



Committee and Date  
Northern Planning Committee  
8<sup>th</sup> June 2021

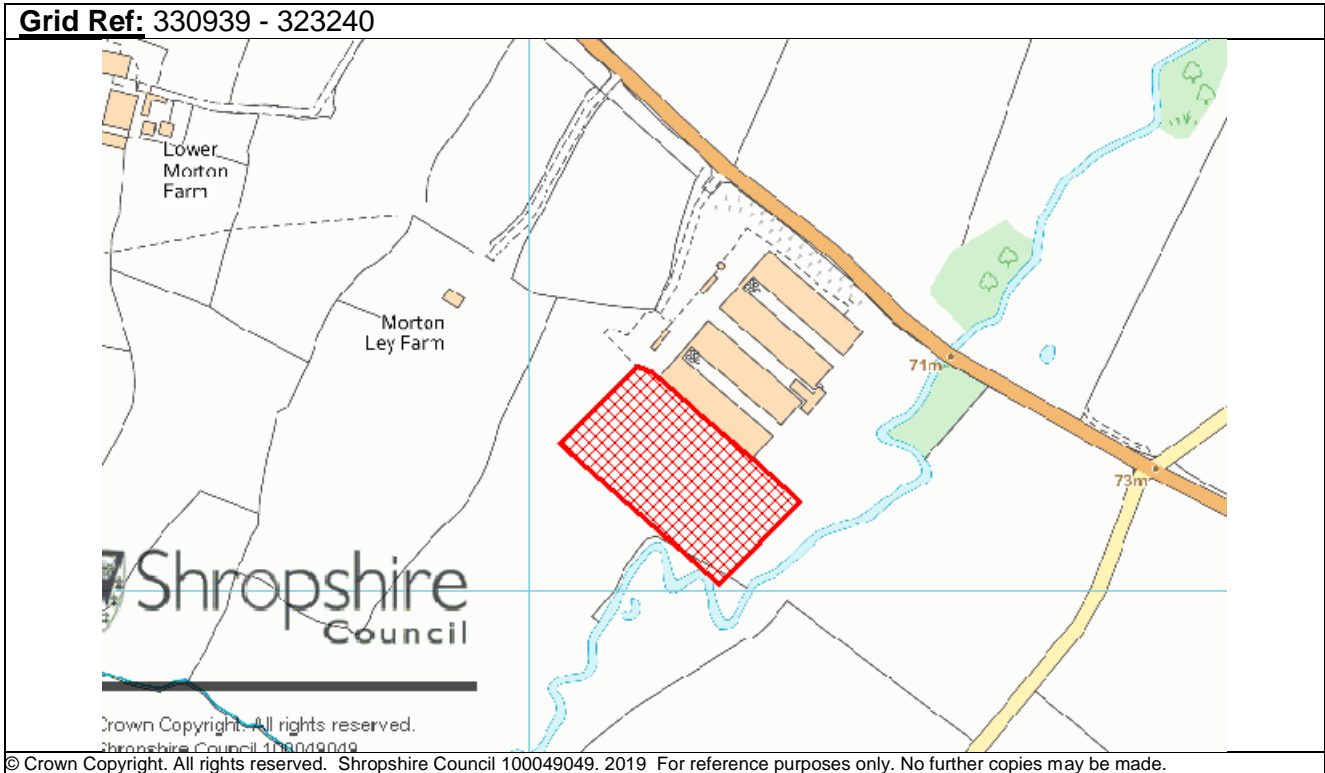
Item  
**8**  
Public

### Development Management Report

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#### Summary of Application

<b>Application Number:</b> 21/00692/EIA	<b>Parish:</b> Oswestry Rural
<b>Proposal:</b> Erection of two additional poultry sheds, five feed bins, vehicular access and landscaping scheme; and associated works	
<b>Site Address:</b> Morton Ley Farm Morton Oswestry Shropshire SY10 8BG	
<b>Applicant:</b> Morton Growers Ltd	
<b>Case Officer:</b> Philip Mullineux	<b>email :</b> <a href="mailto:planning.northern@shropshire.gov.uk">planning.northern@shropshire.gov.uk</a>



