



Committee and Date
North Planning Committee
15th October 2019

Item
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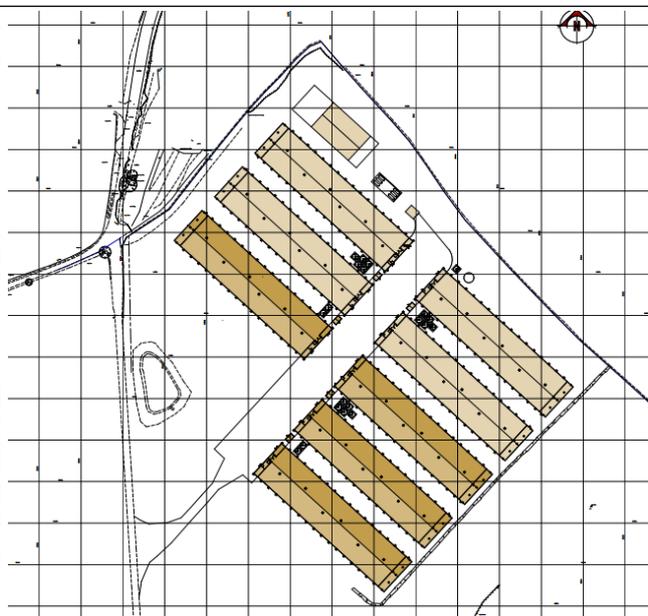
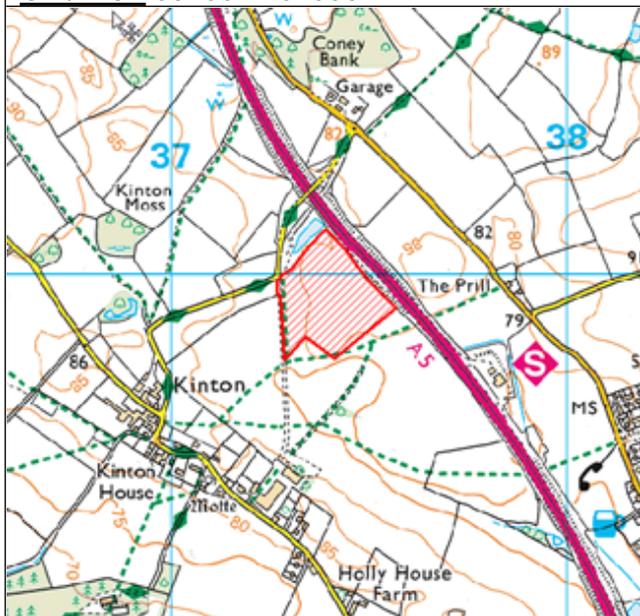
Development Management Report

Responsible Officer: Tim Rogers
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Summary of Application

Application Number: 18/00130/EIA	Parish:	Great Ness
Proposal: Erection of four poultry rearing buildings, nine feed bins, landscaping scheme and all associated works (amended description)		
Site Address: Land North East Of Kinton Shrewsbury Shropshire		
Applicant: Great Ness Poultry Ltd		
Case Officer: Kelvin Hall	email: planning.northern@shropshire.gov.uk	

Grid Ref: 337304 - 319951



Recommendation:

That Members delegate authority to the Planning Manager to refuse the planning application for the reasons set out below, subject to any amendments or additional reasons that the Planning Manager considers appropriate based upon any further consultation responses that are received within the further statutory consultation period.

The proposed development, which is Schedule 1 development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, has the potential to have significant adverse effects on the environment. These effects relate to potential direct and indirect impacts, either alone or in combination with existing development, from odour emissions, noise emissions, manure management, ammonia emissions, and traffic. It is considered that insufficient information has been submitted to adequately identify what the likely significant effects would be, and as a consequence the submitted Environmental Statement does not meet the requirements of the EIA regulations. Therefore the local planning authority is unable to assess what the impact of the development would be on the environment, and whether the proposal can be supported in relation to Development Plan policy and other material planning considerations, including Core Strategy policies CS5, CS6, CS13 and CS17, and SAMDev Plan policies MD2, MD7a, MD7b, MD8, MD12 and MD13.

It is acknowledged that the proposal would provide economic benefits, including from the investment in the expansion of the existing business and the additional and sustained labour requirements which would result from the construction and operation of the development. Nevertheless it is not considered that these benefits would be sufficient to justify a grant of planning permission in view of the deficiencies of the current application.

REPORT**A BACKGROUND**

- A.1 This application was presented to the Central Planning Committee at its meeting on 4th July 2019, following a Member's site visit in the morning. The original Officer recommendation, as set out in the Committee report, was that planning permission be refused due to insufficient information having been submitted to enable the planning authority to assess the impact of the development. Following the publication of the Committee Report the applicant's agent requested that the application be deferred for consideration at a future Planning Committee to allow further opportunity for the information requested to be provided. In the light of this the Officer's recommendation was amended to deferral of the application, and Members unanimously expressed their support for this deferral.
- A.2 Since that time the applicant has submitted further and revised information. This includes a noise report, a manure management plan, and amendments to the proposal to omit the agricultural workers dwelling. The Environmental Statement, Non-technical Summary, Design and Access Statement and drawings have been revised to reflect these changes. Re-consultation on the further information has been carried out, and this Committee Report provides an updated Officer assessment and replaces the one presented to Committee in July.

1.0 THE PROPOSAL

- 1.1 The planning application seeks permission for the erection of four poultry rearing

buildings, nine feed bins and other ancillary works as part of the expansion of the existing enterprise at Kinton. There would be three blending sheds situated between the buildings. The proposed development would increase the number of birds at the site by 200,000, with each poultry building accommodating 50,000 birds. Together with the existing buildings, this would result in a total number of birds at the site of 400,000.

- 1.2 The poultry buildings (measured from the submitted plans) would be approximately 109 metres x 27 metres with an eaves height of 2.7 metres and a ridge height of 5 metres. External materials would be box profile metal sheeting, of a dark colour to be agreed, and lower block work. They would be fitted with roof extraction fans which would protrude from the roof slope, and rear gable end extraction fans. Integrated within the gable end of each of the poultry buildings would be a store, a control room, a wc, and a canteen.
- 1.3 The feed bins would be cylindrical with a conical top and bottom on top of a concrete plinth. They would be of metal construction of a dark colour to be agreed. They would be 3.3 metres wide with a total height of 9.2 metres. The wheat blending rooms would be 5 metres x 3 metres x 3 metres to eaves and 3.4 metres to ridge. The area of hardstanding which is used for turning, loading and unloading at the existing buildings would be extended. Landscaping would include the formation of a screening mound to the west of the buildings, and the planting of trees and hedgerows around the development
- 1.4 The application as originally submitted proposed the construction of an agricultural workers dwelling and detached garage. This no longer forms part of the proposed development.
- 1.5 Production process: The rearing cycle involves bird delivery, ‘thinning’, removal and shed cleaning. At the start of the cycle, birds are delivered to the site from a hatchery. When they reach around five weeks old a ‘thinning’ takes place, where a proportion are removed and transported to the processing company. This takes place over two days. The remaining birds are removed when they are around six weeks old. This process also takes place over two days. The used litter is then removed from the site, and it is proposed that this is stored in fields prior to spreading on agricultural land farmed by the applicant. The sheds would then be cleaned in preparation for the next bird delivery.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The existing poultry farm includes four large poultry buildings, feed bins and a biomass boiler building located at the northern part of a former arable field to the north-east of the village of Kinton. The application site covers an area of approximately 5.8 hectares and encompasses both the existing site and an area to the south-west where the proposed additional buildings would be situated. The north-east side of the site is bounded by a tree covered embankment. This falls away to the A5(T) which runs in a cutting further to the north-east. There is a hedgerow adjacent to the northern boundary of the site, beyond which is a belt of trees around a drainage pond. The western boundary of the site is bounded by a road which provides access to the Kinton Business Park. On the other side of this road, and to the south of the site, is agricultural land.
- 2.2 The approved access into the poultry farm is from the public highway to the north, via a short section of the private access road which leads to the business park. The as-built access does not conform to this, and has been constructed approximately 120 metres further south than it should have been. The proposed access would use this (currently

unauthorised) entrance point. The nearest residential properties to the application site are two dwellings at The Prill, approximately 270 metres to the east, on the opposite side of the A5(T). Other properties lie approximately 330 metres to the north, and properties at Kinton approximately 310 metres to the south-west.

