

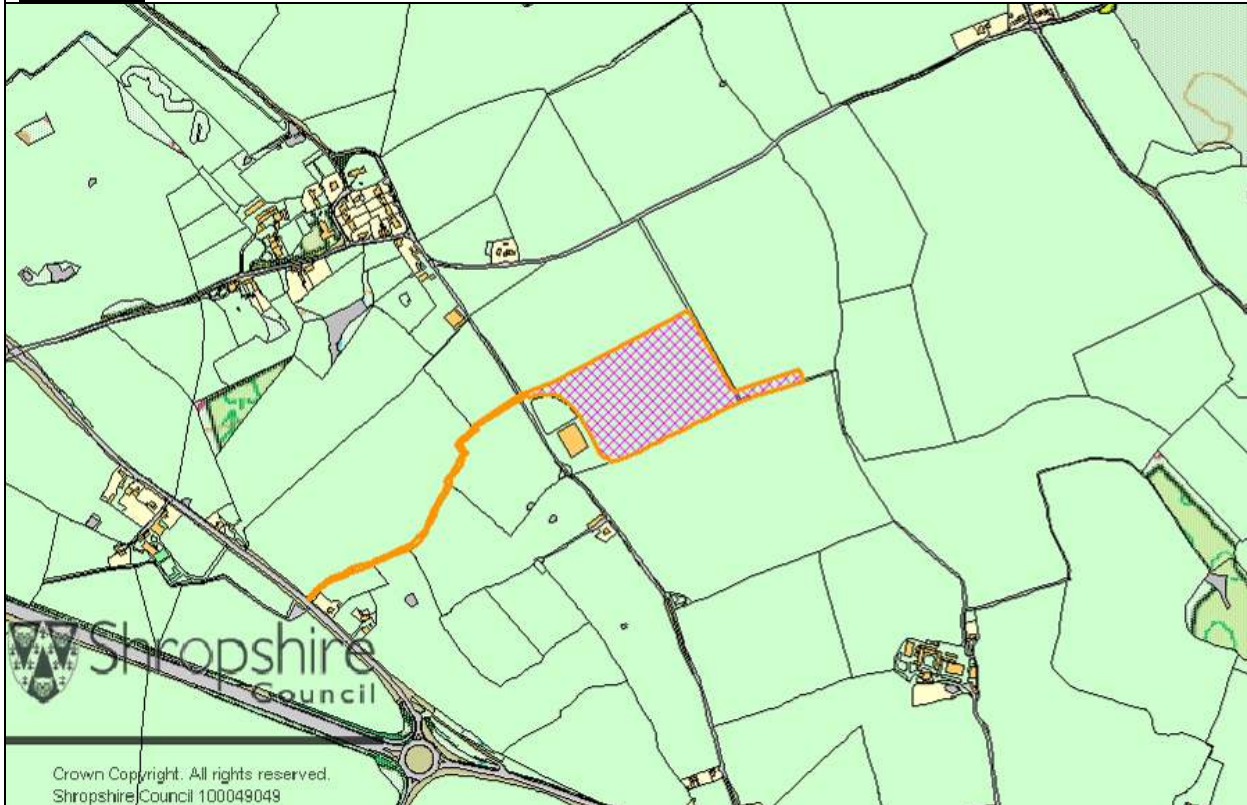
Development Management Report

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Summary of Application

Application Number: 13/04305/EIA	Parish:	Great Ness
Proposal: Erection of three poultry rearing buildings, eight feed bins and associated works		
Site Address: Poultry Broiler Units Great Ness Montford Bridge Shrewsbury Shropshire		
Applicant: Great Ness Poultry Ltd		
Case Officer: Kelvin Hall	email: planningdmc@shropshire.gov.uk	

Grid Ref: 340263 - 318560



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Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 and subject to the variation of the Section 106 legal agreement (in line with the submitted draft) to include the following matters: to secure the routing of traffic associated with the development via the access road between Rodefern Lane and the old A5; to provide for the regular review of the use of the approved route.

REPORT

1.0 THE PROPOSAL

- 1.1 The existing poultry unit development located to the southeast of Great Ness comprises four poultry buildings together with associated feed bins and equipment. The current planning application seeks permission for the extension of the existing development, providing an additional three poultry houses, with eight feed bins and associated infrastructure.
- 1.2 Two sheds would be located to the east of the existing site, and would measure 98 metres long and 25 metres wide, connected by two small control rooms. One shed would be located to the west of the existing sheds, and would measure 92 metres long and 25 metres wide, with attached small office, control room and gallery. These two sheds would be constructed at a lower level than the existing sheds. All three sheds would have a fan canopy and baffle area to the south extending from the rear by 4.85 metres. The sheds and attached fan canopy area would be 2.64 metres to eaves and 4.84 metres to ridge.
- 1.3 The proposed sheds would be constructed of metal portal frame and roof and side wall cladding, with a solid concrete floor. Their external colour would be juniper green, to match the adjacent sheds.
- 1.4 There would be eight feed bins. These would be of cylindrical design with conical top and bottom. Four would be positioned between the two new sheds (but at a lower level than the existing feed silos) and three would be positioned at the western side of the development. Each would measure 9.2 metres high and 3.5 metres diameter. A further feed bin would be located to the north of the existing sheds, and would measure 7.4 metres high and 2.6 metres diameter. The bins would be coloured juniper green to match existing. The existing hard-standing and turning area would be extended.
- 1.5 The surface water drainage arrangements for the existing site incorporates a swale at the eastern side of the development. This would be relocated to the east of the extended site, within an adjacent field.
- 1.6 Cropping cycle
Preparation for the crop cycle would include the delivery of fuel and bedding litter and feed to the site, followed by the delivery of chicks from the hatchery. Thinning of the birds would take place at around five weeks, over a period of two days. The remainder would be collected at around six weeks, again over a two day period. At the end of the growing period the used litter would be removed for use on agricultural land. Wash down and disinfection would then take place in preparation for the next crop. Wash water would be collected in underground tanks before being spread to agricultural land.

1.7 It is proposed that the chickens reared in the new poultry houses would be grown on the same cropping cycle as the existing site which typically extends to a fifty day cycle.

1.8 Landscaping

The proposed landscaping comprises an extension of the existing permitted scheme. This would involve extending the existing ground contouring at the northern side of the site along the length of the extended site. This would be planting with the same species mix. Planting would be continued around the eastern and southern sides of the site, and in total would involve the provision of 1165 trees. Young trees that have been planted to the east of the existing sheds would be replanted to the east of the extended site.

1.9 Environmental Impact Assessment: The proposed development is of a type listed in Schedule 1 of the Environmental Impact Regulations and as such the planning application is accompanied by an Environmental Statement.

2.0 **SITE LOCATION/DESCRIPTION**

2.1 The application site is located approximately 450 metres to the south-east of the village of Great Ness. Surrounding land is in agricultural use. The application site covers an area of approximately 4 hectares. Access to the site is gained from the old A5 public highway via a dedicated access track, approximately 600 metres in length, which was constructed as part of the development of the original four poultry houses.

2.2 The nearest residential property is Rodeferns Farm, approximately 110 metres to the south. Other residential properties in the vicinity of the site include Oakfield (approximately 270 metres to the north) and properties in Great Ness approximately 430 metres to the northwest.

2.3 A public footpath crosses the application site, running in a northwest – southeast orientation between the proposed new buildings and the proposed new swale. Other public footpaths in the area are located approximately 190 metres to the south and approximately 230 metres to the northwest. The village of Great Ness is a Conservation Area and includes a number of Listed Buildings.

3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

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

4.0 **COMMUNITY REPRESENTATIONS**

4.1 **Consultee Comments**

4.1.1 **Great Ness Parish Council** Objects on the grounds of increased traffic on the roads and visual and environment impact.

- 4.1.2 **Montford Parish Council (adjacent Parish)** No comment. The site is just outside Montford Parish and since the Montford parishioners who live very near the site on Rodefern Lane have not yet contacted the Parish Council it is felt appropriate to make no comment.
- 4.1.3 **Baschurch Parish Council (nearby Parish – 1.8km away)** Objects to the application as an adjoining Parish and support Great Ness and Little Ness Parish Council in their objections on the grounds of over development of the site, the visual and environmental impact and increase in traffic on surrounding rural roads.
- 4.1.4 **Ruyton XI Towns Parish Council (nearby Parish – 2km away)** The Parish Council wish to make no comment as the application is outside the parish and does not directly affect the parish.
- 4.1.5 **Environment Agency** No objections. The Agency has given detailed consideration to the proposals. The Agency originally raised an objection on the grounds that the Environmental Statement was not considered sufficiently robust and that there were a number of uncertainties with respect to the proposals.