**Recommendation: Refusal for the following reason:**

**Insufficient information accompanies the application in order to assess the impacts of the proposal in relation to landscape and visual impacts, ecology, drainage, odour and noise. There are also concerns in relation to detail on transportation matters. As a consequence the application is considered contrary to Policies CS5, CS6, CS17 and CS18 of the Shropshire Core Strategy, Policies MD1, MD2, MD7b and MD12 of the SAMDev, the National Planning Policy Framework in relation to sustainable development and the requirements of the procedures of The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017.**

**REPORT****1.0 THE PROPOSAL**

- 1.1 The application is made in 'full; and proposes erection of two additional poultry sheds, five feed bins, vehicular access and landscaping scheme; and associated works adjacent to an existing intensive poultry unit at Morton Ley Farm Morton, Oswestry, Shropshire, SY10 8BG.
- 1.2 The application is accompanied by an Environmental Statement, site location plan, block plan, elevations and floor plans, landscaping plan, design and access statement. The Environmental Statement has sections that refer to Air Quality (Chapter 6), Landscape and Visual Impacts (Chapter 7), Traffic (Chapter 8,) Amenity Issues (Chapter 9), Ecology (Chapter 10), Noise and Vibration (Chapter 11), Water Resources (Chapter 12), Soils Chapter 13). Reference is also made to a Manure Management Plan and landscape viewpoints.
- 1.3 No pre-application advice was sought in relation to this application.

**2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The site is located to the north west of the village of Osbaston. It lies within a small arable farming unit. (Morton Ley Farm extends to 25.17 hectares (62.20 acres).. The application site itself in accordance with detail on the application form amounts to an area of 1.30 hectares. The surrounding land is exclusively agricultural. Settlements surrounding the site include Knockin, Morton, Woolston, Llyncllys and Crickheath. The site is classed as open countryside in the Shropshire Core Strategy.
- 2.2 Detail in support of the application indicates that it is proposed that two broiler houses are constructed. The poultry houses will each measure 24.68 metres x 125.419 metres. The total floor area for each shed will therefore be 3,095m<sup>2</sup>. Eaves and ridge height will be 2.40 metres and 5.00 metres respectively. Each of the new houses will have the potential to accommodate 45,000 "standard" broilers.
- 2.3 The buildings will be of a steel framed construction. The roofs and side walls will be clad with box profile polyester coated steel sheet. There will be five feed bins and these will be coloured to match the buildings. The buildings will be painted to Shropshire Council requirements. The appearance of the structures will be typical of many modern poultry buildings.
- 2.4 The chickens will be grown in 7.6 42-day crop cycles per annum with six-day turn around periods per crop. It is expected that, on the receipt of planning permission, the construction would commence in 2020 with operation commencing after a three month construction period.

2.5 The application proposes accommodation for up to 90,000 broilers and thus exceeds the thresholds of Schedule One EIA development of 85,000 birds and thus the application is accompanied by an Environmental Statement as it is classed as schedule one development in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 which require that for developments of this nature that EIA must be undertaken. The Regulations prescribe the types of development for which EIA is mandatory (Schedule 1 Development) and others which may require an assessment if they have the potential to give rise to significant environmental impacts (Schedule 2 Development). The proposed poultry extension is consistent with Schedule 1 of the Regulations (as it will accommodate in excess of 85,000 broiler chickens) and EIA is therefore mandatory. On this basis, no formal Screening Opinion was sought from the Planning Authority.

2.6 Accompanying the application is a copy of an application to the Environment Agency to vary the site permit issued and monitored by the Environment Agency. This procedure in tandem with a formal planning application for development as indicated is considered best practice in relation to intensive poultry applications of this nature.

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

3.1 The application is classed as schedule one development in accordance with EIA Regulations and therefore Committee consideration is required in accordance with the Council's Constitution and the scheme of delegation.

### 4.0 **Community Representations**

4.1 **Oswestry Rural Parish Council** have responded to the application indicating:

The Parish Council supports this application provided that atmospheric dispersion is monitored and public footpaths are kept clear.

### 4.2 **Consultee Comments**

4.3 **The Environment Agency** has responded indicating:

Environmental Permitting Regulations: The proposed development will accommodate up to 90,000 birds, which is above the threshold (40,000) for regulation of poultry farming under the Environmental Permitting (England and Wales) Regulations (EPR) 2016, as amended.