- 2.3 Kinton Business Park lies approximately 280 metres to the south, and includes a mix of light industrial units and offices. The A5(T) Nesscliffe Services area is located approximately 200 metres to the south-east, on the opposite side of the A5(T) to the application site. There are a number of public rights of way in the area. The nearest of these runs north-south through the western boundary of the site.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The proposals comprise Schedule 1 EIA development and the Council's Scheme of Delegation requires that such applications are determined by Planning Committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

- 4.1.1 **Great Ness & Little Ness Parish Council** Objects. Taking account of the number of other sheds in the area, the council has concerns re cumulative impact of amenity, noise and odour and vehicle movements. The impact assessments should also assess and address how it will affect new housing, such as that being constructed on The Crescent. The application does not include a waste management plan. There needs to be a higher bund to actually screen effectively as at present only small hedging planted.

- 4.1.2 **Environment Agency** No objections.

Environmental Permitting Regulations: The proposed development will accommodate up to 200,000 birds, which is above the threshold (40,000) for regulation of poultry farming under the Environmental Permitting (England and Wales) Regulations (EPR) 2010. The EP controls day to day general management, including operations, maintenance and pollution incidents. In addition, through the determination of the EP, issues such as relevant emissions and monitoring to water, air and land, as well as fugitive emissions, including odour, noise and operation will be addressed.

Based on our current position, we would not make detailed comments on these emissions as part of the current planning application process. It will be the responsibility of the applicant to undertake the relevant risk assessments and propose suitable mitigation to inform whether these emissions can be adequately managed. For example, management plans may contain details of appropriate ventilation, abatement equipment etc. Should the site operator fail to meet the conditions of a permit we will take action in-line with our published Enforcement and Sanctions guidance.

Kinton Farm currently operates under an EP for its intensive poultry operations. The current EP has an upper threshold of 400,000 birds which will not be exceeded by the current submission. We have had no complaints with regards the operation of the site.

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

Flood Risk: The site is predominantly located within Flood Zone 1, the low risk Zone. The Flood Map for Planning does show a small area of Flood Zone 3 along the Western portion of the site. This is addressed in the submitted Flood Risk Assessment (5.2 – Fluvial Flooding). Based on the scale and nature of the development we would have no bespoke comments to offer on flood risk matters and would refer you to our Standing Advice for development within Flood Zone 3 of an Ordinary Watercourse in consultation with your Flood and Water team.

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

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

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

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

The manure/litter is classed as a by-product of the poultry farm and is a valuable crop fertiliser on arable fields.

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

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

[At the time of writing this report no further comments had been received following the submission of the additional information in September 2019.]

- 4.1.3 **Historic England** Does not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.
- 4.1.4 **SC Conservation** We previously provided consultee comments on the 2015 application for 4 poultry units on this site which I would refer you to for background. This current application proposes an expansion of the poultry unit buildings to a total of 8 along with the introduction of an agricultural works dwelling with detached garage. The expansion of the poultry rearing buildings and related activities is towards the south-west moving it closer in proximity to the historic settlement of Kinton which is comprised of both designated and non-designated heritage assets. I would also note that in considering this planning application, due regard to the following local and national policies, guidance and legislation is required in terms of historic environment matters: CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, Policies MD2 and MD13 of the SAMDev component of the Local Plan, the National Planning Policy Framework (NPPF) and Historic England Guidance.

A Heritage Impact Assessment has again been prepared by Castlering Archaeology which addresses the requirements noted above and the conclusions of the assessment are acknowledged. An LVIA has also been prepared. A strict landscaping planting and maintenance condition as recommended in the assessments should be included in the Decision Notice should the proposal be approved. A consistent approach to materials and finishes across all of the buildings appropriate to the rural context of the area should be conditioned. I would also refer you to the comments provided by the Archaeology half of our Team as well as Historic England.

With respect to the proposed agricultural workers dwelling I would suggest some potential improvements to the proposed design particularly as this dwelling is to be located at the site entrance and set away somewhat from the main poultry rearing buildings where a simpler more traditional farmhouse design more conducive to the rural context here is desired. For example removal of the dormer windows in favour of a consistent roofscape with second floor windows below, simple window articulation throughout incorporating traditional timber casements and a more modest porch feature may improve the overall appearance of the dwelling. Further discussion on this aspect of the scheme is recommended and a revised design would require the inclusion of appropriate conditions relevant to external materials and joinery details and these should reflect the local vernacular.

- 4.1.5 **SC Archaeology** A Heritage Impact Assessment by Castlering Archaeology is included at Chapter 6 of the Environmental Statement, and has also been submitted as a separate report with the application. We confirm that this satisfies the requirements of Paragraph 128 of the NPPF and Policy MD13 of the emergent SAMDev component of the Local Plan.

The Assessment concludes that the proposed development would have limited negative impact on the views and setting of the Scheduled Monument of Nescliffe Hill Nesscliffe Hill Camp: a small multivallate hillfort (NHLE ref. 1020285). We concur with these findings and note that Historic England likewise raises no objections to the proposed development

in this respect.

The Assessment indicates that soils stripping on the proposed development was monitored as part of an archaeological watching brief during the Phase 1 development of the site. As a consequence, it considers that the proposed development will have no negative adverse impacts on any archaeological interest on the site itself and we would again agree with this conclusion. On this basis we no further comments to make with respect to archaeological matters.

4.1.6 **Natural England** Further information required to determine impacts on designated sites.

As submitted, the application could have potential significant effects on a number of designated sites. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required: an assessment of impacts on designated sites and details of proposed mitigation to reduce predicted impacts. Without this information, Natural England may need to object to the proposal.

Additional Information required:

This proposal triggers impact risk zones for a number of designated sites including the Midlands Meres and Mosses Phase 1 Ramsar, Midlands Meres and Mosses Phase 2 Ramsar, Fenemere Site of Special Scientific Interest (SSSI), Morton Pool and Pasture SSSI, Shrawardine Pool SSSI and Lin Can Moss SSSI. However no assessment has been provided on the likely impacts on these designated sites has been provided.

Environmental Statement / Ecological Assessment

Paragraph 7.5.2 of the Environmental Statement suggests that there is potential for air pollution associated with the development to affect designated sites including those mentioned above. The paragraph goes on to state that this will be dealt with in another chapter of the ES however there does not appear to be a chapter of the ES which considers the significance of impacts on designated sites or any mitigation proposed to reduce impacts of air pollution on designated sites.

Paragraph 7.5.5. of the Ecological Assessment concurs and continues to say that it is likely the proposed development will have cumulative impacts on designated sites due to other similar developments considered and proposed in the vicinity of the designated sites, it suggests that a Habitats Regulations Assessment will be required due to proximity to designated sites however again it suggests that proposed impacts and mitigation are in another section of the ES.

Ammonia Screening Tool (AST) Results

We note the AST results, it appears the assessment was undertaken in January 2015. With regard to Lin Can Moss SSSI we note the Process Contribution of ammonia as a percentage of the Critical Level from this proposal is 42.96, towards the high end of the threshold considered significant by the Environment Agency (EA).

Natural England notes the results of the 'in-combination' assessment, the number of similar proposals within a 5km radius of Lin Can Moss SSSI suggests that there is a 'development cluster' of this type of proposal around this designated site and as such recommends additional consideration of the cumulative impacts on this site. We note that the EA's assessment suggests that those proposals with a Process Contribution of below

20% are considered insignificant, however, one is very close to the 20% threshold (19.52%). Taken together, those that screen below the 20% threshold and this proposal add up to a Process Contribution of 96.98% on Lin Can Moss. This is just the total of those proposals which require a permit from the EA, there may be smaller similar proposals which will not be permitted by the EA which could nevertheless have similar impacts. However, no information or assessment have been provided to allow the consideration of impacts these high levels of air pollution will have on the SSSI. No details of mitigation to reduce the impacts have been provided. Without mitigation, this proposal may prevent future similar developments because of the high relatively high levels of ammonia generated by this site on Lin Can Moss and may undermine efforts to reduce the already high background levels which may be damaging the SSSI which may be suffering from the effects of nutrient enrichment.

Shropshire Local Plan Policy

Shropshire's Site Allocations and Management of Development Policy MD12: The Natural Environment states

"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.

Lin Can Moss is a quaking bog, a priority habitat, a national designation and part of Shropshire's Ecological network. As stated above, this proposal may have cumulative impacts on the designated site yet no assessment has been provided to allow the consideration of the impacts of this proposal to satisfy local policy. In addition it is not clear how the mitigation hierarchy has been applied, i.e what measures have been put in place to avoid potential damage by potentially including equipment within the development which reduces emissions to air or to mitigate the impacts on the designated site which may include contributing financially to site management to reduce the effects of air pollution through active interventions at the site. Natural England could not comment on potential compensation without understanding the likely impacts.