The Agency has provided updated comments as follows.

The Agency issued an Environmental Permit (EP) variation on 22 May 2013 to increase the number of bird places on site to 350,000. This EP variation includes conditions in relation to the management of amenity issues such as odour and noise. Our Regulatory teams will continue to manage this site and associated processes to minimise amenity issues wherever possible. As a permit variation has been issued and conditions imposed in relation to processes likely to generate amenity complaints, we do not feel it is appropriate to sustain an objection to the proposed development in this instance. However, the following detail is to make clear our position on the current planning submission and its relation to the permit. We do not seek to see control of the processes we regulate through the planning regime, but to advise on the land use related information within the Environmental Statement (ES).

Odour: We have some concern that the submitted Environmental Statement has concluded that modelled odour concentrations are greater than the annual 98th percentile hourly mean odour concentration threshold of $3 \text{ OU}_E/\text{m}^3$. This indicates an increased possibility of complaints at two nearby sensitive receptors; Rodefern Farm ($7.26 \text{ OU}_E/\text{m}^3$) and Oakfield ($3.81 \text{ OU}_E/\text{m}^3$).

Our published regulatory guidance on odour (H4: Odour management) suggests that odour from livestock housing is normally placed in the moderately offensive category. The target suggested in H4 for moderately offensive odours is an hourly mean odour concentration of $3.0 \text{ OU}_E/\text{m}^3$ at the 98th percentile, as a minimum guideline standard to assess the point above which some loss of residential amenity may occur. Whilst relevant, the H4 guidance is more applicable for activities which emit 'consistent' odour emissions around a given level. By their very nature poultry units odour emissions fluctuate according to the stage within the flock cycle. In this case the impact of short period intense odour may not be illustrated using our H4 guidance. Also whilst odour modelling may be considered

conservative, the emission rate per bird in this instance is calculated as an average odour during the crop cycle in the summer months and does not include cleanout (as confirmed in the additional information submitted) when odour intensity can be high, though relatively short term.

Increasing the modelling to 99.5 or 99.8th percentile could incorporate the shorter periods of intense odour which may otherwise be screened out using the standard approach. Any further modelling may require different thresholds for acceptability. It should be noted that the EP would not normally require assessment beyond the 98th percentile of emissions, unless there is a valid reason to do so. However, the submission of the above and possible further mitigation detail might provide greater reassurance to your council and any third parties.

The ES (Appendix 14 - Summary and conclusions) states that predictions for Rodefern Farm are ‘...in the range where ADAS has previously found that there is an increasing risk of complaint’. It goes on to say that based on the consultants’ experience and understanding of proposals that operations would comply with DEFRA (2009) Code of Good Agricultural Practice for farmers, growers and land managers. It says that odour modelling may be considered precautionary and that the site operates under an odour management plan (OMP).

In the interests of certainty, your Council will see that the OMP (dated February 2013) submitted with the ES implies that clean out will try to avoid ‘holiday periods’ and landspreading/storage avoid ‘public holiday periods’. However the OMP submitted as part of the permit variation (February 2014), which relates to the ‘installation boundary’ does not include this. The permit would also not control operations outside of the ‘installation boundary’.

As you are aware we sought additional clarity from the applicant on odour matters, this additional information has not been forthcoming.

Noise: For information the EP will only control sources of noise from within the EP ‘installation boundary’. This would not normally include consideration of lorry movements, and will not control operational hours. We are aware that your Public Protection team are content with the noise submission and have statutory nuisance responsibilities as reassurance. We make no further comment on noise.

Permit Review: To enable certainty, we would normally recommend twin tracking of planning and permit submissions. For completeness, I would advise you that the EP variation application did not include all of the information contained within the ES and accompanying appendices. Of particular interest is the detail, including modelling, submitted in respect of odour assessment and probability of complaint. Whilst it is considered inappropriate to object at this time, having recently issued a permit variation, we have passed this to our Regulatory teams for their information in terms of managing the processes on site. We cannot offer reassurance that the operation will not lead to complaint, but will seek to manage the operation if complaints are received.

Based on the detail in the ES, notwithstanding any planning decision made by your Council, we will be discussing this information with our Regulatory teams to consider whether a formal review of the permit and further assessment and operational controls are appropriate at this time.

Previous comments: In relation to other matters, these were considered in an earlier letter from the Agency, as follows:

The Environmental Permit covers the following key areas of potential harm:

- Management – including general management, accident management, energy efficiency, efficient use of raw materials, waste recovery and security;
- Operations - including permitted activities, operating techniques, closure and decommissioning;
- Emissions to water, air and land - including to groundwater and diffuse emissions, transfers off site, odour, noise and vibration, monitoring;
- Information – including records, reporting and notifications;
- Poultry production – including the use of poultry feed, housing design and operation, slurry and manure storage and spreading;

All of the above are permitted within the requirements of Best Available Techniques (BAT).

Ammonia Emissions: The emissions from poultry can directly damage vegetation and can wider affect eutrophication and acidification of sensitive habitats. At the pre-application stage of EPs, an ammonia screening assessment is normally carried out to identify if a detailed air impact assessment would be required to support the Permit application. The first stage of the screening assessment identifies if there are any European sites (Special Areas of Conservation, Special Protection Areas and Ramsar sites) within 10km, Sites of Special Scientific Interest (SSSI) with 5km and other conservation sites within 2km. Notwithstanding the above; in this instance the EP application was supported by an ammonia modelling report. It was concluded that the proposed development was not likely to damage any flora, fauna or geological or physiological features which are of a special interest; and detailed further ammonia modelling was not considered necessary.

Odour: Our guidance states that odour must be considered where:

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

(*Note: For the avoidance of doubt, this would include farmhouses, tenanted properties, and can include other commercial/recreational facilities).

In this instance, there appear to be sensitive receptors within 400m of the installation site boundary (i.e. residential properties) and we can confirm there has also been more than one substantiated odour complaint within the least three years.

Odour from poultry production fluctuates and is likely to increase towards the end of each crop cycle, with most odour associated with shed clean outs. We note that the most intense odour associated with each shed clean out should not exceed 4 hours duration.

Noise: Our permit guidance (Intensive farming 'How to comply' version 2) advises that noise should be considered where there are sensitive receptors (i.e. residential properties) located within 400m of the proposed installation.

Dust / Flies: Whilst intensive poultry farms produce dust, past experience has shown that the majority of it is deposited on the farm itself. Therefore provided that the farm is operated to the BAT then we would not anticipate it causing a nuisance to residents living nearby. We would expect the planning application to detail possible measures to minimise dust, including from roof drainage (discussed further below).

Based on past experience, flies are generally not considered a problem on broiler sites which operate to BAT standards. An assessment of this will have been undertaken by us within the EP application, including any necessary controls (mitigation).

Water Management: The Water Framework Directive (WFD) waterbody in closest proximity to the proposed development site is the River Severn- confluence of the Bele Brook to the confluence of the Sundorne Brook (Waterbody Reference GB109054049142), which is classified as a 'moderate' waterbody. Any development should not cause any deterioration in water quality or hamper to improve waterbody status to 'good' by 2027. Clean Surface water e.g. rainwater from roofs and yard areas that are clean must be separated from contaminated water (dirty) and can be collected for re-use, disposed of via soakaway or discharged directly to controlled waters. Chapter 8 of the ES outlines that Dirty Water e.g. derived from shed washings, will be kept separate from surface water and be drained into collection tanks. We recommend that dirty water is drained via impermeable surfaces i.e. yard areas and drainage channels around sheds should be concreted. Any tanks proposed should comply with the Water Resources (control of pollution, silage, slurry and agricultural fuel oil) Regulations 2010 (SSAFO).

Shed roofs that have roof ventilation extraction fans present, may result in the build up of dust which is washed off from rainfall, forming lightly contaminated water. The EP will normally require the treatment of roof water, via swales or created wetland from units with roof mounted ventilation, to minimise risk of pollution and enhance water quality.