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

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

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

As is mentioned in the application documents this site is covered by an EP which is regulated by the Environment Agency. In 2018 this was amended (varied) following an application by the applicant to allow the number of birds held on site to increase to 350,000. This is the same number that is the subject of the development for which consent is sought by this application for planning permission. The application process to ourselves for the varied permit included an assessment of the potential impacts of ammonia on nearby designated sites. Following initial screening the applicant had to submit the results of detailed modelling of such potential impacts. The conclusions of which were such that, as has already been stated, the varied permit was issued.

Ammonia emissions: Ammonia may be emitted from livestock and from manure, litter and slurry, and may potentially impact on local people or nature conservation sites i.e. vegetation/habitat (permits may be refused if critical loads to the environment are exceeded).

Our ammonia screening assessment is made in line with our current guidance available at: <https://www.gov.uk/guidance/intensive-farming-risk-assessment-for-your-environmental-permit#pre-application-discussion>.

With regard to 'cumulative impact', we undertake a screening approach based on the potential impact of the proposed intensive poultry farm on designated nature conservation sites. Where required we carry out an 'in-combination' calculation of other intensive poultry farms regulated by the Environment Agency in the area. The same approach applies to cases when detailed ammonia modelling may be required to determine the risk to nature conservation sites.

There may be other poultry or livestock farms not regulated by the Environment Agency in the area. These are not considered as part of the permit determination with respect to any 'in combination assessment' and HRA.

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

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

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

noise management plans are required to reduce emissions from the site.

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

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

Note - For the avoidance of doubt, we do not 'directly' control any issues arising from activities outside of the permit installation boundary. Your Public Protection team may advise you further on these matters. However a management plan may address some of the associated activities both outside and inside of the installation boundary. For example, a NMP may include feed delivery lorry operation hours / vehicle engines to be switched off when not in use on site.

Similar to ammonia, we do not look at in combination effects for odour or noise.

Bio-aerosols and dust: Intensive farming has the potential to generate bio-aerosols (airborne particles that contain living organisms) and dust. It can be a source of nuisance and may affect human health.

Sources of dust particles from poultry may include feed delivery, storage, wastes, ventilation fans and vehicle movements.

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

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

Note - For any associated human health matters you are advised to consult with your Public Protection team and/or Public Health England (PHE).

Water Management: Clean Surface water can be collected for re-use, disposed of via

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

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

Manure Management (storage/spreading): Similar to other emissions, as part of the permit determination process, we do not require a Manure Management Plan (MMP) up front. However, Environmental Permit (EP) holders are required to subsequently operate under such a Plan, which consists of a risk assessment of the fields on which the manure will be stored and spread, in cases where this is done within the applicants land ownership such as this. It is used to reduce the risk of the manure leaching or washing into groundwater or surface water. The permitted farm would be required to regularly analyse the manure and the field soil to ensure that the amount of manure which will be applied does not exceed the specific crop requirements i.e. as an operational consideration. More information may be found in appendix 6 of the document titled “How to comply with your environmental permit for intensive farming.” <https://www.gov.uk/government/publications/intensive-farming-introduction-and-chapters>

It is noted that there is a discrepancy in the application documents concerning how manure is dealt with. The EIA refers to manure being landspread. Whereas the MMP states that manure will be sent to a nearby anaerobic digester. Either option is acceptable in principle, however clarification should be provided for the satisfaction of your Council. In the case of landspreading the area in the immediate vicinity of the farm is within a Nitrate Vulnerable Zone (NVZ) so any spreading would need to accord with The Farming Rules for Water and the Nitrate Vulnerable Zones (NVZ) Action Programme where applicable.

In relation to subsequent control of the impacts to water from manure management, the Environment Agency is responsible for enforcing these rules which relate to The Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018, which came into force on 2 April 2018.

It is an offence to break these rules and if they are breached we would take enforcement action in line with our published Enforcement and Sanctions guidance.