We recommend you seek this information in order to satisfy local and national policy.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Other advice

Further general advice on the protected species and other natural environment issues is provided at Annex A.

[At the time of writing this report no further comments had been received following the submission of the additional information in September 2019.]

4.1.7 SC Ecologist Recommends refusal.

Information previously requested has not been submitted. Based on the level of information currently provided with the planning application, SC Ecology would recommend refusal;

- 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 the application is likely to damage the scientific interest features of Lin Can Moss SSSI and Shrawardine Pool SSSI.

Under section 28I of the Countryside and Rights of Way Act, Natural England must be formally consulted on this application and their comments taken into account prior to making a planning decision. Natural England has advised Shropshire Council that further information is required, without which it may have to object to the application.

If the authority is minded to grant planning permission contrary to the advice of Natural England, it is required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, the authority has taken account of Natural England's advice. A further period of 21 days must be secured before the operation can commence.

Two internationally designated wildlife sites lie within 10km of the proposed development. Natural England has requested information on potential impacts through airborne ammonia on these two sites. The Local Planning Authority will need to carry out a Habitats Regulations Assessment under the Conservation of Habitats and Species Regulations 2017, before granting any planning permission.

Based on the evidence submitted, the planning case officer cannot conclude that the planning application will not have significant adverse effects on biodiversity under policies MD12, CS17 and NPPF due to impacts on Natural Assets (Ancient Woodland and Local Wildlife Sites).

SC Ecology has provided formal comments regarding the Ecological Impact Assessment prepared by Churton Ecology (October 2017) below. Conditions and informatives have been listed, but these only cover biodiversity matters other than the impacts of airborne ammonia and are only for use if the above outstanding issues above have been satisfactorily resolved.

The recommendations stated in the SC Ecology response dated 23rd March 2018 remain the same. Due to predicted damage to designated wildlife sites. SC Ecology recommends refusal.

Since SC Ecology's 23rd March 2018 response, new caselaw has been published with

regard to international sites. Recently Natural England in their consultee responses, have advised LPAs as follows:

“Notwithstanding the above, your authority should be aware of a recent ruling at the Court of Justice of the European Union which may relate to this proposal, the Coöperatie Mobilisation (AKA the Dutch Nitrogen Case) (Joined Cases C-293/17 and C-294/17).

The Coöperatie Mobilisation case relates to strategic approaches to dealing with nitrogen. It considers the approach to take when new plans/projects may adversely affect the ecological situation where a European site is already in ‘unfavourable’ conservation status, and it considers the acceptability of mitigating measures whose benefits are not certain at the time of that assessment.

The case also considers the implications where a site is currently exceeding its environmental benchmarks the [international site, SAC, SPA or Ramsar] is currently exceeding its critical load for nitrogen according to APIS

Natural England is therefore advising Competent authorities that when undertaking HRAs they should be mindful of this case and should seek their own legal advice on the implications of this recent ruling for their decisions. We would also encourage those proposing plans or projects which may affect international sites to consider how this case may affect their proposals.”

Shropshire Council is in the process of taking legal advice on this issue. It is noted that Morton Pool and Pasture and Fenemere Ramsar sites lie within 10km of the proposed development site and Natural England (consultee response dated 5th April 2018) have requested more information to be submitted, including for these sites. If more detailed modelling of ammonia impacts should take place in future, both these sites should be included and the relevance of the case law considered. Both these sites are several times over their respective critical levels and loads for ammonia and nitrogen deposition.

The Manure Management Plan shows that fields receiving manure from the development would lie within 450m of Lin Can Moss at their closest point. Further information is required on the impacts from ammonia from the spreading of manure.

Ecological Impact Assessment

SC Ecology has been asked to provide comments on the Ecological Impact Assessment, and any proposed conditions should planning permission be granted. This response should be read in conjunction with the 23rd March 2018 response.

Habitats: The site was surveyed in 2015 and again in 2017 by Churton Ecology. The land to be lost for this current application consists entirely of arable land with some arable weeds and hence is of low biodiversity value. A rough area of semi-natural habitat lies to the north west. Both boundary hedgerows, which are relatively species-poor, remain intact. Other than through airborne ammonia emissions from the proposed units, there would be no impacts on designated wildlife sites or ancient woodlands.

Great Crested Newts: Although there is a nearby pool, its function as an attenuation pool i.e. seasonally wet and heavy rainfall-dependent, makes it unlikely to support this species. This was confirmed by carrying out presence/absence surveys in May 2015 (details of results in Appendix EA2) when the pool was periodically holding water (for a few days

only after heavy rainfall). On the 13th April 2017 the pool was dry. No further surveys for GCN are required.

Badgers: Evidence of badgers close to the site was found but the current proposal is unlikely to have any impacts on badgers. As a precautionary measure a condition for an additional survey before construction commences is provided below.

Birds: Given the transient nature of arable habitat, ground nesting birds are not considered to be an important ecological feature of this site. Given that the hedgerows are likely to support some of the notable (and other) scrub/hedgerow birds which have been previously recorded in the area e.g. Dunnock, Yellowhammer, Whitethroat and Song Thrush, breeding birds are considered to be an important ecological feature in a site context (boundary hedges only). No further surveys are required.

Landscaping and habitat management: In the Landscape and Biodiversity Management Plan (BMP), drawn up for the first development (15/05462/EIA), there were plans for an overall increase in hedgerow through new hedgerow planting. All hedgerows were to be enhanced through sensitive management and some additional tree planting within them. Small areas of woodland were to be planted on the west side of the site over some of the planned rough grassland area. A positive residual effect on biodiversity, significant in a site context, was predicted. AS the execution of the Landscape and BMP was a condition of the first planning application, similar landscaping, in altered locations over the whole poultry site, is planned to achieve a net gain for biodiversity. However, due to the adverse impacts predicted from airborne ammonia on designated wildlife sites and biodiversity in general in the area, the proposed landscape plan is insufficient. It should be revisited to provide greater tree/scrub/hedge planting following current best practice on tree screening to absorb ammonia. This measure, whilst a valuable enhancement, cannot be considered mitigation in the short term as it may take 20 -30 years for the screening to reach a useful size. Ongoing damage will have occurred to designated sites throughout this period and it is unclear how much ammonia such a screen can absorb. Conditions requiring a Construction Environment Management Plan, revised landscape plan and biodiversity management plan can be found below.

Lighting: The Ecology Report suggests that the existing hedges and any additional landscaping may be used by foraging and commuting bats and nesting birds. A lighting condition has been provided to prevent disturbance to these species.

Summary:

Additional information is being requested to establish what impact the proposal will have on 2 internationally designated sites, 2 Nationally Designated Sites, 2 Ancient Woodlands, and 6 Local Wildlife Sites as the Process Contribution Screens above a 1% threshold screening threshold. If the detailed modelling indicates that the Process Contribution plus the in-combination assessment with other plans and projects impacting on the same sites will be below 1% then further additional screening is not required. If the process contribution plus the in-combination process contributions screen above 1% then Step 4 and 5 should be undertaken in line with the NRW Guidance Note 20. SC Ecology has identified applications/permits which should be considered in-combination and will help the applicant gather this information if required.

Without the additional information SC Ecology must conclude that the current proposal

will be detrimental to the Designated Sites and Natural Assets listed and planning permission should be refused in accordance with legislation and planning policy.

Natural England must be consulted on any additional information submitted for the planning application and their advice should be taken into account before a planning decision is made.

Should planning permission be granted, conditions should be imposed to cover the following matter, however doing so would not mitigate for biodiversity damage caused by airborne ammonia.

- Pre-commencement badger inspection
- Submission and approval of a Construction Environmental Management Plan
- Submission and approval of a landscaping plan
- Submission and approval of a habitat management plan

Previous comments (23/3/18):

There are two biological SSSIs within 5km of the site: Shrawardine Pool and Lin Can Moss. The EA has undertaken an in-combination assessment as the Process Contribution along for Lin Can Moss SSSI is 42.96% and is therefore above the 20% critical level threshold (under EA guidance).

The level of information submitted in support of the current planning proposal does not allow SC Ecology to conclude that the current proposal will not be detrimental to the Nationally Designated Sites listed.

Additional information is being requested to establish what impact the proposal will have on 2 Nationally Designated Sites, 2 Ancient Woodlands, and 6 Local Wildlife Sites as the Process Contribution Screens above a 1% threshold screening threshold. If the detailed modelling indicates that the Process Contribution plus the in-combination assessment with other plans and projects impacting on the same sites will be below 1% then further additional screening is not required. If the process contribution plus the in-combination process contributions screen above 1% then Step 4 and 5 should be undertaken in line with the NRW Guidance Note 20. SC Ecology has identified applications/permits which should be considered in-combination and will help the applicant gather this information if required.