Manure Management (storage/spreading): As part of the EP variation application, the applicant would have been required to submit a Manure Management Plan (when the manure/litter is planned to be used on the same farm), which consists of a risk assessment of the fields on which the manure will be stored and spread, so long as this is done so within the applicants land ownership. It is used to reduce the risk of the manure leaching or washing into groundwater or surface water. The permitted farm would be required to analyse the manure twice a year and the field

soil (once every five years) to ensure that the amount of manure which will be applied does not exceed the specific crop requirements i.e. as an operational consideration. Any Plan submitted would have been required to accord with the Code of Good Agricultural Policy (COGAP) and the Nitrate Vulnerable Zones (NVZ) Action Programme, where applicable.

The manure/litter is classed as a by-product of the poultry farm and is a valuable crop fertiliser on arable fields. It should be noted that repeated applications of manure/litter on the same arable fields may, over time result in high phosphate index soils. High phosphate soils, through leaching or soil loss, may cause diffuse pollution in watercourses.

Flood Risk: Based on our 'indicative' Flood Zone Maps the site falls within Flood Zone 1 (low risk from fluvial flooding). Given the low risk of fluvial flooding to the site, and the scale and nature of the proposed development, we would expect your Council's Flood and Water Management Team, as the Lead Local Flood Authority (LLFA), to lead on and approve the detailed surface water (quantity) drainage design.

On the basis that the application is EIA, we have the following strategic comments to offer, in consultation with the LLFA. The increase in hard standing area could result in an increase in surface water run-off. Appendix 15 of the ES (Flood Risk Assessment) demonstrates that surface water is not increased when compared to existing run-off rates. Sustainable Drainage Systems (SuDS) are proposed to attenuate surface water to the Greenfield runoff rates, including confirmation of attenuation to the 100 year plus climate change storm event.

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

4.1.6 **Natural England.**..No objections. No conditions requested.

Sites of Special Scientific Interest: The application is in the vicinity of Shrawardine Pool, Lin Can Moss, Fenemere, and Hencott Pool Sites of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. It is therefore considered that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England should be re-consulted.

Habitats Regulations Assessment Required: Fenemere and Hencott Pool form part of the Midlands Meres and Mosses Phase 1 Ramsar site. The NPPF (paragraph 118) applies the same protection measures, i.e. those set out in Regulations 61 and 62 of the Habitats Regulations, to any listed or proposed Ramsar sites, sites formally proposed as European wildlife sites, and sites identified or required as compensatory measures for adverse impacts on European site interest. As such Shropshire Council should undertake a Habitats Regulations Assessment (HRA). Decisions at each step in the Habitats Regulations Assessment process should be recorded and justified.

Protected Species: NE has not assessed this application and associated documents for impacts on protected species. NE's Standing Advice on protected species should be applied to the application. This includes a habitat decision tree which provides advice on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy. The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

Other advice: NE expects the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal: local sites (biodiversity and geodiversity); local landscape character; local or national biodiversity priority habitats and species. NE recommends that further information is sought from the appropriate bodies in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application.

Biodiversity enhancements The application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application.

- 4.1.7 **English Heritage** No specific comments. The application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.
- 4.1.8 **SC Highways** No objections. Access to/from highway network: As part of the previous application on the site for the erection of broiler units, the highways issues and the impact of vehicle movements on nearby village of Great Ness were considered and options deliberated to mitigate the effects of these. The final solution was the construction of a new access road across the adjacent farm land in order that HGVs could bypass the village and avoid using Rodefern Lane with its restricted junction onto the A5 Trunk Road. This access road emerges onto the old A5 close to the Felton Butler roundabout onto the new A5 and from here the wider highway network is reached. Vehicles would only travel on some 350m of County

road, which is a de-trunked section of the former A5 with ample capacity for the traffic it now carries. The proposed further development would be reached by the same access road and it is considered that this would have the capacity to accommodate the intensified vehicle movements generated by the scheme. It is therefore not considered that any further works are necessary in relation to the highway to mitigate the effects of the increased vehicle movements arising from the expansion of the operation proposed on the site. The route drivers must take is controlled by an agreement for the existing operation on the site and this agreement will require amending to include the further development, if permission is granted.

- 4.1.9 **Highways Agency** No objections. The Environmental Statement covers the traffic impact of the development. This states that there will be a maximum 120 additional movements per crop cycle. The Highways Agency is in agreement with Shropshire Council's Highways Officer that this increase is insignificant. Objection comments suggest breaches of the Section 106 routing agreement by HGV's travelling to or from the site. However, no evidence has been provided of this breach and incident statistics for the Rodefern Lane/A5 junction show no incidents during the last 5 years (which covers the period before and after completion of the existing development).
- 4.1.10 **SC Drainage** Surface water calculations and dealing with dirty water have been covered in the Flood Risk Assessment. The drainage details, plan and calculations could be conditioned if planning permission were to be granted (see Appendix 1).
- 4.1.11 **SC Public Protection** No objections. With regard to the conclusions resulting from the noise assessment carried out it is noted that the new road link will reduce the number of residential dwellings that will be potentially affected by the proposed development. The main noise aspect to be considered is noise from the fans that allow ventilation of the sheds. As noise from this aspect will be addressed under the permit which is regulated by the Environment Agency and the assessment shows that this noise source is not likely to be a cause for complaint this noise source should not be constrained by planning conditions as the permit will regulate this aspect. As no amenity issue is shown to be likely this approach will be satisfactory and is in line with paragraph 122 of the National Planning Policy Framework. The other noise impact to be considered is that of traffic movements, particularly night time movements associated with depopulation activities. The assessment shows that although levels predicted may be higher than the guideline levels discussed in the World Health Organisation Guidelines for Community Noise this service does not consider that the increase of 8 night time movements per cycle by HGVs is significant due to the fact that there are already a significant number of events which are noisier than this in the area due to existing traffic movements on the road. Protection was offered by way of conditions placed on the granted planning permission decision on application 10/03789/EIA which allowed the development of the four existing sheds on site. It is advised that should this application be granted permission that similar conditions are placed on this application, to restrict construction hours and to restrict the hours during which the transport of birds can take place (see Appendix 1).

The condition regarding the transport of birds is found on application 10/03789/EIA and it is considered that as it uses the words "one movement is defined as a movement onto and then off the poultry site" and that the poultry site will now include the new sheds that this condition is not an additive condition to allow 8 movements but a condition to keep a limit of 4 movements as defined above.

With regard to odour two properties have been shown to have the potential for complaints by modelling. However, one of these properties exceeds the modelled threshold for potential complaints by a small amount. Due to the conservative nature of the modelling explained within the report odour is unlikely to have an effect at this property. A mean value of 7.26 ouE/m² has been modelled at Rodefern Farm which is above the threshold of 5 which the consultant has known complaints to be made in the past. However, again due to the conservative nature of the model and good practice that will be followed in order to comply with any permit issued it is not considered that complaints are likely at this location. It is therefore expected that BAT employed by the operator in order to satisfy their permit will result in minimal amenity effect in terms of odour. However, when cleaning out the poultry sheds the report stated that little is known of the odour impacts that go alongside this operation. In the last application for the construction of poultry sheds at this site, application 10/03789/EIA, a condition was placed to restrict the movement of manure from the site when cleaning out sheds. It is therefore proposed that this condition is placed upon this application to reduce further the chance of any significant detrimental effect in the area as a result of odour from activities associated with the proposed development (see Appendix 1).

- 4.1.12 **SC Ecologist** No objections. The proposal is to extend the existing poultry farm at Rodefern Lane, Great Ness by adding three additional poultry buildings. The applicant is proposing to create an area of native woodland, unmanaged grassland and plant a species-rich hedgerow.

Great Crested Newt: Detailed presence/absence and population survey data for great crested newts is available from 2011 of all ponds within 500m of the proposed site. It should be noted that this data is deemed 'out of date' by Natural England and Shropshire Council when supporting a planning application.

The proposed application will cover 0.7 hectares. The application has been assessed using Natural England's Rapid Risk Assessment. The result comes out as Green: Offence Highly Unlikely for ponds over 250m from the site. The submitted Ecological Appraisal concludes that due to the scale of the proposed development and the low habitat suitability present, occupied ponds beyond 250m are almost certain to be outside the range of tangible impact. In addition no major predicted habitat corridors exist through the area and the site does not lie in a central location between the ponds or significant areas of potentially suitable terrestrial habitats. Churton Ecology considers that the adjacent ditch is too fast flowing to allow newt dispersal and that it is only seasonally wet.

Churton Ecology has assessed ponds within 250m of the proposed application. There are three standing water bodies. Two of the ponds are located at 150m and 170m, the third pool (swale) was created in 2011 and forms part of the east development plot. The swale will be in-filled as a result of this application.