The above Regulations are implemented under The Farming Rules for Water. All farmers and land managers are required to follow a set of rules to minimise or prevent water pollution. The new rules cover assessing pollution risks before applying manures, storing manures, preventing erosion of soils, and managing livestock. The full information can be found at: <https://www.gov.uk/guidance/rules-for-farmers-and->

land-managers-to-prevent-water-pollution

Separate to the above EP consideration, we also regulate the application of organic manures and fertilisers to fields under the Nitrate Vulnerable Zone (NVZ) Rules where they are applicable, in line with Nitrate Pollution Prevention Regulations. Further NVZ guidance is available at: <https://www.gov.uk/guidance/nutrient-management-nitrate-vulnerable-zones>”

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

During the construction of the site measures should be put in place to minimise the risk of pollution of surface and ground waters by polluting liquids. This would include the use of bunded areas.

#### 4.4 **Natural England have responded indicating:**

There is insufficient information to enable Natural England to provide a substantive response to this consultation as required under the Town and Country Planning (Development Management Procedure) (England) Order 2015. Please provide the information listed below and re-consult Natural England. Please note that you are required to provide a further 21 day consultation period, once this information is received by Natural England, for us to respond.

#### 4.5 **SC Drainage Manager has responded indicating:**

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

The proposed development should not be permitted.

The site is in Flood Zone 3b. Flood Zone 3b is a functional floodplain. This zone comprises land where water has to flow or be stored in times of flood with an annual probability of 1 in 20 (5%) or greater in any year, or is designed to flood in an extreme (0.1%) flood. In accordance with the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework, only the water-compatible uses and the essential infrastructure listed in Table 2 that has to be there should be permitted in Flood Zone 3b.

Alternatively, re-locate the proposed development outside Flood Zone 3b and re-submit a revised Site Layout for comment.

#### 4.6 **SC Regulatory Services have responded indicating: :**

The proposed site would extend existing poultry rearing operations at Morton Ley Farm. There are residential receptors to the east, the nearest being approx. 400m from the

proposed site. With the size of the site increasing and a residential receptor 400m from the site and given the low background noise levels likely in this area it is considered reasonable for a noise assessment to be provided with the assessment. Noise has been considered by the applicant in the Environmental Statement, chapter 11. It is not known who the author of the assessment is other than potentially Roger Parry & Partners LLP who are the agent. Any assessment should be carried out by a suitably qualified and experienced person. It should refer to relevant guidance and policy. A noise assessment should contain a background noise survey and provide details of this in the report and use the details to consider any noise impact from the installation against. Given that the application is an addition to existing it is considered reasonable for the cumulative impact of the proposed element and the existing element to be assessed and data provided.

Chapter 11 of the Environmental Statement does not refer to relevant guidance. Specifically, it specifies PPG24, a policy document which was withdrawn in 2012 when the NPPF came into effect. It also considers the guidance document BS4142: 1997. This is an outdated version of guidance which was updated in 2014 and again in 2019. This suggests that the assessor is not a suitably qualified and experienced person to undertake the noise survey. No background noise study has been carried out and as such noise levels with which to compare potential impacts against are not available. As such the contents of Chapter 11 of the Environmental Statement have not been considered further.

In respect of odour the applicant has discussed this in the Environmental Statement. It has noted a residential receptor at 495m to the east. Having used mapping tools available it is suggested the site receptor is more like 400m from the site. The applicant has stated that due to the distance between the site and nearby receptors no detailed odour assessment is required. Given past appeal decision and consideration by planning inspector it is considered that a poultry site of the proposed scale has the potential to impact on residents at the distances found and an odour assessment is considered reasonable. This may not have previously been the case for the site however with an increase in scale comes an increase in potential impact and an onus to ensure that relevant aspects have been given suitable attention.

It is recommended that in order to proceed the applicant engage a suitably qualified and experienced person to undertake a noise assessment and an odour assessment. Once complete this should be submitted with the application for review. At this stage please consult Regulatory Services for additional comment.

#### 4.7 **Shropshire Fire and Rescue** have responded to the application indicating:

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

Specific consideration should be given to the following:

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

Access for Emergency Fire Service Vehicles

It will be necessary to provide adequate access for emergency fire vehicles. There should be sufficient access for fire service vehicles to within 45 metres of every point on



the projected plan area or a percentage of the perimeter, whichever is less onerous. The percentage will be determined by the total floor area of the building. This issue will be dealt with at the Building Regulations stage of the development. However, the Fire Authority advise that early consideration is given to this matter.