Without the additional information SC Ecology must conclude that the current proposal will be detrimental to the Nationally Designated Sites and Natural Assets listed and planning permission should be refused in accordance with legislation and planning policy.

- 4.1.8 **SC Landscape consultant – ESP Ltd.** No objection. We consider that the findings of the LVIA submitted are reliable and set out a comprehensive assessment of the landscape and visual effects of the proposed development. The mitigation proposals appear to be appropriately designed and specified.

In terms of cumulative impacts, the LVIA Addendum prepared by Allan Moss Associates lists 5 existing poultry units which are located between 2.3 and 5.0km from the proposal site. I am comfortable that the existing operations be treated as part of the landscape and visual baseline in accordance with the guidance in GLVIA3 (S 7.13 'existing schemes and those which are under construction should be included in the baseline for both landscape and visual effects assessments (the LVIA baseline)'). This is also consistent

with the guidance in GLVIA3 (S 7.4) 'to keep the task reasonable and in proportion to the nature of the project under consideration'. On that basis, as I suspected, the 5 existing poultry units are demonstrated by Allan Moss Associates to have sufficient physical and visual separation from the proposal site not to lead to any cumulative effects.

However, the LVIA and Addendum remains silent on the potential for cumulative effects that may arise from schemes with planning consent and schemes that are subject to a valid planning application that has not yet been determined. Paragraph 9.2 of my review noted that;

'The LVIA takes account of the cumulative effects of the proposed development and the existing poultry operation but does not refer to any other similar existing or proposed developments which may contribute to cumulative effects'

It would therefore be sensible so that we can conclude this matter for Allan Moss Associates to address the issue of potential cumulative effects from any similar proposed developments.

9/4/18

In relation to the objection from Shrewsbury CPRE, although the objection refers to 'adverse impact on the landscape' the details of the objection relate entirely to visual matters.

It is not clear from the objection from precisely where the photograph was taken, however the Applicant's LVIA has assessed the visual effects likely to be experienced by receptors at Oliver's Point on Nesscliffe Hill, which is 1.0 km from the proposal site.

The objection notes that the tree planting bordering the A5 acts to 'break up the line of the sheds' and that the green roofs blend in with the surrounding area, but that despite this it is a dominant feature in an important landscape, and that the enlarged poultry farm will have an even greater impact on the landscape when seen from the Nesscliffe Hill viewpoint.

The LVIA carries out a robust assessment of visual effects from this location. The methodology in the LVIA includes 5 levels of criteria for assessing landscape value, from Negligible/Negative to National/International. The level of criteria at the midpoint of this scale is described as Parish/District, which is defined as Landscape areas or landscape features of more than just local value e.g. recognised landmarks & beauty spots, village greens & common land. The LVIA ascribes the visual amenity value at the viewpoint at Nesscliffe Hill as Parish/District, reflecting its status as a Country Park, and the susceptibility of visual receptors as High, given that the experience of the landscape here is a primary motivator for their visit. The scale of the visual effect is judged to be Low/Medium adverse, the geographical extent Low and the duration/reversibility Medium/Long term.

Taking all these measures into account, the degree of significance of visual effects is judged to be Minor adverse.

As we noted in our review of the LVIA, the methodology used is appropriate and has been applied consistently with evidence in support of the judgements reached, so we are in agreement with the findings that it has reached.

Turning to the specific points that the objector has raised, the proposal is described as 'dominant'. This would equate to the measures of Scale and Geographical Extent used in the LVIA. In ascribing the Scale as Low/medium adverse the LVIA refers to the criteria for this measure as a 'Minor change in view where proposed development would be apparent: visible, evident, obvious, perceptible, discernable, recognisable.' In ascribing the Geographical extent as Low the LVIA refers to the criteria for this measure as 'Visual change between low and medium (eg. 100-500m length).

Given that these assessments would appear to be appropriate, we believe that that the objector has overstated the scale and extent of the proposed development when viewed from this location.

The objector also refers to this being an 'important landscape'. It is not clear whether the objector is referring to the landscape within which the application site is located, or the landscape within which the Nesscliffe viewpoint is located. The LVIA recognises that they have different values, and proposes that the value of the landscape within which the proposal site is located is ascribed a level of Local, the second lowest out of the five levels of criteria set out in the LVIA methodology. The landscape around Nesscliffe Hill is ascribed the next highest value of Parish/District by virtue of its status as a Country Park and a well-used recreational facility. We believe that these judgements are appropriate and that the objector has overstated the value/importance of the landscape. Although the landscape around Nesscliffe Hill is recognised in the LVIA as having a higher value, the influence of this factor on the level of visual effects that may be predicted is assessed in the LVIA as being reduced by virtue of there being a low/medium scale and low geographical extent of the development at this location.

The photograph attached also acts to overstate the degree of visibility that the proposal site has from this location. The photograph has been taken with a zoom or telephoto lens which gives the location site a far greater prominence than a viewer at this location would in fact experience. In addition, the filtering/framing effect of trees in the immediate vicinity of this viewpoint and their effect in reducing the extent of views from this location has been lost as a result. The photograph in the LVIA (No. 2) from this location has been taken with a fixed 50mm optical focal length lens which is the accepted specification for achieving a realistic impression of how the viewer would see the landscape.

4.1.9 **SC Public Protection** Objects.

2/10/19

A noise assessment ref: M1936/R01 produced by Matrix Acoustic Design Consultants has been provided by the applicant. The assessment considers noise from fan noise from the poultry units. It does not consider any other noise sources associated with the running such as feed delivery noise and depopulation and therefore has not assessed any of these noise sources in combination and the resulting impact.

The noise assessment has considered the fan noise from the current and proposed units aggregated. It concludes that there is no significant noise impact as noise levels from fan noise are predicted to remain low during all times of day. Having considered the assessment I conclude that fan noise will have a very low impact on any nearby sensitive receptors.

Looking at the most recent information I can no longer see any reference to an agricultural workers dwelling. If this is indeed the case there is not considered to be the need for any PM10 (particulates with a diameter of less than 10 microns) assessment as the parameters found in the Local Air Quality Management Regime are not met and no assessment is necessary. Should any residential dwelling be brought within 100m of the site in future PM10 assessment will be necessary.

Previous comments have requested odour assessment to consider the impact of the cumulative odour produced by the existing and proposed poultry units. I cannot see any such assessment and can therefore make no comment on this aspect and would highlight that this assessment may still be outstanding.

It is recommended that the applicant make reference to manure disposal and the potential for odour impact. It is noted that a the odour management plan states that all manure will be taken by a separate entity and spread and that legal agreements will be in place to ensure that spreading of manure takes place in line with the relevant code of good agricultural practice. I would recommend this is suitably conditioned given past appeal decisions of poultry operations in the county.

1/5/18

Having considered the information supplied it is noted that the applicant has not undertaken a noise assessment based on the justification of nearest residential properties being more than 575m away from the proposed site. However, there are residential properties approx. 315m away to the north east (1 and 2 The Prill) and 400m to the south (e.g. Kinton Tythe, Tithe Barn and others). I would agree that noise from the road may impact on the development and properties nearby however some noise from the development may be more notable to nearby residents e.g. depopulation and thinning at night.

In addition the applicant has not provided any odour assessment. As there are receptors within 400m I would advise that this is requested to consider if odour is likely to be an issue at nearest properties or not.

In respect of both noise and odour the applicant has stated that due to having had these aspects assessed through the Environmental Permitting regime there is no need to assess at planning stage. This is incorrect as the planning regime is set to protect amenity whereas the permitting regime is set to protect against nuisance.

6/2/18

Having considered the proposals it is noted that the proposed development would see the development reach a total capacity for 400,000 birds in mechanically ventilated units. As a result of the proposal to bring a residential property within 100m of the units the site would meet the criteria set out in Table 7.3 of Local Air Quality Management Regime Technical Guidance document 2016. As a result the applicant must provide a desk top assessment of the potential particulate exposure to the proposed residential dwelling in line with Box 7.2 of the above noted document. To avoid this assessment the applicant could ensure that the proposed residential building is more than 100m from the nearest proposed poultry shed.

As the proposal is doubling the size of the operation it is considered that a full noise assessment is required taking into consideration all plant and equipment on site including

biomass boiler, fans in sheds, depopulation and thinning events, feed delivery and processing.

An odour assessment is considered appropriate given the size of the overall operation on site. This must take into consideration all residential properties in the locality.

The reason for requesting noise and odour assessment which previously was not requested for the first 4 sheds is due to the combined impact of the proposed 400,000 bird site and associated equipment and plant.

4.1.10 **Highways England** Recommends conditions.