Both pools at 150m and 170m were surveyed in detail for GCN during 2011 and both were found to be negative. In November 2012 Churton Ecology failed to note any significant changes in breeding habitat suitability and the ponds scored below average and poor on the HSI assessment. The swales scored 0.52.

Further survey work is not deemed necessary providing work is completed within two years of the date of Churton Ecology's report. A condition to require that work is carried out strictly in accordance with the submitted Ecological Appraisal should be on the decision notice, and an informative added (see Appendix 1).

Badger: No badger setts or burrows were located during the survey. Evidence of foraging was noted in the east of the development plot, which currently includes part of a small maize field. An informative should be added (see Appendix 1).

Otter: No sign of Otter foraging or sheltering were noted. No further survey work was deemed necessary.

Water Vole: No signs of Water Vole were noted along the ditch or within the swale. Since both are typically often dry, the habitat was not considered suitable. Churton Ecology have concluded that no further survey work is required.

Nesting Birds: The site has the potential to support nesting birds, and an informative should be on the decision notice (see Appendix 1).

Reptiles: The site does offer limited habitat for reptiles, and an informative should be on the decision notice (see Appendix 1).

Bats: The site has the potential to support foraging and commuting bats. A condition should be imposed to require the prior approval of any external lighting on the site (see Appendix 1).

Ammonia Emissions: ADAS has studied the impact that the poultry units may have on designated sites within 10km of the proposal. As a precautionary measure a Critical Level of $1.0\mu\text{g}/\text{m}^3$ has been assumed for all the sites. There are 7 local sites within 2km of the proposed poultry unit: Nesscliffe Hill Wood AW/LWS; The Cliffe LWS; Vale Wood AW; New Pool LWS; The Woodlands LWS; The Knolls LWS; Folly Pool LWS. There are also SSSI's in the vicinity: Shrawardine Pool SSSI, Lin Can Moss SSSI, Fenemere, and Hencott Pool.

The process contribution to annual mean ammonia concentration are predicted to be below 50% of the critical level of $1.0\mu\text{g}/\text{m}^3$ at all of receptors at the LWS/AWs and below 20% of the critical level of $1.0\mu\text{g}/\text{m}^3$ at the SSSI.

Natural England: Natural England has advised it has no objection to the proposal and that the SSSI does not represent a constraint in determining this application.

HRA: Fenemere and Hencott Pool form part of the Midlands Meres and Mosses Phase 1 Ramsar site. A Habitat Regulation Assessment matrix is attached with this response. The HRA matrix must be included in the Planning Officer's report for

the application and must be discussed and minuted at any committee at which the planning application is presented.

4.1.13 **SC Rights of Way** No response received.

4.1.14 **SC Conservation** Given the location of the existing development the proposed additional units will not significantly increase the impact of the development on the setting of any heritage assets and therefore no objection is raised to the proposals.

4.1.15 **SC Archaeology** No comments to make on this application with respect to archaeological matters.

4.1.16 **SC Trees** No objection to this application

4.1.17 **Ramblers Association** No response received.

4.2 **Public Comments**

4.2.1 The application has been advertised by site notice and in the local press. In addition approximately 70 properties have been directly notified of the proposals. These include properties in the vicinity of the site, and also residents who made representations in relation to the 2010 planning application for the existing four poultry sheds. 13 objections have been received; 2 letters of support have been received.

4.2.2 The grounds for objection are:

Visual impact

- Existing units are very visible from The Cliffe and are a blot on the landscape; further units will be an abomination and an eyesore
- Will be visible from Nesscliffe Hill which is a Heritage Site
- Solar panels on existing shed are very visible and reflect light
- Will create a huge site totally unacceptable for this area of open countryside adjacent to a conservation area
- Visual impact was not taken into account when the previous application was considered
- Impact on Conservation Area of Great Ness and its Listed Buildings
- New buildings will be 2.3m lower than existing so existing ones will be even more exposed blot on landscape
- Planning Inspector for Flemings Field appeal described that proposal as industrial in scale, significant built structures within the farmland landscape; bunding would be artificial landforms not typical of the surrounding estate farmland; planting would not disguise the poultry farm as the feed bins would be visible even after 10 years; would form an isolated development of industrial scale and appearance which for the first few years would be stark and severe; would have immediate negative impact only partially reduced by a planted artificial landform which would be uncharacteristic; these comments are relevant to current proposal
- Will be larger than the village of Great Ness

Type and location of development

- Not farming, this is industrialisation in a rural setting
- Do not need to be built on farmland; more appropriate in industrial areas
- Small rural communities are about the residents and not the commercial aspirations of individuals
- Development in the Great Ness parish is running out of control. The number of houses and agricultural units awaiting planning permission is far greater than the area and roads can support and are a departure from the adopted development and parish plans
- Should be located closer to the processor at Derbyshire to make more sustainable; at present cannot be considered to be sustainable development
- More productive to grow crops than produce chickens
- Loss of fertile land under concrete
- Too close to designated country park, Conservation Area; not far from a school with its own traffic supply

Traffic

- Heavy traffic through Great Ness ignoring the access
- Surrounding lanes struggle to cope with the heavy vehicles carrying feed, chickens and the tractors and trailers
- Hedges, verges and lanes are damaged as cars and lorries pull off the road to pass each other
- Minimal paths in the village which makes walking hazardous with the large vehicles speeding through
- Treacherous driving to Baschurch with frequent encounters with lorries and tractors, resulting in cars having to reverse back to passing places
- Damage to sandstone walls from constant passing of vehicles
- If permission is granted, applicant should agree to all traffic to use the access track from the old A5; present Section 106 agreement excludes tractors and trailers and also some vehicles that go to other concerns at the site; all these could easily use the access track; no need for any vehicles to come through Great Ness crossroads
- Many complaints made to Shropshire Council about HGV traffic using Rodefern Lane/Great Ness routes during construction and operations; Council has been unable to enforce the Section 106 Agreement, despite provision of photographic and written evidence to the Enforcement Officer; current proposal is unlikely to improve situation
- Real impact of existing and extra traffic should be taken into consideration in recognition of breaches of routing agreement
- Site entrance has never been constructed to requirements of planning permission and HGVs and farm traffic regularly turn from the site onto Rodefern Lane and travel through Great Ness
- Council should ensure that the definition of a 'movement' is clearly defined in the officer report

Odour

- Unpleasant stench from existing 4 units
- Were originally told would be no odour except at the clearing out stage; this is not true, understand the applicant was given a formal warning about the odour by the Environment Agency approximately 12 months ago; odour issue caused by feeding the wrong mix of food to the chickens and failing to maintain the correct atmospheric conditions in the sheds

Local environment

- Conservation area of Great Ness is of great beauty and is being ruined by this business

Design

- Ratio of silos to sheds seems excessive
- Density of existing buildings is totally out of keeping with the area

Community wishes

- Applicant is disregarding the wishes of the community

Drainage

- No consideration in the application to require new swale to be complete before any work commences; Flood Risk Management comments do not address this issue
- Query why, as noted by the EIA, the swale is dry most of the time when the previous application claimed it would allow water run-off to percolate slowly and provide a good habitat for the local wildlife; swale is not fit for purpose

Dust

- Existing units have been a continuing source of dust; has been reported to the Environment Agency

Noise

- Noise of traffic through the village at night and early morning
- Persistent noise during the evenings from either the fans or the feed augers

Smell

- Increase in odour has been substantial
- Unpleasant and obnoxious odour experienced up to and sometimes more than 10 days in a month
- Smell has been reported to the Environment Agency who have agreed there is a smell and have issued formal warnings to the owners

Flies

Fumes from vehicles

Cumulative impact

- Already have 4 poultry units within a 2 mile radius of our village, three of which send traffic through the village; 2 of these other units are also looking to expand
- EIA takes no account of cumulative impact of traffic, odour, dust and noise pollution or of ammonia emissions on the local RAMSAR sites and SSSIs and other sites

Parish Plan

- Objective T3 of the parish plan is to make the parishes a healthier and more pleasant place to live by reducing the impact of traffic

Pollution

- Vast majority of broiler chickens contain campylobacter virus and have been the cause of numerous deaths and hundreds of illnesses; a BBC investigation revealed 500,000 people a year have been infected.
- The Environment Agency have been unable to give assurances that the dust particles and smells from these units is not putting residents health at risk

Environmental Impact Assessment

- Based upon theoretical calculations and modelling and takes no account of real facts; should be given no weight in considering the application
- EIA states all the sheds are in regular use with high levels of noise, light, dust and ammonia predicted

