossil fuel heating system.
- 6.22 Agricultural land: The site would occupy 1.7 hectares of agricultural land within an existing 3ha field, of which 1.35ha is classed as Grade 2 best and most versatile quality (and is protected by the NPPF). The proposals would result in the loss of arable production potential within the 1.35 ha footprint. However, the amount of land affected is limited in relation to the size of the applicant's remaining landholding and the remaining 1.3 hectares would remain available in principle for arable production. It is considered that the agricultural benefits of the scheme in this case outweigh the loss of some of this land to arable production. It should be noted that the site is not managed at present as part of the 'normal' arable crop rotation within this mixed use farm, being farmed instead for soft fruit production. The manure produced by the facility would form a supplement to existing manure yields, increasing agricultural soil productivity elsewhere within the farm unit. It is considered that the implications of the proposals on agricultural land within the site can be accepted in the above circumstances.
- 6.23 Material balance: The proposals would require excavation works in order to create a level development platform. A cut would be made to a maximum depth of 14m into the slope at the north western end of the site. This would have the effect of recessing the proposed sheds relative to immediately surrounding landforms, increasing the level of screening afforded. The excavated bank would be graded to a smooth slope and grass seeded. A level platform provided halfway up the slope would be planted with trees. Surplus excavated material would be used for landscaping in the area surrounding the site, thereby eliminating the need for such material to be disposed of at a licensed inert waste facility.
- 6.24 Site location: There is insufficient space to accommodate additional buildings adjacent to the existing poultry sheds without compromising access, circulation and visual screening provisions. The application site was preferred as it is in close proximity to the existing sheds, would be linked by an existing track, is capable of being effectively screened and of achieving a suitable access onto the public highway. The site is in open countryside within the margin of the AONB. It is considered however that it

represents the most logical alternative for expanding the existing poultry business without impacting adversely on surrounding land use interests. The choice of site can therefore be supported in this instance.

## **7. CONCLUSION**

- 7.1 It is considered that the proposals represent an appropriate way of expanding the existing poultry use. This would ensure the future profitability / robustness of the business whilst continuing to contribute to the local economy and employment. It would also provide locally sourced food as part of a key industry in Shropshire, supplying a strong national demand for poultry meat. The proposals therefore comply with Core Strategy policies CS1(sustainability), CS5 (Countryside) and CS13 (economy).
- 7.2 The proposed site is located within the AONB where special safeguards apply (e.g. NPPF para 116). It is considered however that the EIA accompanying the application demonstrates that the environmental impacts of the proposed development are not significant and are capable of being effectively controlled and mitigated. The design of the scheme incorporates sustainable features such as biomass heating, SuDS and landscaping. The recommended conditions would also be supplemented by detailed operational controls available under the Environment Agency's permitting regime. It is concluded that the proposals are capable being accepted in relation to relevant development plan policies and guidance.

## **8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL**

### Risk Management

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

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

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

### Human Rights

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



landowners must be balanced against the impact on residents. This legislation has been taken into account in arriving at the above recommendation.

### Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in planning committee members' minds under section 70(2) of the Town and Country Planning Act 1970.

## **9.0 FINANCIAL IMPLICATIONS**

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

## **10. BACKGROUND**

### RELEVANT PLANNING POLICIES

Central Government Guidance:

#### 10.1 National Planning Policy Framework (NPPF) (DCLG – July 2011)

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

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

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

## 10.2 Core Strategy:

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

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

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

i. CS6: Sustainable Design and Development Principles:

To create sustainable places, development will be designed to a high quality using sustainable design principles, to achieve an inclusive and accessible environment which respects and enhances local distinctiveness and which *mitigates and adapts to climate change*. This will be achieved by: Requiring all development proposals, including changes to existing buildings, to achieve criteria set out in the sustainability checklist. This will ensure that sustainable design and construction principles are incorporated within new development, and that *resource and energy efficiency and renewable energy generation are adequately addressed* and improved where possible. The checklist will be developed as part of a Sustainable Design SPD; Requiring proposals likely to generate significant levels of traffic to be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced; And ensuring that all development: Is designed to be adaptable, safe and accessible to all, *to respond to the challenge of climate change* and, in relation to housing, adapt to changing lifestyle needs over the lifetime of the development in accordance with the objectives of Policy CS11 Protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character, having regard to national and local design guidance, *landscape character assessments and ecological strategies where appropriate; Contributes to the health and wellbeing of communities, including safeguarding residential and local amenity* and the achievement of local standards for the provision and quality of open space, sport and recreational facilities. Is designed to a high quality, consistent with national good practice standards, including appropriate landscaping and car parking provision and taking account of site characteristics such as land stability and ground contamination; Makes the most effective use of land and safeguards natural resources including high quality agricultural land, geology, minerals, air, soil and water; Ensures that there is capacity and availability of infrastructure to serve any new development in accordance with the objectives of Policy CS8. *Proposals resulting in the loss of*

*existing facilities, services or amenities will be resisted unless provision is made for equivalent or improved provision, or it can be clearly demonstrated that the existing facility, service or amenity is not viable over the long term.*

ii. CS13: Economic Development, Enterprise and Employment:

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

v. CS17: Environmental Networks

*Development will identify, protect, enhance, expand and connect Shropshire's environmental assets, to create a multifunctional network of natural and historic resources. This will be achieved by ensuring that all development: Protects and enhances the diversity, high quality and local character of Shropshire's natural, built and historic environment, and does not adversely affect the visual, ecological, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors*. Further guidance will be provided in SPDs concerning the natural and built environment; Contributes to local distinctiveness, having regard to the quality of Shropshire's environment, including landscape, biodiversity and heritage assets, such as the Shropshire Hills AONB, the Meres and Mosses and the World Heritage Sites at Pontcysyllte Aqueduct and Canal and Ironbridge Gorge Does not have a significant adverse impact on Shropshire's environmental assets and does not create barriers or sever links between dependant sites; Secures financial contributions,

in accordance with Policy CS8, towards the creation of new, and improvement to existing, environmental sites and corridors, the removal of barriers between sites, and provision for long term management and maintenance. Sites and corridors are identified in the LDF evidence base and will be regularly monitored and updated.

vii. Other relevant policies:

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

10.3 Saved Local Plan Policies:

10.3.1 Shropshire Structure Plan – Relevant saved policies:

- P16: Protecting air quality;

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

10.4 Emerging planning policy documents and guidance

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

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

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

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

**11. RELEVANT PLANNING HISTORY:**

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

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

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

**Local Members:** Cllr David Evans, Cllr Lee Chapman (Church Stretton and Craven Arms)

**Appendices:** APPENDIX 1 - Conditions

## **APPENDIX 1**

### **Conditions**

#### DEFINITION OF THE PERMISSION

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

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

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

- SA12842/01 (Location Plan);
- SA12842/02 (Site Plan with Topographical Levels);
- SA12842/03 (Site Plan without Topographical Levels);
- SA12842/04 (Building Floor Plans & Elevations);
- SA12842/05 (Building Elevations / Site Sections);
- SA12842/06 (Location Plan – Showing Proposed Landscaping);
- MF-LP-100 (Site Layout Plan);
- 01 (Survey Drawing).

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

#### CONDITIONS WHICH REQUIRE ACTION PRIOR TO THE COMMENCEMENT OF THE DEVELOPMENT

- 3a. Tree, shrub hedge and other planting and subsequent management shall be carried out in the locations shown on the approved landscape plan (SA12842/06) and in accordance with a detailed planting schedule which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement date. All planting and seeding shall be carried out within twelve months of completion of development and in accordance with the approved planting schedule.
- b. Any tree, shrub or other planted material which dies or is otherwise lost during the first 5 years post-planting shall be replaced with a tree, shrub or other plant of similar size and species.

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

Note: The Council's Trees section has recommended that consideration is given to additional tree planting along the southern margin of the site adjacent to the A489 embankment.