'THE BUILDING REGULATIONS, 2010 (2019 EDITION) FIRE SAFETY APPROVED DOCUMENT B5.' provides details of typical fire service appliance specifications.

#### Water Supplies for Fire fighting – Building Size

It is important to note that the current Building Regulations require an adequate water supply for firefighting. If the building has a compartment of 280m<sup>2</sup> or more in area and there is no existing fire hydrant within 100 metres, a reasonable water supply must be available. Failure to comply with this requirement may prevent the applicant from obtaining a final certificate.

#### 4.8 **SC Archaeology Manager** has responded indicating:

It is understood that this development would comprise the construction of two additional sheds and associated infrastructure to extend the existing units permitted under 11/02934/EIA & 15/04477/EIA. An archaeological watching brief during the construction of the first phase of the existing buildings in 2012 revealed a previously unknown but probable Roman road running down the slope at an oblique angle towards a presumed crossing point over the River Morda. Further evidence of the road was recorded in 2016 in relation to the second phase of the unit, at the base of the slope. On this occasion the road's agger was found to be well preserved beneath alluvium, close to the crossing point across the Morda. Whilst the road alignment is not thought to extend across the site of the two additional sheds now proposed, their proximity to it suggests that associated below ground archaeological remains may be present. On this basis the proposed development site is considered to have low-moderate archaeological potential.

#### RECOMMENDATION:

In view of the above, and in relation to Policy MD13 of the Local Plan and Paragraph 199 of the NPPF, it is recommended that a programme of archaeological work be made a condition of any planning permission. This should comprise an enhanced watching brief undertaken during initial soil stripping across the proposed development site, whereby the archaeological contractor also has control over the soil stripping method. An appropriate condition of any such consent would be: -

#### Suggested Condition:

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

Reason: The site is known to hold archaeological interest.

#### 4.9 **SC Highways** have responded indicating:

No Objection – subject to the development being constructed in accordance with the details submitted, accompanying this planning application.

Comments/observations:

The existing site access and internal vehicle arrangements are considered adequate to support the development proposed. The increase in vehicle activity associated with these additional sheds, is unlikely to cause any specific “severe harm” on the adjacent highway network. Therefore, a reason for refusal, on highway safety grounds, could not be sustained.

Informative notes:

Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

- construct any means of access over the publicly maintained highway (footway/verge) or
- carry out any works within the publicly maintained highway (street), or
- authorise the laying of private apparatus within the confines of the public highway (street) including any a new utility connection, or
- undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway, or
- otherwise restrict any part of the public highway (inc. footway, verge or waste) in any way, for the purposes of constructing the development (i.e. Skips, scaffolding, hording/safety fencing, material storage or construction traffic, etc.)

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

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

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

## HIGHWAY ADVICE NOTE

### No drainage to discharge to highway

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

### Extraordinary maintenance

The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which allows the Highway Authority to recover additional costs of road maintenance due to damage by extraordinary traffic. Therefore, it is in the developer’s best interest to contact the Council’s Streetworks Team, prior to the commencement of any works, to agree the condition of the local highway. If no pre-start condition survey/agreement is made, the Council will assume that the affected street, is in a satisfactory condition. Therefore, any damage occurring to any part of the street during the period of construction, will subsequently become the responsibility of the developer, to repair or contribute towards any additional required maintenance, to make good the damage.

4.10 **SC Conservation** have responded indicating:

In considering the proposal due regard to the following local policies and guidance has been taken, when applicable: CS5 Countryside and Green Belt, CS6 Sustainable Design and Development and CS17 Environmental Networks, MD13 Historic Environment and with national policies and guidance, National Planning Policy Framework (NPPF) published February 2019 and Section 66 and of the Planning (Listed Building and Conservation Areas) Act 1990.

**Details:**

The proposed buildings are longer than the existing and extend south eastwards beyond the existing buildings. It would appear that the proposed new buildings are of the same height as the existing.

Having reviewed the submitted information it is noted that there is no mention regarding Morton Bridge a Grade II listed structure. Indeed in section 3.9 – Cultural Heritage – of the Scoping Report it clearly states there are no listed buildings within 500m of the site. This is clearly factually incorrect as the bridge is approximately 230 m from the proposed new buildings.