- EIA assumes pollution will not travel more than 400 metres from the site

4.2.3 The reasons for support are:

- Have yet to encounter any noticeable odour
- Rarely notice any noise from vehicles going up the access road, especially now the drive has been laid with tarmac, so extra vehicle movements will not be a problem
- get more disturbances from the main road passing by our house, for example buses and army vehicles
- when walking up the Cliffe you can barely see the tops of the feed bins, this will also improve when the planted trees mature, masking the site even more
- more broiler units will be good for the public in general; having more will not make any difference to the view or the people who live around the area
- there are already 4 units so how will 3 more make a difference

5.0 **THE MAIN ISSUES**

- Planning policy context; principle of development
- Siting, scale and design; impact upon landscape character and visual impact
- Impact on heritage assets
- Local amenity and other considerations
- Traffic and access considerations
- Rights of way considerations
- Ecological considerations
- Impact on water resources

6.0 **OFFICER APPRAISAL**

6.1 **Planning policy context; principle of development**

6.1.1 The National Planning Policy Framework (NPPF) advises that the purpose of the planning system is to contribute to achieving sustainable development (para. 6) and establishes a presumption in favour of sustainable development (para. 14). One of its core planning principles is to proactively drive and support sustainable economic development (para. 17). Sustainable development has three dimensions – social, environment, and economic. In terms of the latter the NPPF states that significant weight should be placed on the need to support economic growth through the planning system (para. 19). The NPPF also promotes a strong and prosperous rural economy, supports the sustainable growth and expansion of all types of business and enterprise in rural areas, and promotes the development of agricultural businesses (para. 28). The NPPF states that the planning system should contribute to and enhance the natural and local environment (para. 109) and ensure that the effects (including cumulative effects) of pollution on health, the natural environment or general amenity should be taken into account (para. 120).

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

unacceptable adverse environmental impacts. The Policy provides support for the appropriate expansion of an existing established business, unless relocation to a suitable site within a settlement would be more appropriate. Whilst the Core Strategy aims to provide general support for the land based sector, it states that larger scale agricultural related development including poultry units, can have significant impacts and will not be appropriate in all rural locations (para. 4.74).

- 6.1.3 Policy CS6 sets out sustainable design and development principles to be applied to new proposals. These relate to issues such as the safeguarding of residential and local amenity, high quality design of appropriate scale and pattern (which takes into account local context and those features which contribute to local character), accessible location, and appropriate landscaping.
- 6.1.4 Policy CS13 seeks the delivery of sustainable economic growth and prosperous communities. In rural areas it says that particular emphasis will be placed on recognising the continued importance of farming for food production and supporting rural enterprise and diversification of the economy, in particular areas of economic activity associated with industry such as agriculture. Policy CS16 refers to the economic importance for tourism, culture and leisure of Shropshire's landscape, cultural and historic assets.
- 6.1.5 Policy CS17 relates to environmental networks of natural and historic assets, and (among other points) emphasises that all development should protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment, and should not adversely affect the visual, ecological, geological, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors.
- 6.1.6 Policy CS18 sets out design principles for the integration within new developments of measures for sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity within Shropshire, including groundwater resources, and provide opportunities to enhance biodiversity, health and recreation.
- 6.1.7 The above policies indicate that there is strong national and local policy support for development of agricultural businesses which can provide employment to support the rural economy. The application would create an additional 1.4 full-time equivalent employees plus contract labour employment. The Environmental Statement (ES) has assessed the indirect employment that would be generated by the proposal, including catching teams; feed delivery and poultry collection drivers; poultry processors. The ES calculates that, of the quantifiable indirect labour, the site would generate the equivalent of 47.9 full time employees.
- 6.1.8 In principle therefore the proposed expansion of the existing broiler chicken business can be supported. However policies also recognise that poultry units can have significant impacts, and seek to protect local amenity and environmental assets. These matters are assessed below.

6.2 Siting, scale and design; impact on landscape character, and visual impact

- 6.2.1 Siting, scale and design: The proposed additional sheds would be positioned

parallel to the existing four sheds, and would match these in terms of orientation, design, appearance and dimensions (albeit that one of the sheds would be slightly shorter in length). This would provide a uniform design and minimise visual impact, and it is considered that this layout for be acceptable in principle.

- 6.2.2 Impact on landscape character: The site is located within a gently rolling lowland landscape, with medium to large scale fields generally in arable use bounded by hedgerows containing occasional hedgerow trees. There are also a number of small scale woodland blocks in the local landscape. Further to the northwest the land rises steeply to the wooded hills of Nesscliffe Hill Country Park. The existing buildings are low profile structures and sit relatively low in the landscape. They are finished in Juniper Green colour to help to minimise visual impact on the surrounding landscape. The earth mounding restricts views of the buildings however they are visible from some public viewpoints in the local area, including the footpath that runs through the site, other footpaths to the south and north, and from public highways in the vicinity. Substantial tree and shrub planting has taken place around the site as part of the approved landscaping scheme, and as this develops this will screen the development further.
- 6.2.3 The LVIA has assessed the quality of the local landscape and considers that it is of 'moderate' quality. There are no national or local landscape designations affecting the application site and surrounding landscape. In terms of landscape value the LVIA considers that the area has Local Landscape Value. The Shropshire Landscape Character Assessment classifies this area as having 'low' overall sensitivity to change. The LVIA has also considered the landscape sensitivity of the area and considers that the area has low/medium sensitivity and medium/high capacity to accommodate additional poultry houses, subject to sensible siting and design. This indicates that the landscape can accommodate larger scale change.
- 6.2.4 The existing 3.5 metres high screen mound to the north of the existing sheds would be extended, using material excavated from the site. A new native species tree belt would be planted on this mound to tie in with the existing planting. Additional tree belts would be planted around the northeast and southeast sides of the development. Where possible existing trees and shrubs recently planted at the eastern end of the existing site would be translocated for re-use in the new landscaping scheme.
- 6.2.5 The proposed development would not result in the loss of any important landscape features and existing established hedgerows in the area would be retained. In terms of the impact on landscape character, it is noted that the proposed extension would be seen in the context of and against the backdrop of the existing poultry farm. The LVIA states that the type of landscape in which the site is located occurs over large areas of Shropshire, and large farmsteads, including poultry farms, are now commonplace within this landscape. It suggests that these are the sort of agricultural developments that one now expects to see in a modern working landscape. The LVIA states that, in relation to landscape impact, the height of a building is generally more significant than its floor area. It is noted that the proposed buildings would be low profile and would sit relatively low in the landscape, and that two of the sheds would be constructed at a level which is more than 2 metres lower than the existing sheds. The feed bins would be the highest

element of the development, although again the four bins associated with the easternmost two sheds would be constructed at a lower level than the existing bins. The proposed mound to the north would provide substantial screening of the poultry houses and, in time, the tree and shrub planting would provide additional and increasing screening of the development from all directions.

6.2.6 Overall, Officers concur with the conclusions of the LVIA that the effects on the landscape character would be Minor/Moderate adverse during construction and immediately on completion, reducing to Minor adverse once the new and existing tree and shrub planting takes effect. Therefore, whilst the proposal would result in some degree of adverse impact on landscape character it is considered that this landscape is able to accommodate such change and that, when assessed in relation to the wider benefits of the proposal, these impacts are not unacceptable. The proposal can therefore be accepted in relation to Core Strategy Policies CS5 and CS6 regarding impact on countryside character.

6.2.7 Cumulative landscape impact: Some concerns have also been raised in respect of the cumulative impact of this development with other similar poultry unit developments in the area. It is recognised that there are a number of such developments in the area, including at Felton Butler (1.4km to the southwest) and the recently permitted site at Foxholes (1.7km to the northeast), and that it may be possible to view more than one poultry unit from the same location. However given the distance between the poultry units and the distance from which such views would be possible it is not considered that the current proposal would give rise to adverse cumulative impact.

6.2.8 Visual impact: The LVIA has also assessed the visual impact of the proposed development. In relation to the public footpath that runs through the site, given the proximity and scale of the development there would be adverse visual impact for users of the path. It is noted however that the proposed poultry houses would be seen in the context of the existing development and that such visual impact would reduce as the landscape planting becomes more established. Similar comments apply to the other nearby public footpaths. Given the transitory nature of such views and the nature of the development within an agricultural landscape it is considered that such visual impact can be accepted. In relation to the nearest residential properties to the site, Oakfield and Rodefern Farm, views of the development would be limited to upstairs windows and again such visual impact would reduce to acceptable levels as the screening belt develops. It is noted that objections to the proposal have not been received from either of these two properties.