4. Prior to the commencement of the development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall amongst other matters detail the following:
- i. Management of vehicle movements;
  - ii. Timing of the development, including construction of the proposed new access;
  - iii. The proposed hours of operation;
  - iv. Any measures for protecting local amenities with respect to noise, dust and light pollution;
  - v. The location of any temporary contractor's compound and internal parking provisions;
  - vi. Measures for protecting existing grassland surrounding the site;
  - vii. Measures for dealing with surplus excavated material;
  - viii. Measures for preventing pollution to water resources, including by silt laden surface water run-off.

The Construction Management Plan shall be implemented in accordance with the approved details.

Reason: In the interests of local amenities, pollution protection and highway safety.

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

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

6. Notwithstanding the existing drainage details submitted in support of the application, prior to the Commencement Date a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme required by this condition shall include the following details:
- i. Confirmation that the design has fulfilled the requirements of Shropshire Councils Surface Water Management: Interim Guidance for Developers paragraphs 7.10 to 7.12 where exceedance flows up to the 1 in 100 years plus climate change should not result in the surface water flooding of more vulnerable areas within the development site or contribute to surface water flooding of any area outside of the development site.
  - ii. Details of a drainage system to intercept surface water prior to flowing on to the A489.
  - iii. Details of the flow control structure.
  - iv. Confirmation of measures for dealing with contaminated surface water runoff from the site, including provision to isolate, store and manage such drainage in order to prevent groundwater pollution.

The proposed surface water drainage scheme shall be installed in accordance with the approved drainage details prior to the first occupation of any of the development hereby approved.

Reason: To ensure that disposal of surface water is undertaken in a sustainable manner which also reduces flood risk.

7. No development shall commence on site in connection with this approval until the applicant (or agent acting on his behalf) has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

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

8. The access junction improvements shall be provided fully in accordance with the approved drawing prior to the bringing into use of the development.

Reason: In the interests of highway safety.

9. Prior to the first use of the development hereby approved a lighting plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet Bats and Lighting in the UK.

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

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

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

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

CONDITIONS WHICH APPLY DURING THE CONSTRUCTION PERIOD AND / OR FOR THE LIFETIME OF THE DEVELOPMENT



11. Existing trees and hedges within and on the margins of the site shall be retained and protected in full accordance with the recommendations of the approved arboricultural report by A.L.Smith accompanying the application.

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

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

Reason: To safeguard the amenities of the area.

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

Reason - In the interests of residential amenity.

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

Reason: For the protection of surface and groundwater resources.

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

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

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

Reason: To protect neighbouring properties.

Notes:

- i. *The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive. If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests*

*should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.*

- ii. Great Crested Newts are protected under the European Council Directive of 12 May 1992 on the conservation of natural habitats and of wild fauna and flora (known as the Habitats Directive 1992), the Conservation of Habitats and Species Regulations 2010 and under the Wildlife & Countryside Act 1981 (as amended). If a Great Crested Newt is discovered on the site at any time then all work must halt and Natural England should be contacted for advice.*
- iii. All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended). Two trees on the site have potential for roosting bats to be present. If removal of these two trees, or tree surgery works, becomes necessary then it must be undertaken following the advice of an experienced, licensed bat ecologist and following a suite of bat emergence surveys. If a bat should be discovered on the site at any point during the development then work must halt and Natural England should be contacted for advice.*
- iv. Badgers: Badger setts and the access to the sett are expressly protected from killing, injury, taking, disturbance of the sett, obstruction of the sett etc by the Protection of Badgers Act 1992. No works should occur within 30m of a badger sett without a Badger Disturbance Licence from Natural England in order to ensure the protection of badgers which are legally protected under the Protection of Badgers Act (1992).*
- v. It will be necessary to provide adequate access for emergency fire vehicles. There should be sufficient access for fire service vehicles to within 45 metres of every point on the projected plan area or a percentage of the perimeter, whichever is less onerous. The percentage will be determined by the total floor area of each building. This issue will be dealt with at the Building Regulations stage of the development. However, the Fire Authority advise that early consideration is given to this matter. The Building Regulations, 2000 (2006 Edition) Fire Safety Approved Document B5 provides details of typical fire service appliance specifications.*