We note that the site has a common boundary with the A5. It is normal practice that the boundary treatment would remain privately owned and the inspection and maintenance would be the responsibility of the owner. We therefore recommend conditions to require that a scheme of foul drainage and surface water drainage is submitted for approval, and implemented before the development is brought into use; and that details of boundary treatment at the boundary of the site with the A5 are submitted for approval.

4.1.11 **SC Highways Development Control** Requests further information. There is insufficient detail submitted with the application to make an informed highway comment, at this time.

The application proposes four poultry rearing units in addition to those previously permitted under planning permission 15/05462/EIA, along with an agricultural workers dwelling and revised access to the private road serving Kinton Business Park.

The development is described in the submitted Environmental Statement and indicated on the Proposed Block Plan (Drawing No. 70011/17/03) with further information and drawings being provided in respect of vehicle/traffic movements and HGV routing.

Following the previous Highway Advice Note, an amended Environmental Statement has been provided along with a revised schedule of traffic movements. It is not clear what amendments have been made to the Environmental Statement and the version number of the statement remains the same as previously submitted.

It is noted that planning application (16/02773/DIS) for the discharge of conditions 5 (Highway Improvements) 6 (Access and road widening) and 8 (Traffic Routing) attached to planning permission 15/05462/EIA remains undetermined, however, a previous site visit and subsequent investigation appears to confirm that the works have been completed without any formal approval by Shropshire Council as Local Highway Authority. The latest submitted information does not make any reference to this issue and it is considered that as the additional HGV traffic associated with the expansion of the poultry rearing business will utilise the same section of road, there remains a need to assess the completed road widening works and signage to identify if any remedial or further works are required.

The current proposal is stated as accommodating an additional 200,000 birds, effectively doubling the current capacity. The traffic movements for the increased capacity are set out in Chapter 5 of the amended Environmental Statement and the traffic movement schedule.

The figures relate to a single “crop cycle” of which there are 7.6 each year with peak HGV movements occurring at the beginning and end of each cycle (population/de-population of birds). The traffic movements shown are considered to be generally representative of the HGV and other vehicle movements associated with the development and there are clearly economies of scale in servicing the increased number of units.

Whilst the principle of the development is acceptable, the proposed further increase in HGV movements needs to be considered in terms of the acceptability of the road widening works and route signage undertaken to date.

- 4.1.12 **SC Rights of Way** The southern section of FP 9 will clip the southern boundary of the poultry unit, this part of footpath 9 will need to be taken into consideration and either the units moved slightly or the footpath diverted around the building.

The section of FP 9 which runs north to south does not run along the track as I think is assumed and will still run through the area of the proposed agricultural workers dwelling so this would need to be diverted (onto the track) under section 257 of the TCPA 90 and we would have no objection to that.

If the planning application is to go ahead as applied for then the affected footpaths will have to be diverted under the terms of the Town and Country Planning Act.

The applicants will need to apply to the Mapping and Enforcement Team for such diversions and, in the meantime, the routes will need to be temporarily closed before any works commence at the site. The Mapping and Enforcement Team can provide the necessary information and application forms for the diversion orders (fees apply).

- 4.1.13 **SC Drainage** No objection. The surface water drainage proposal in the FRA is acceptable in principle. A detailed plan of the proposed drainage should be submitted for approval.

- 4.1.14 **SC Affordable Housing**
As this forms part of the larger business, if any new dwelling is needed it should be a secondary dwelling.

- 4.1.15 **Ministry of Defence – Defence Infrastructure Organisation** No safeguarding objections. The application relates to a site outside of Ministry of Defence safeguarding areas.

- 4.1.16 **Shropshire Fire Service** Advice provided (see Informatives).

4.2 **Public comments**

- 4.2.1 The application has been advertised by site notice and in the local press. In addition, 31 residential properties and businesses in the local area have been directly notified.

- 4.2.2 Four letters of objection have been received, raising the following points:
- Impact on housing estate currently being built, and village school
 - Imperative that odour and noise assessment is carried out, to include both new and existing installations
 - Waste management plan required as applicant appears to have problems finding storage space for existing waste

- Odour impact
- Risk of chicken flu; contamination from viruses via vehicles
- Will result in increase in vermin
- Impact on groundwater and local water supplies from manure spreading from nitrogen and antibiotic residues
- Increase of health complaints like asthma from increase in waste, smell and lorries
- Further proposals like this should be capped
- Already 5 large poultry enterprises, producing about 5 million chickens per year
- Need independent assessment of cumulative effect of so many large chicken farms close to each other, on health and wellbeing of residents
- Bund walls not high enough; should screen buildings from village
- Existing planted trees are too small; new trees should be substantial enough to produce a screen
- Land should be return to agricultural if use discontinued

4.2.3 One neutral representation has been received:

- Satisfied with how earth mounding (and eventually planting) has partially obscured views of existing chicken sheds
- No objection if proposed expansion can be equally well screened
- Proposal will make a much bigger impact on local views than existing
- Concerned over potential for site to become redundant if no longer required; should impose a condition requiring removal of buildings, and restoration, if use ceases

4.2.4 One representation of support has been received, with no reason given.

4.2.5 **Shrewsbury CPRE** Objects. We note that the existing unit has been located and screened in order to minimise so far as possible its impact on the surrounding area. When seen from the viewpoint on Nesscliffe Hill the trees bordering the A5 break up the line of the sheds, especially in summer when the trees are in leaf, while the green roofs blend in with the surrounding area. Nevertheless, it is a dominant feature in an important landscape. The attached photograph taken early in February illustrates this.

Our concern is that the enlarged poultry farm will have an even greater impact on the landscape when seen from the Nesscliffe Hill viewpoint. It is in conflict with Structure Plan policy CS17 and should not therefore be permitted.

We also object based upon any increased smell already coming from the existing unit which will be compounded by further growth. The smell from any additional unit will particularly impact on residents in Nesscliffe where a new housing development is under way. It is particularly noticeable because of the prevailing south westerly breeze.

Further comments (17/7/19):

We understand that a delay has been requested on this application for further information to be obtained. We take the opportunity to repeat one aspect of our earlier objection - the smell. We experienced this on a visit to the Nesscliffe public woodland.

One of the main sources of odour is the spread of chicken manure. The planning application states:

All litter land-spread is under the control of a separate farming business and subject to a

written agreement and will be spread in line with the Code of Good Agricultural practice.

We could find no detail of how or where manure is spread. Furthermore, the receptors listed in the application are four private houses and a service station. Nesscliffe village is not mentioned.

If the applicant is complying with the above provisions, it is clearly not working. The odours presently experienced are coming from other activities at the poultry farm. Any extension of the farm as proposed could only make matters worse for the residents of Nesscliffe.

We support the officer's recommendation for refusal and hope that the committee will agree.

5.0 THE MAIN ISSUES

- 5.1
- Environmental Impact Assessment
 - Planning policy context; principle of development
 - Siting, scale and design; impact upon landscape character
 - Historic environment considerations
 - Residential and local amenity considerations
 - Traffic, access and rights of way considerations
 - Ecological considerations
 - Drainage and pollution considerations

6.0 OFFICER APPRAISAL

6.1 Environmental Impact Assessment

6.1.1 The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 specify that Environmental Impact Assessment (EIA) is required for proposed development involving the intensive rearing of poultry where the number of birds is 85,000 or more. The proposed development would accommodate an additional 200,000 birds. It is therefore EIA development and the application is accompanied by a report entitled Environmental Statement.

6.1.2 The EIA regulations state that an environmental statement is a statement which includes, amongst other matters, at least:

- A description of the likely significant effects of the proposed development on the environment; this should cover the direct effects and any indirect effects;
- A description of any features of the proposed development, or measures envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment.

6.1.3 The regulations state that an environmental statement must include the information reasonably required for reaching a reasoned conclusion on the significant effects of the development on the environment, taking into account current knowledge and methods of assessment. Schedule 4 of the regulations state that environmental statements should describe the development, including, amongst other matters: an estimate, by type and quantity, of expected residues and emissions during the construction and operational phases. The EIA must identify, describe and assess in an appropriate manner, in light of each individual case, the direct and indirect significant effects of the proposed development. This should include the cumulation of effects with other existing and/or

approved projects.

- 6.1.4 Relationship between planning and permitting processes: Due to its nature and scale, the proposed development would be regulated under the Environmental Permitting (England and Wales) Regulations, and therefore requires an Environmental Permit issued by the Environment Agency (EA). This Permit has now been issued and would control day to day general management, including operations, maintenance and pollution incidents. Para. 183 of the National Planning Policy Framework (NPPF) states that the focus of planning decisions should be on whether the proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). It adds that planning decisions should assume that these regimes will operate effectively. Nevertheless the EIA regulations require that likely effects of the development on the environment are identified and taken into consideration in the decision-making process. These effects will include matters that are also regulated by the EA.