6.2.9 Some objections to the proposal have stated that the proposed development would be visible from Nesscliffe Hill and The Cliffe. However it should be noted that these areas are approximately 1.6km from the application site and these would therefore be relatively distant views which would reduce their significance.

6.3 **Impact on heritage assets**

6.3.1 A number of objectors have raised concerns over the impact of the proposed development on the Conservation Area of Great Ness village. The EIA includes a Heritage Impact Assessment (HIA) to evaluate the potential impact of the proposed

development upon the heritage assets in the vicinity of the site. This identifies that the principal heritage asset in the area are the Conservation Area (approximately 250 metres to the northwest of the application site), and Adcote School, a Grade I Listed Building which is approximately 1.75km to the northeast amid parkland whose boundary lies around 1.25km from the site. The nearest Listed Building is the Grade II Listed building known as The Poplars, approximately 400 metres to the northwest of the application site.

6.3.2 In relation to the Conservation Area, the HIA concludes that the proposal would not impact upon the form and historic buildings within it, and the significance of the area would be sustained. The impact upon its setting and views would be localised around the site and therefore low. In relation to Adcote, the HIA states that the proposal would not impact upon the architectural and historic interest of the asset, or its setting and group value, and the significance of Adcote would be sustained. While some views in to and out from Adcote would be affected, the degree of impact would be low in the locality of the site.

6.3.3 The Council's Conservation Officer has advised that, given the location of the existing development, the proposed additional units would not significantly increase the impact of the development on the setting of any heritage assets and has therefore raised no objections to the proposals. In view of the distance of the site from surrounding heritage assets, the screening provided by existing hedgerows and from the proposed landscaping, it is not considered that the proposal would adversely affect the historic environment of the area. The proposal can therefore be accepted in relation to Core Strategy Policy CS17 to protect the historic environment.

6.3 **Local amenity and other considerations**

6.3.1 Odour: An Odour Impact Assessment has been undertaken as part of the EIA. Based upon the modelling undertaken, this Assessment concludes that the mean annual 98th percentile odour concentrations would be greater than the Environment Agency's benchmark at the two nearest residential properties, Rodefern Farm and Oakfield. In respect of Rodefern Farm, the model predicts that these average odour concentrations would be in a range where the applicant's odour consultant has found that there is an increasing risk of complaint. For Oakfield, the predicted odour concentration would be less than the level where the consultants have found there is an increasing risk of complaint. At all other receptors included within the Odour Impact Assessment, the modelling has predicted that odour concentrations would be less than the Environment Agency's benchmark.

6.3.2 Objections to the proposal have been received from local residents on the grounds of odour generated by the existing operation. However it is noted that none of these objections have been received from the nearest properties, at Rodefern Farm and Oakfield. The Environment Agency has confirmed that they have received more than one substantiated odour complaint regarding the existing poultry development within the last three years.

6.3.3 However notwithstanding the above the Environment Agency has confirmed that it is not appropriated to sustain an objection to the current application. This is on the basis that:

- they have recently issued a variation to the Environmental Permit for the site which allows an increase in bird numbers to 350,000 which is comparable with the number of birds which would be housed within the seven sheds
- this Permit imposes conditions in relation to processes likely to generate amenity complaints.

6.3.4 It is also noted that the Council's Public Protection Officer has raised no objections to the proposals in relation to potential odour impact. The Officer considers that, due to the conservative nature of the odour modelling, and the good practice which would be followed in order to comply with the Permit, it is unlikely that complaints would be made. The Officer has recommended that conditions are imposed to restrict times when manure could be moved from the site

6.3.5 On the basis of the modelling undertaken it is noted that there is a risk that complaints may be made due to odour levels that may be experienced at the nearest residential property. However, as noted by the Environment Agency, odour from poultry production fluctuates and is likely to increase towards the end of each crop cycle, with most odour associated with shed clean outs. In addition, the most intense odour associated with each shed clean out should not exceed 4 hours duration.

6.3.6 In relation to the current poultry operation, a number of management measures are implemented to minimise the generation of odour. These would be employed as part of the proposed development, and include the following:

- Keeping the litter dry to reduce odour generation
- Only cleaning one shed at a time
- Ensuring that ventilation is kept running during the shed clean out stage to ensure that the odour is dispersed at a high level rather than out of the door
- Avoiding cleaning out when weather conditions are not favourable wherever possible.

6.3.7 In addition, the odour consultants have confirmed that the procedures and techniques to be employed at the proposed development for the minimisation of odour would comply with the Code of Good Agricultural Practice. Furthermore it is noted that the existing poultry unit operates under an Odour Management Plan as part of the Environmental Permit. This requires on site and off site monitoring, supplemented by Environment Agency monitoring when there is complaint.

6.3.8 On the basis of the technical advice of the Environment Agency and the Public Protection Officer, the best practice procedures to be followed, and the additional management and monitoring requirements which will be imposed by the Environmental Permit through the Odour Management Plan, it is considered that there would be sufficient control over the proposed development to ensure that the risk of odour complaint is minimised to acceptable levels.

6.3.9 Noise control: A Noise Impact Assessment has been undertaken and this identifies that the key source of noise from the proposed development relates to the operation of the ventilations fans. It is noted that these fans operate intermittently, based upon temperature. Other noise sources include: the loading of the feed hoppers; vehicle noise, including during catching and litter loading; pumps used

during the cleaning process. The Noise Impact Assessment has predicted noise levels which would occur in a worst-case scenario with all fans operating together. It concludes that noise levels would be unlikely to exceed night-time noise limits according to British Standard and World Health Organisation guidance to prevent sleep disturbance. The Environmental Permit would provide controls over noise arising from within the operational boundary, such as the ventilation fans, and the Environment Agency has raised no objections on noise grounds.

- 6.3.10 However the Permit would only control sources of noise from within the permit 'installation boundary'. This would not normally include lorry movements or operational hours. In relation to HGV movements, the Noise Impact Assessment indicates that night-time noise may exceed guidance levels at two properties (Glencoe and Whitehall, located adjacent to the point where the access road meets the old A5) with windows open. However the Assessment states that this is unlikely to be significant for a number of reasons, including: such properties regularly experience noise levels higher than guidance levels due to the influence of the local road network; these properties are close to the old A5 and are therefore likely to be used to this type of noise; HGV movements at night-time would only occur over 6 nights during the 48-day crop cycle and therefore only comprise an occasional event. The Public Protection Officer has raised no objections in relation to the proposal on noise impact grounds subject to the imposition of conditions to restrict construction hours and to restrict the hours during which the transport of birds can take place. These can be added to the decision notice (see Appendix 1). Overall it is considered that noise generated by the proposed development would be controlled to acceptable levels.
- 6.3.11 External lighting: External lighting would be similar to that provided for the existing poultry houses. The northern gable ends of each unit would be lit externally with a single low-wattage light of low intensity. It is proposed that all external lighting would be downward facing and protected with a cowl to reduce light spillage. Lighting would only be required during working hours in the winter months and during bird catching. No high intensity security lighting is proposed.
- 6.3.12 Dust and flies: In relation to dust, the Environment Agency has advised that past experience has shown that the majority of it is deposited on the farm itself. The Agency does not anticipate this causing a nuisance to nearby residents provided that the operation is undertaken in accordance with the Best Available Technology (BAT). The proposed extended screening mound to the north of the site, and the proposed tree and shrub planting around the perimeter of the site would have dust attenuations properties.
- 6.3.13 The Environment Agency has advised that flies are generally not considered a problem on broiler sites which operate to BAT standards. An assessment of this will have been undertaken by the Agency as part of the Environmental Permit, including any necessary controls (mitigation).
- 6.3.14 It is not considered that proposed development would result in adverse levels of amenity from dust and flies.