6.2 Planning policy context; principle of development

- 6.2.1 Planning applications are to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF is a material planning consideration and sets out a presumption in favour of sustainable development and there are three overarching objectives to achieving this: economic; social; and environmental. The NPPF states that significant weight should be given to the need to support economic growth and productivity (para. 80). In respect of development in rural areas, it states that planning decisions should enable the sustainable growth and expansion of all types of business; and the development and diversification of agricultural and other land-based rural businesses (para. 83).
- 6.2.2 This approach is reflected in Development Plan policy. Core Strategy policy CS5 provides support for appropriate development within the countryside, which maintain and enhance countryside vitality and character 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, and this is discussed in sections below. Core Strategy policy CS13 states that, in seeking to develop and diversify the Shropshire economy, emphasis will be placed on matters such as supporting rural enterprise and diversification of the economy, in particular areas of activity which include the agricultural and farm diversification sectors.
- 6.2.3 The proposal to expand the existing enterprise would involve significant investment and would help to sustain the long-term viability of the rural business. It would provide additional economic benefits in terms of additional labour requirements in a sector which is appropriate in the rural area. The Environmental Statement states that the proposal is a sustainable economic development. Its list of benefits include: the expansion of the UK poultry meat production capacity; helping to meet the rising demand for poultry meat in the UK and becoming self-sufficient in poultry meat; reducing the need to import foreign produced poultry meat; reducing greenhouse gas emissions from fossil fuel consumption in transportation of meat across the globe, i.e. food miles. It is considered that the proposal has support in principle from Development Plan and national policy. However policies also recognise that poultry units can have significant impacts and these matters are assessed below.

6.2.4 Farm workers dwelling: The application as originally submitted included a proposed agricultural workers dwelling at the entrance to the site. In the previous Committee Report which was prepared for the 4th July 2019 meeting, Officers considered that insufficient justification had been provided for the need for an agricultural workers dwelling to support the expansion of the existing operation, or for the need for a dwelling of the size proposed. In addition Officers did not consider that the design of the proposed dwelling was appropriate for this rural location. The assessment of Officer was therefore that this element of the proposal was contrary to Development Plan policy. The revised application now omits the agricultural workers dwelling from the proposal.

6.3 Siting, scale and design; impact on landscape character

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. It states that development will be designed to a high quality using sustainable design principles. 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. SAMDev Plan policy MD2 requires that development contributes to and respects locally distinctive or valued character and existing amenity value, and demonstrates how good standards of sustainable design and construction have been employed. SAMDev Plan policy MD7b states that applications for agricultural development should be of a size/scale which is consistent with its required agricultural purpose, and where possible sited so that it is functionally and physically closely related to existing farm buildings. Policy CS16 seeks to deliver sustainable tourism, and promotes connections between visitors and Shropshire's natural, cultural and historic environment.

6.3.2 Siting and alternatives: Details of alternatives to the proposed development have not been provided. The Environmental Statement advises that the application site is considered to be the only suitable location as it is a natural extension to the existing poultry installation. The proposed buildings would be positioned close to the existing ones and would utilise existing infrastructure at the site such as roadways.

6.3.3 Design and sustainability: The buildings would be heated using a biomass boiler fuelled by woodchip/pellets, straw or Miscanthus, which would be more environmentally beneficial than the use of non-renewable forms of energy. The proposal would incorporate sustainable drainage measures to reduce impacts on surrounding land. Officers acknowledge that these represent beneficial elements to the proposal.

6.3.4 Landscape and visual impacts: The Environmental Statement includes a Landscape and Visual Impact Assessment (LVIA). This assesses the landscape in this area as having low/medium landscape quality. There are no national or local landscape designations affecting the application site. The poultry buildings would be constructed at the level of the existing sheds and ground modelling around the development would result in surrounding land being approximately 3.5 metres higher than the floor levels of the buildings. The existing approved landscaping scheme provides for tree and hedgerow planting around the existing buildings. The proposed development would prevent this from being implemented. However tree and hedgerow planting would be carried out along the new south-eastern and south-western boundaries of the site.

- 6.3.5 Taking into account factors such as the sensitivity of the landscape, the magnitude and significance of effects, and the existing development, the LVIA states that the effect on landscape character would be of Minor adverse significance. There would be a single low-wattage, downward-facing light above each of the main shed doors. The LVIA suggests that the effect of night-time lighting would be of Negligible adverse significance.
- 6.3.6 The site is generally well contained visually to the east and north by trees belts, and more open to view from the west and south. Potentially susceptible visual receptors include public footpaths in the area, the Kinton road, the A5(T) and The Cliffe and Oliver's Point. The LVIA has assessed visual effects from representative locations. The route of footpath 0419/9 would be directly affected by the development and would need to be diverted. The LVIA assesses the effect on the visual amenity of this footpath as of Moderate adverse significance. The LVIA acknowledges that visitors to Nesscliffe Country Park, to the east, would have high susceptibility to change. It states that from here the proposed development would be visible in the context of the existing poultry unit, the A5(T) and the adjacent service area, and the proposed ground modelling and tree/hedgerow planting would help to soften the outline of the development from this direction once established. It assesses the effect on visual amenity from Oliver's Point as of Moderate adverse significance. Effects from other public views, and from private dwellings, are assessed as being of Minor adverse significance to the decision making process. Overall the LVIA assesses the visual effects of the proposed development from these locations as Not Significant. The LVIA concludes that there would be no significant adverse landscape effects or visual effects.
- 6.3.7 The Council's landscape consultant, ESP Ltd., has been consulted on the LVIA and considers that its findings are comprehensive and reliable, and that the mitigation proposals are appropriate. The LVIA considers that the proposal would not lead to any cumulative effects with other poultry units and Officers concur with this conclusion. The proposal would be a significant development, and would extend the area of the whole site to approximately 5.8 hectares. It would increase its visibility in the local area, and result in adverse visual amenity from some public viewpoints. Nevertheless Officers consider that the proposed design and mitigation would enable it to be satisfactorily assimilated within the landscape, such that landscape and visual effects would not be unacceptable. The development would be visible from public rights of way and other viewpoints in the area which are frequented by tourists. However it is not considered that the impacts would be of such a scale as to have a significant impact on tourism in the area.

6.4 Residential and local amenity considerations

- 6.4.1 Core Strategy policy CS6 requires that developments safeguard residential and local amenity. SAMDev Plan policy MD7b states that planning applications for agricultural development will be permitted where it can be demonstrated that there would be no unacceptable impacts on existing residential amenity.
- 6.4.2 Odour: The proposed development has the potential to have a significant impact on the environment as a result of odour generation, both from the direct emissions from the poultry houses, either alone or in combination with the existing sheds, and also from the storage and spreading of manure produced by the development.
- 6.4.3 The Environmental Statement submitted with the application states that the impact of odour emissions has been scoped out of the EIA, i.e. not included in the assessment. It states that, due to the separation distance between the site and the places where people

live, no assessment has been made of the impact of odour on humans. Further, that the impact of odour emissions has already been assessed as part of the Environmental Permit application, and that odour was not a matter that was raised as a concern as part of the permit application demonstrating that the development is capable of being managed in an appropriate way such that odour from the site will not cause any significant environmental effects.

- 6.4.4 Officers do not concur with this approach and consider that this is contrary to the statutory requirements of the EIA regulations which include the matters noted in section 6.1 above. Officers, including the Council's public protection officer, have requested that an odour assessment is submitted. In response the applicant has submitted an Odour Management Plan (OMP) which was prepared as part of the application to the Environment Agency for an Environmental Permit. The OMP identifies thirteen sources as contributing to a potential medium – high risk odour source. It states that the most sensitive receptors would be inhabitants of nearby residential dwellings, and that the wind direction would significantly influence how receptors are affected. It also identifies five properties that it says would be potentially affected by airborne odour issues. It includes details of what procedures would be adopted to prevent or minimise odour levels. However the EIA regulations require that an assessment of impacts is included in the environment statement, not simply a plan to manage them.
- 6.4.5 Officers accept that the site benefits from an Environmental Permit and that this has been varied to allow 400,000 birds to be reared at the site. The Environment Agency notes that it is the responsibility of the applicant to undertake the relevant risk assessments and proposed suitable mitigation to inform whether emissions can be adequately managed. However, in order to meet the requirements of the EIA regulations, this assessment work needs to be undertaken as part of the EIA process and prior to a decision being made on the proposal. Officers acknowledge the advice in para. 183 of the NPPF regarding the relationship between the planning and pollution control regimes, as referred to above. However this does not obviate the need for EIA applications to comply with the EIA regulations.
- 6.4.6 Officers do not consider that there is sufficient justification for odour to be scoped out of the EIA process. There are sensitive receptors within the vicinity of the site, and odour is already emitted by the existing development thereby contributing to background levels in the area. In addition the application proposes that manure generated by the proposed development would be spread on land farmed by the applicant. This activity has the potential to have significant effects on the environment. It is appropriate for these matters to be included within the EIA process. This has not been done, and consequently Officers consider that the Environmental Statement is deficient as it does not meet the requirements of the EIA regulations.
- 6.4.7 Noise: Para. 180 of the NPPF states that planning decisions should ensure that new development is appropriate for its location; and mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development; and avoid noise giving rise to significant adverse impacts on health and the quality of life. The proposed development has the potential to have a significant impact on the environment as a result of noise generation, including from extraction fans, from vehicle movements around the site, and from the traffic movements to/from the site. These impacts may result either from the development itself, or in combination with the existing operation. However the Environmental Statement advises that noise impact has been scoped out of the EIA. It

states that the noise environment around the site is typical of a working farm with the associated feed deliveries, grain drying, milling, blowing off of feed, field work, yard etc. It suggests that the nearest residential curtilage is more than 575 metres from the site and is separated from the site by mature hedges. It goes on to say that noise emissions from the site have already been assessed as part of the Environmental Permit application; noise was not a matter that was raised as a concern as part of the permit application implying that noise generation from the site is unlikely to have any significant environmental effect. It refers to the aims of the NPPF to avoid noise from giving rise to significant adverse impacts on health and quality of life, and suggests that the proposal meets these aims, and that the EA confirmed this in granting the site an Environmental Permit to operate.

- 6.4.8 Officers do not consider that this is an appropriate approach and are of the view that it would fall short of the legal requirements of the EIA regulations, details of which are set out in section 6.1 above. Contrary to the suggestion in the Environmental Statement that the nearest residential curtilage is more than 575 metres from the site, dwellings at The Prill, to the east of the site, are approximately 300 metres closer than this, at approximately 270 metres. There are other properties approximately 330 metres to the north, and houses at Kinton village lie approximately 380 metres to the south-west. The Environmental Statement does not appear to have taken this into consideration when scoping noise out of the EIA process.
- 6.4.9 In order to address this, officers requested that a noise assessment is undertaken as part of the EIA process. In response, the applicant submitted a Noise Management Plan (NMP) and, in September 2019, a Plant Noise Assessment.
- 6.4.10 The NMP was prepared as part of the application to the Environment Agency for an Environmental Permit. The NMP states that its purpose is to:
- establish the likely sources of noise arising from a typical broiler chicken unit;
 - set out the procedures to be followed at Kinton Farm in order to prevent or minimise noise levels.
- 6.4.11 It lists nine ‘typical sources of noise problems’ and the actions that are in place at the site to prevent or minimise noise. The NMP is effectively a document setting out how noise levels would be managed. This is not sufficient for the purposes of complying with the EIA regulations. The Plan does not provide an assessment of the likely noise levels that would be generated by the proposal. It does not identify what the likely impacts of these levels would be, and what measures are proposed to ‘avoid, prevent, reduce or offset’ likely significant adverse effects on the environment.
- 6.4.12 The submitted Plant Noise Assessment suggests that as there will be no meaningful change in transport (feed deliveries, livestock delivery/collection etc.) noise emissions as a result of the proposed scheme, the assessment reviews plant noise emissions only. It states that the only plant associated with both the existing and proposed additional poultry units would be the roof-mounted extract fans. It identifies that the closest dwellings to the proposed poultry unit are approximately 320 – 425 metres away. It has not undertaken a background noise survey but has estimated such levels based on the rural location of the site and the proximity of the A5. It concludes that noise impact during the night will be low, and that aggregate extract fan noise emissions would not result in an adverse noise impact at the nearest dwellings.

- 6.4.13 The Council's Public Protection Officer has raised concern that the report only considers noise from the fans, and not from other sources such as feed delivery and depopulation of birds. It is acknowledged that these operations already take place at the site. Nevertheless the proposed development, by increasing the number of birds being reared from 200,000 to 400,000 at any one time, would result in a significant expansion of the existing operation. This would produce more noise-generating activity such as lorry movements associated with delivery and collection of birds and feed. Officers acknowledge that the noise climate of the area is affected by the proximity of the site to the A5, and also acknowledge the distance of sensitive receptors to the site. However it is reasonable to expect that these noise impacts are assessed as part of the Environmental Impact Assessment, particularly as many of the heavy vehicle movements would occur during night-time periods when background levels are likely to be lower.
- 6.4.14 Officers acknowledge that the site benefits from an Environmental Permit and that this has been varied to allow 400,000 birds to be reared at the site. The Environment Agency notes that it is the responsibility of the applicant to undertake the relevant risk assessments and proposed suitable mitigation to inform whether emissions can be adequately managed. However in order to meet the requirements of the EIA regulations, this assessment work needs to be undertaken as part of the EIA process and prior to a decision being made on the proposal. Officers acknowledge the advice in para. 183 of the NPPF regarding the relationship between the planning and pollution control regimes, as referred to above. However this does not obviate the need for EIA applications to comply with the EIA regulations. It is relevant to note that whilst the Environmental Permit would provide control over noise emissions, the Permit does not control any issues arising from activities outside of the permit boundary, such as that from vehicle traffic on the public highway. Officers therefore consider that the Environmental Statement is deficient as it does not meet the requirements of the EIA regulations.
- 6.4.15 Manure management: The proposed development would result in a significant quantity of manure being produced from the birds. Manure has the potential to result in significant impacts on the environment. The Environmental Statement advises that this would be used on land farmed by the applicant and taken from the farm by tractor and trailer in line with existing practices on the site. It states that the applicant farms sufficient land for spreading the manure and sufficient land for storing the manure within fields. However it confirms that no assessment of the impact of the storage of manure or the land spreading of manure has been carried out.
- 6.4.16 A Manure Management Plan (MMP) was submitted in September 2019. It states that it has been prepared for the total stock of 750,000 broilers, however it should be noted that the current proposal is for 200,000 birds to add to the existing 200,000 bird unit at the site, i.e. 400,000 birds in total. It is understood that the reason for this is that the MMP relates to the farmholding under the control of Great Ness Poultry Ltd., which includes both the Kinton poultry site and another one at Great Ness. The MMP states that the total amount of nitrogen that can be applied over the spreadable land on the farm would be 150,000kg, and that the total nitrogen produced on the farm is 247,500kg. As there would be more manure produced than can be accommodated within the farmland, the MMP states that some would be exported to anaerobic digester plants. This is inconsistent with the statement in the Environmental Statement. The MMP includes field maps showing where the manure would be spread, and states that storage and disposal would need to accord with Defra's Code of Good Agricultural Practice for the Protection of Air, Water and Soil.

6.4.17 The MMP or Environmental Statement does not assess what the impacts of this indirect element of the proposed development would be, for example in respect of odour or ammonia emissions. Officers formally requested that this is provided in order to meet EIA requirements, however the MMP that has been submitted does not provide such an assessment. The Environmental Statement is therefore deficient in respect of this matter.

6.5 **Historic environment considerations**

6.5.1 Core Strategy policy CS17 requires that developments protect and enhance the diversity, high quality and local character of Shropshire's historic environment. SAMDev Plan policy MD13 requires that heritage assets are conserved, sympathetically enhanced and restored by ensuring that the social or economic benefits of a development can be demonstrated to clearly outweigh any adverse effects on the significance of a heritage asset, or its setting.

6.5.2 A Heritage Impact Assessment has been submitted. This suggests that the dominant heritage asset to be taken into consideration is the Scheduled Monument of Nesscliffe Hill Camp. It suggests that given the existing poultry unit, the screening afforded by the Nesscliffe bypass, and the restricted heights of the proposed buildings, the proposed development would have limited negative impact on views from this heritage asset. It states that any filtered views would be distant, and visual impact on the Scheduled Monument is assessed as being low adverse in the short term and negligible in the long term. It assesses the impact of the development on listed buildings and heritage assets at Kinton village as low adverse to negligible.

6.5.3 The Council's archaeologist concurs with the assessment of impacts on the hillfort. The Conservation Officer has recommended that landscaping is undertaken and this can form part of the decision notice if permission were to be granted.