6.4 **Traffic and access considerations**

- 6.4.1 The Section 106 legal agreement associated with the 2011 permission provides for the construction of a dedicated private access road between the site and the detrunked section of the A5 public highway, and a routing restriction. This access road enables traffic associated with the poultry unit development to access and egress the site directly to/from the A5, thereby avoiding the use of the local rural highway network. Directional signs have been erected in the local area advising drivers of the correct route to take.
- 6.4.2 A number of objectors to the proposal have been made on the grounds that some heavy traffic associated with the poultry unit development uses the local highway network and passes through Great Ness. The Planning Enforcement Officer has confirmed that incidents of potential breaches of the routing restriction have been made by some residents. The Officer has advised that these occurred during the early stages of the development, including during the construction phase, and that no recent reports of breaches have been received.
- 6.4.3 The Section 106 agreement would need to be varied to ensure that the routing agreement is relevant to the current proposal to extend the site, and a draft routing agreement has been submitted by the applicant. The applicant's agent has agreed to tighten the wording of this to ensure that all HGVs used the dedicated access road, regardless of their next destination. It is considered that this would remove uncertainty and facilitate enforcement of the routing agreement, and is supported.
- 6.4.4 The routing agreement provides for a warning and banning system to drivers who do not comply with the routing restriction, and this would be incorporated within any revised agreement. The draft agreement also requires records to be made of all HGVs that visit the site, including vehicle registration numbers. This is current practice, and will assist with following up any future reports of breaches of the routing restriction.
- 6.4.5 The Environmental Statement indicates that HGV traffic would increase by 67% over current levels, rising from 140 movements per cycle to 236 movements per cycle. Tractor and trailer traffic would increase by 72%, from 36 movements per cycle to 62 movements per cycle. There would be no increase in cars, vans or LGVs. The Highways Officer has confirmed that the existing dedicated access road to the site has sufficient capacity to accommodate the intensified vehicle movements generated by the current proposal. The Highways Agency has advised that the increase in traffic movements is insignificant, and has raised no objections.
- 6.4.6 In terms of the tractor and trailer movements, these would primarily be associated with the transport of manure and it is considered that this would form part of normal agricultural traffic on the local road network. The Environmental Statement indicates that these movements would be at the end of the crop cycle over either one or two days, and as such would occur on a maximum of 16 days of the year.
- 6.4.7 It is concluded that, subject to the routing restriction being maintained, the proposal is acceptable in terms of highway safety and capacity.

6.5 Rights of way considerations

6.5.1 A public footpath passes through the application site, running between the poultry houses to the west and the proposed swale to the east. The route of the path is unaffected by the proposed development and can continue to be used.

6.6 Ecological considerations

6.6.1 The planning application is accompanied by an Ecological Appraisal which considers the potential ecological impacts arising from the proposed development, based upon the findings of a habitat survey and a protected species survey and also a desk based survey. The appraisal concludes that the site comprises several common habitats, including intensive arable land, recent plantation, a seasonally wet swale and amenity/species-poor grassland. It states that none of these are considered national or local priority habitats and each constitutes either inherently low-grade species-poor and structurally non-diverse habitat, or low-grade habitat in its current stage of maturation/ecological succession. The application confirms that no impacts of moderate to major significance on habitats or species are likely. Nevertheless it is acknowledged that there could be significant direct impact on some of these habitats. However a number of measures have been put forward to compensate and mitigate for any loss of habitat or general disturbance to species. Habitat would be enhanced through the proposed landscaping scheme.

6.6.2 The Council's Ecologist has confirmed that there are no objections to the proposals on ecological grounds, and notes that the proposals include the creation of an area of native woodland, unmanaged grassland and the planting of a species-rich hedgerow. The ecological appraisal notes that these would result in an overall positive impact on local wildlife. The Council's Ecologist has recommended the imposition of a number of conditions including a requirement that the development is undertaken in accordance with the recommendations of the submitted Ecological Appraisal, and these can be imposed on the decision notice.

6.6.3 Ammonia: Ammonia is released from intensive poultry sheds through the breakdown of uric acid which arises from bird excretion. An Ammonia Concentration Study has been undertaken as part of the EIA and this predicts that the contributions to ammonia concentrations will be below the relevant environmental thresholds. The Environment Agency has confirmed that the ammonia modelling report has concluded that the proposed development is not likely to damage any flora, fauna or geological or physiological features which are of a special interest; and that detailed further ammonia modelling is not considered necessary.

6.6.4 In view of the potential impact of the proposal on the European designated sites at Hencott Pool and Fenemere Ramsar sites through aerial emissions, particularly ammonia, the Council's Ecologist has completed a Habitats Regulations Assessment Screening matrix. This is attached to this report.

6.6.5 In conclusion it is considered that the proposed development incorporates satisfactorily avoidance, compensation and mitigation measures in respect of potential ecological impacts which may arise.

6.7 **Impact on water resources**

- 6.7.1 The EIA includes an assessment of the potential impacts of the proposed poultry installation on water resources including surface waters, groundwater and flood risk, and also includes a Flood Risk Assessment. This has identified that the principal potential risks posed to water resources by the proposals (given that all operations will occur on hardstanding within a building) include pollution of local watercourses and habitats, an increase in surface water runoff and contamination of groundwater and surface water.
- 6.7.2 Surface water from the site would be directed via drainage channels to a new swale to be constructed to the east of the site, as part of a Sustainable Urban Drainage System, in order to minimise flood risk potential in nearby surface waters. Dirty water would comprise wash down water arising from the cleaning of the poultry units. This would be collected in underground storage tanks located to the front and rear of the proposed sheds, and then spread to land.
- 6.7.3 The Council's Drainage Officer has recommended that details of soakaways should be submitted for approval and an appropriate condition is set out in Appendix 1 below. Whilst the proposal has the potential to result in pollution of water resources and increase run-off, it is considered that the proposals have demonstrated that this risk can be minimised to a satisfactory degree.
- 6.7.4 Manure management: The chicken manure arising as part of the proposed development would be managed as part of normal agricultural operations and does not form part of the application that has been submitted. This element of the poultry operation, including the requirement for a Manure Management Plan, is dealt with as part of the Environmental Permit which is regulated by the Environment Agency.

7.0 **CONCLUSION**

- 7.1 The proposal to extend the existing poultry unit development at Great Ness represents an appropriate expansion of this existing agricultural business, and would provide direct and indirect economic benefits. The EIA accompanying the application has identified the potential impacts of the proposal and appropriate mitigation measures. The impact of the proposal on landscape character would be mitigated by the extension of the existing screening bund. Further screening of the development would be provided in time once the substantial landscaping scheme develops. Whilst the proposal may result in some impact in the local area from odour and traffic noise, any such impacts would only occur on an infrequent basis and would be at an acceptable level. The design of the scheme incorporates a sustainable drainage system and includes appropriate ecological mitigation and a satisfactory access which avoids the need for traffic to access the site via local lanes.
- 7.2 Whilst the objections to the application are acknowledged, it is considered that the potential impacts of the proposal would be minimised to acceptable levels. Further controls over the operation would be provided by the Environmental Permit. On balance it is considered that the proposal can be accepted in relation to Development Plan policies and other material considerations and that planning permission can be granted subject to the conditions listed in Appendix 1 and subject to the variation of the existing Section 106 legal agreement.

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

10.1 Relevant Planning Policies

10.1.1 Shropshire Core Strategy

- Policy CS4 (Community Hubs and Community Clusters) – in the rural area, communities will become more sustainable by policies including: focusing private and public investment in the rural area into Community Hubs and Community Clusters, and not allowing development outside these settlements unless it meets Policy CS5;
- Policy CS5 (Countryside and Green Belt) – development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to specified proposals including: agricultural/horticultural/forestry/mineral related development, although proposals for large scale new development will be required to demonstrate that there are no unacceptable adverse environmental impacts; the retention and appropriate expansion of an existing established business, unless relocation to a suitable site within a settlement would be more appropriate;
- Policy CS6 (Sustainable Design and Development Principles) – requiring designs of a high quality to respect and enhance local distinctiveness, mitigating and adapting to climate change; requiring proposals likely to generate significant levels of traffic to be located in accessible locations; ensuring that all development: protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character; contributes to the health and wellbeing of communities, including safeguarding residential and local amenity; makes the most effective use of land and safeguards natural resources;
- Policy CS7 (Communications and Transport) – seeking a sustainable pattern of development that reduces the impacts of transport
- Policy CS13 (Economic Development, Enterprise and Employment) – to develop and diversify the Shropshire economy, supporting enterprise and seeking to deliver sustainable economic growth and prosperous communities; in rural areas, supporting the development and growth of Shropshire's key business sectors and clusters, in particular: environmental technologies; creative and cultural industries; tourism; and the land based sector, particularly food and drink production and processing; recognising the continued importance of farming for food production and supporting rural enterprise and diversification of the economy, in particular areas of economic activity associated with agricultural and farm diversification, forestry, green tourism and leisure, food and drink processing, and promotion of local food and supply chains;
- Policy CS16 refers to the economic importance for tourism, culture and leisure of Shropshire's landscape, cultural and historic assets;
- Policy CS17 (Environmental Networks) – to identify, protect, enhance, expand and connect Shropshire's environmental assets, by ensuring that all development: protects and enhances the diversity, high quality and local character of Shropshire's natural, built and historic environment, and does not adversely affect the visual,

ecological, geological, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors; contributes to local distinctiveness, having regard to the quality of Shropshire's environment, including landscape, biodiversity and heritage assets; does not have a significant adverse impact on Shropshire's environmental assets and does not create barriers or sever links between dependant sites;

- Policy CS18 (Sustainable Water Management) – development should integrate measures for sustainable water management to reduce flood risk, and avoid adverse impact on water resources

10.2 Central Government Planning Policy and Guidance:

10.2.1 National Planning Policy Framework (NPPF): Amongst other matters, the NPPF:

- promotes sustainable economic growth and prosperity (Chapter 1);
- supports a prosperous rural economy, including the development and diversification of agricultural rural businesses (Chapter 3);
- requires that developments that generate a significant amount of movement should be supported by a Transport Statement or Transport Assessment (Chapter 4);
- requires that decisions take account of whether safe and suitable access to the site can be achieved, and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development (Chapter 4);
- promotes good design as a key aspect of sustainable development (Chapter 7);
- supports the move to a low carbon future as part of the meeting of the challenges of climate change and flooding (Chapter 10);
- states that the planning system should contribute to and enhance the natural and local environment by: protecting and enhancing valued landscapes; minimizing impacts on biodiversity and providing gains where possible; preventing development from contributing to unacceptable levels of soil, air, water or noise pollution; remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land (Chapter 11);
- states that decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life; recognize that development will often create some noise (Chapter 11, para. 123);
- decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation (Chapter 11, para. 125).

10.3 Emerging Development Plan policy:

10.3.1 Site Allocations and Development Management (SAMDev) document: Consultation has taken place on the draft Development Management policies in support of the SAMDev. The SAMDev will allocate sites for various types of development and will set out detailed policies to guide future development in the county. At this stage, the site and immediately surrounding area are not subject to any specific allocation in the SAMDev.

10.3.2 Draft Development Management policies: Relevant draft Development Management policies include:

- MD2 (Sustainable Design), requiring development to achieve local aspirations for design wherever possible; contribute to and respect locally distinctive or valued character and existing amenity value; incorporate sustainable drainage techniques; consider landscaping holistically;
- MD7b (General Management of Development in the Countryside), stating that planning applications for agricultural development will be permitted where it can be demonstrated that the development is: required in connection with a viable agricultural enterprise and is of a size/ scale and type which is consistent with its required agricultural purpose and the nature of the agricultural enterprise that it is intended to serve; well designed and located in line with CS6 and MD2 and where possible, sited so that it is functionally and physically closely related to existing farm buildings; and, there will be no unacceptable impacts on environmental quality and existing residential amenity;
- MD12 (Natural Environment), seeking to achieve the conservation, enhancement and restoration of Shropshire's natural assets by ensuring that the social or economic benefits of development can be demonstrated to clearly outweigh the harm to natural assets where proposals are likely to have an unavoidable significant adverse effect, directly, indirectly or cumulatively, on specified natural assets/designated areas; encouraging development which appropriately conserves, enhances, connects, restores or recreates natural assets, particularly where this improves the extent or value of those assets which are recognised as being in poor condition; supporting proposals which contribute positively to the special characteristics and local distinctiveness of an area.

10.4 Relevant Planning History:

09/01583/FUL Erection of four poultry broiler units and ancillary works including off-site highway improvements - Refused 27th May 2010

10/03789/EIA Erection of four poultry units, ten feed bins and ancillary buildings; formation of new access road; landscaping scheme (amended description) - Granted 16th May 2011

12/02011/FUL Erection of an additional feed bin - Granted 2nd July 2012

13/01383/AGR Erection of an agricultural storage building to store farm implements and machinery – Prior Approval not required 6th May 2013

11. **Additional Information**

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

The application ref. 13/04305/EIA and supporting information and consultation responses.
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Cabinet Member (Portfolio Holder): Cllr M. Price

Local Member: Cllr David Roberts (Loton)

Appendices:

APPENDIX 1 - Conditions

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STANDARD CONDITION(S)

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

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

2. The development shall be carried out strictly in accordance with the approved plans and drawings:
 - 01/02 Topographical Survey
 - 1407.03 Soft Landscape Proposals
 - 308/02 Plans and Elevations
 - 44239-4 Elevation of Feed Bin
 - 44239_L100 Proposed Site Plan
 - 44239_L101 Proposed Site Sections
 - 44239-1 Drainage Layout
 - 44239-3 Location Plan

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. Notwithstanding the submitted landscaping scheme, prior to the commencement of the development details of the screening mounds at the site, including height and profile, shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall provide for the completion of the construction of the screening mounds prior to the use of the buildings hereby permitted.

Reason: To ensure that screening mounds are constructed to an acceptable appearance in the interests of protecting landscape character.

4. The use of soakaways should be investigated in the first instance for surface water disposal. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 20% for climate change. Flood water should not be affecting other buildings or infrastructure. Full details, calculations and location of the percolation tests and the proposed soakaways should be submitted for approval. If soakaways are not feasible, the drainage calculations in the Flood Risk Assessment are acceptable. Confirmation is required that the outfall ditch is suitable to take the proposed flow.

Reason: To ensure that soakaways, for the disposal of surface water drainage, are suitable for the development site and to ensure their design is to a robust standard to minimise the risk of surface water flooding.

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

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

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

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

6. The external colour and finish of the poultry houses and feed hoppers hereby permitted shall match that of the existing adjacent poultry houses and feed hoppers.

Reason: To ensure the materials and appearance of the development are appropriate in the landscape.

7. Notwithstanding the submitted landscaping scheme, any trees or plants, that within a period of 5 years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced with other species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the visual impact arising from the development is mitigated in accordance with the approved details.

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

Reason: Development of the facility allowed under permitted development have not been assessed as part of this proposal. The Local Planning Authority would wish to retain control over this to enable it to assess any impacts that may cause harm to interests of acknowledged importance.

9. Construction works on any part of the development shall not take place outside 07:30 to 18:00 hours Monday to Friday and 08:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of the area.

10. Lorry movements when transporting birds during depopulation between 23:00 and 06:00 hours shall be restricted to a maximum of 4 movements and once on site no lorries shall leave the development site between 23:00 and 2:00 hours. One movement is defined as a movement onto and then off the poultry unit site.

Reason: To minimise disturbance to neighbouring residents.

11. Construction traffic shall not access or egress the site other than via the dedicated access road which connects the site to the A5 public highway.

Reason: To safeguard the amenities of the area.

12. The removal of poultry manure shall not take place outside 07:30 to 18:00 hours Monday to Friday and 08:00 to 13:00 on Saturdays and Sundays and at no time on Bank Holidays.

Reason: To minimise disturbance to neighbouring properties.

13. Work shall be carried out strictly in accordance with the Ecological Appraisal of Land at Rodefern Lane conducted by Churton Ecology (November 2012) attached as an appendix to this planning permission.

Reason: To ensure the protection of Great Crested Newts, a European Protected Species

Informative(s)

1. Drainage: The applicant should consider employing measures such as the following:
Water Butts
Rainwater harvesting system
Permeable surfacing on any new driveway, hardstanding area.

2. Great Crested Newts are protected under the European Council Directive of 12 May 1992 on the conservation of natural habitats and of wild fauna and flora (known as the Habitats Directive 1992), the Conservation of Habitats and Species Regulations 2010 and under the Wildlife & Countryside Act 1981 (as amended).

If a Great Crested Newt is discovered on the site at any time then all work must halt and Natural England should be contacted for advice.

3. Where possible trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a closefitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.
4. On the site to which this consent applies the storage of all building materials, rubble, bricks and soil must either be on pallets or in skips or other suitable containers to prevent their use as refuges by wildlife.

5. Badgers, the setts and the access to the sett are expressly protected from killing, injury, taking, disturbance of the sett, obstruction of the sett etc by the Protection of Badgers Act 1992.

No works should occur within 30m of a badger sett without a Badger Disturbance Licence from Natural England in order to ensure the protection of badgers which are legally protected under the Protection of Badgers Act (1992).

All known Badger setts must be subject to an inspection by an experienced ecologist immediately prior to the commencement of works on the site.

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

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

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

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