6.6 **Traffic, access and rights of way considerations**

6.6.1 Core Strategy policy CS6 requires that all development is designed to be safe and accessible. SAMDev Plan policy MD8 states that development should only take place where there is sufficient existing infrastructure capacity. Policy CS16 seeks to deliver sustainable tourism, and promotes connections between visitors and Shropshire's natural, cultural and historic environment. Policy CS17 seeks to protect and enhance environmental networks, including public rights of way.

6.6.2 Peak traffic movements to/from the site would occur during times when birds are removed from the site. This would take place over two 2-day periods during each 48 day crop cycle. This would commence at 0200 hours, and during the 0200 – 0700 night-time period there would typically be no more than two HGV movements per hour. The Environmental Statement states that on 27 days of the crop cycle, there would be no HGV movements, and there would be more than 2 HGVs per day on only 7 days of the crop cycle. The most HGVs on any one day would be 16.

6.6.3 The existing planning permission for the poultry farm states that the development shall not commence until details of the road widening of the public highway to the north of the site have been submitted, approved and implemented; and that a traffic routing plan has been agreed. The Council's highways consultant has raised concerns that the road widening works appear to have been completed without any formal approval of the Council as highway authority. Our consultant has advised that the principle of the

development is acceptable, but nevertheless there is a need to assess the completed road widening works and signage to identify if any remedial or further works are required.

- 6.6.4 It is considered that the proposed access to the farm is of an acceptable design and provides satisfactorily visibility for incoming and outgoing vehicles. The application proposes that HGV traffic would approach the site via the Wolfshead roundabout from the A5(T) to the north of the site and the former A5. This would avoid HGVs travelling through Kinton village. It is considered that this route is appropriate. However it is not considered that the application provides sufficient clarity on the number and type of vehicles that would be associated with the proposed development. In particular, the Environmental Statement states that manure removal is undertaken by tractor and trailer and depending on where the manure is spread these vehicles may only use field tracks and may not route onto the adjacent public highway. However based upon the figures included in the Manure Management Plan, 39% of the manure produced at the farm would be taken to anaerobic digester plants. These movements have not been quantified or assessed as part of the planning application.
- 6.6.5 It is considered that, if permission were to be granted, conditions could be imposed to require that matters relating to highway widening and HGV routing are satisfactorily resolved prior to the development being implemented. However it is not considered that the planning application has satisfactorily assessed the full traffic impacts of the proposal as it does not take into account the export of manure to anaerobic digestion plants.
- 6.7 **Ecological consideration**
- 6.7.1 Core Strategy policy CS17 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. SAMDev Plan policies MD2 and MD12 require that developments enhance, incorporate or recreate natural assets. Policy MD12 states that proposals which are likely to have a significant adverse effect, directly, indirectly or cumulatively, on specified ecological assets should 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. It states that in all cases, a hierarchy of mitigation then compensation measures will be sought.
- 6.7.2 Paragraph 175 of the NPPF states that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.
- 6.7.3 The principal ecological issues relate to the direct impacts of the development on the ecological value of the area, and the indirect impacts due to the release of ammonia from the resultant poultry manure.
- 6.7.4 Direct impacts: The Ecological Impact Assessment submitted with the application suggests that the key impacts of the proposal would be from air pollution, and on foraging and commuting bats from the illumination of hedgerows in the construction and operation phases. The assessment states that enhancement measures would include the planting of native hedges along the eastern boundary of the site, and additional shrub and tree

planting in a group on a bund at the north-west of the site. It concludes that, following mitigation and enhancement, the environmental network would be enhanced.

- 6.7.5 Impacts from ammonia: The site lies within 10km of two internationally designated wildlife sites and within 5km of two nationally designated biological SSSIs. In addition there are seven non-statutory sites within 2km of the site. The Environmental Statement states that it does not need to provide an assessment of the impact of the development on designated sites. It states that airborne emission screening has been carried out by the EA as part of the determination of the Environmental Permit. It states that this screening assessment reported that emissions of ammonia or ammonia deposition from the farm would not be in excess of the relevant environmental threshold at any particular designated site, and that there would be no cumulative effect with any existing farms.
- 6.7.6 Officers do not concur with this. The proposed development has the potential to have a significant impact on the ecological receptors due to the release of ammonia, both directly from the building, in combination with other development, and also as a result of the spreading of manure onto farmland. In 2018 the Council issued an Interim Guidance Note “Assessing the impact of ammonia and nitrogen on designated sites and Natural Assets from new and expanding livestock units”. This recognises that, in the past, the Council has relied on national guidance and thresholds for ammonia published by the EA. It explains how the Council now assesses the impact of predicted ammonia emissions. The EA’s in-combination assessment, which is relied on by the applicant, uses a different methodology to that set out in the Council’s Interim Guidance Note, and includes different thresholds. Officers have discussed this Note, and the need for specific modelling, with the applicant. However no further information has been formally submitted. The Council’s ecologist has advised that, based upon the evidence submitted, the planning case officer cannot conclude that the proposed development will not have significant adverse effects on biodiversity under Development Plan and NPPF policy.
- 6.7.7 In addition to the above, Natural England has advised that the application could have significant effects on a number of designated sites. They have advised that an assessment of impacts is required, with details of proposed mitigation. An assessment of potential significant impacts is a statutory requirement of the EIA regulations. In the absence of this, officers consider that the Environmental Statement is deficient.
- 6.8 **Impact on water resources**
- 6.8.1 Core Strategy policy CS18 seeks to reduce flood risk and avoid adverse impact on water quality and quantity. Policy CS6 requires that development safeguards natural resources, including soil and water.
- 6.8.2 The site is located within Flood Zone 1 (low risk of fluvial flooding) and the submitted Flood Risk Assessment confirms that risks from flooding are low. It is proposed that surface water from the site would be discharged into an existing attenuation swale located to the west of the development. This would be enlarged to increase its capacity to reflect the additional run-off from the proposed buildings. Additional attenuation would be provided by French drains to be constructed along the sides of the buildings. The FRA suggests that the residual impacts on the local water environment would be negligible. Wash water from the cleaning out of the sheds would be collected in underground tanks. The Council’s drainage consultant has confirmed that the proposed drainage scheme is acceptable and that detailed matters can be dealt with as part of a planning condition.

7.0 CONCLUSION

- 7.1 The proposal to constructed four additional buildings and nine feed bins at the existing poultry rearing unit at Kinton is Schedule 1 development under the Environmental Impact Assessment regulations. These regulations require that planning permission is not granted unless an Environmental Impact Assessment has been carried out. They state that EIA must identify, describe and assess in an appropriate manner, in light of each individual case, the direct and indirect significant effects of the proposed development.
- 7.2 The proposed development has the potential to have a significant adverse effects on the environment. Satisfactory assessments of potential direct and indirect impacts from odour, noise, manure management, ammonia and transport have not been included in the Environmental Statement. The Environmental Statement does not meet the requirements of the EIA regulations and is deficient. The local planning authority is therefore unable to assess what the full impact of the development would be on the environment, and therefore whether the proposal can be supported in relation to Development Plan policy and other material planning considerations.
- 7.3 It is recognised that the poultry rearing operation does benefit from an Environmental Permit from the Environment Agency and that the Agency has advised that, through this, issues such as relevant emissions will be addressed. However, the focus of the planning process is on whether the proposed development is an acceptable use of land and this requires an understanding of what the land-use impacts are likely to be. The existence of an Environmental Permit does not obviate the need for an appropriate level of assessment to be undertaken as part of the EIA process, as required by the EIA regulations.
- 7.4 The proposal would provide economic benefits, including from the investment in the expansion of the existing business and the additional and sustained labour requirements which would result from the construction and operation of the development. Nevertheless it is not considered that these benefits would be sufficient to justify a grant of planning permission in view of the deficiencies of the current application.
- 7.5 In conclusion, on the basis of the above, officers recommend that planning permission should be refused.

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 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.

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 1970.

9.0 Financial Implications

There are likely financial implications of the decision and/or imposition of conditions if 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:
NPPF

Core Strategy and Saved Policies:
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS13 - Economic Development, Enterprise and Employment
CS17 - Environmental Networks
MD2 - Sustainable Design
MD7B - General Management of Development in the Countryside

MD8 - Infrastructure Provision
 MD12 - Natural Environment
 MD13 - Historic Environment
 SPD Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

15/05462/EIA Erection of four poultry rearing buildings, biomass building, ten feed bins and other ancillary buildings, landscaping including ground modelling and tree planting, construction of a surface water attenuation feature and new access GRANT 4th May 2016
 17/00504/FUL Erection of an agricultural workers dwelling and installation of septic tank WDN 27th June 2017

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)
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Cabinet Member (Portfolio Holder) Councillor Gwilym Butler

Local Member Cllr Ed Potter

Appendices