Viewpoints have been indicated on drawing RJC/RB/Edwards/5257/10 however, no view point photos have been submitted.

A landscaping plan has been submitted but it would appear that this does not show any additional planting or the existing bund and planting to the east of the existing sheds indicated on the approved previous application 15/04477/EIA.

**RECOMMENDATION:**

We have no objection from an historic environment perspective as it is considered that the impact of the proposal will be negligible on the significance of the designated heritage asset. We would suggest that additional hedgerow/tree planting to the north eastern corner of the wider site, adjacent the road would filter views of the poultry farm from the designated heritage asset, Morton Bridge.

**Suggested Conditions:**

Landscaping

4.11 **SC Landscape Consultant** has responded to the application indicating in conclusion:

**Conclusions and Recommendations**

We have a number of significant concerns in respect of this LVIA. In summary, these are that it;

- Has been prepared using guidance which is almost 20 years out of date and which has been superseded by later revisions. As such, it does not follow nationally recognised best practice.
- Provides no information on the competence of the author, cumulative effects, and whether effects are adverse or beneficial, contrary to the requirements of the Environmental Impact Assessment Regulations 2017.
- References national and local planning policies which are, again, significantly out of date
- Contains a number of factual errors in the application of landscape character information contained in the Shropshire Landscape typology
- Does not carry out an assessment of landscape and visual effects in accordance with its own methodology
- Contains insufficient geographical and no photographic information to support the assessments of visual effect.

- Contains insufficient information on proposed mitigation measures

As a result of the above we do not consider that the assessment of landscape and visual effects has been carried out to a compliant standard for an EIA project in accordance with GLVIA3. We do not consider that its findings are sufficient to support making an informed planning decision.

Having assessed the LVA against Local Plan policy relating to landscape and visual matters, we do not believe that the proposals currently comply with policies CS5, CS6, CS17, MD2, MD7b and MD12.

We therefore recommend that, prior to determination of the application, an LVIA and mitigation strategy be prepared by a competent chartered landscape architect in compliance with GLVIA3 and supporting technical guidance notes

#### 4.12 **SC Ecology have responded indicating:**

There is insufficient information relating to air quality to enable impacts of the proposals on ecology to be assessed. The applicant is advised to read the guidance regarding the assessment of intensive livestock installations available on the Shropshire Council website (<https://shropshire.gov.uk/media/10859/interim-guidance-note-on-ammonia-emitting-developments-apr-2018.pdf>) and to provide the required information prior to a decision being made on this application.

#### 4.13 **Public Comments**

4.14 One letter of objection has been received from members of the public. Key planning issues can be summarised as follows:

- Concerns about existing security lighting on site being too bright and causing unnecessary light pollution.
- Concerns about impacts on surrounding biodiversity.

#### 4.15 **Oswestry Group of Ramblers** have responded indicating:

It is noted that PROW 0307/190/2 runs on the edge of the site having been diverted previously. It is further noted that this path is frequently illegally obstructed by electric fencing where it crosses the access road. We request that plans include proposals such that users of the path can safely proceed without obstruction.

#### 5.0 **THE MAIN ISSUES**

- Principle of development
- Siting, scale and design and visual impact and landscaping. (Biodiversity).
- Residential amenity
- Drainage and impacts on water resources.
- Historic environment
- Access and Transportation

#### 6.0 **OFFICER APPRAISAL**

##### 6.1 **Principle of development**

##### 6.1.1 **Environmental Impact Assessment**

6.1.2 The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 specify that Environmental Impact Assessment (EIA) is required for proposed development involving the intensive rearing of poultry where the

number of birds is 85,000 or more. The proposed development would accommodate an additional 20,000 birds. It is therefore EIA development and the application is accompanied by a report entitled Environmental Statement.

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

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

- 6.1.3 The regulations state that an environmental statement must include the information reasonably required for reaching a reasoned conclusion on the significant effects of the development on the environment, taking into account current knowledge and methods of assessment. Schedule 4 of the regulations state that environmental statements should describe the development, including, amongst other matters: an estimate, by type and quantity, of expected residues and emissions during the construction and operational phases. The EIA must identify, describe and assess in an appropriate manner, in light of each individual case, the direct and indirect significant effects of the proposed development. This should include the cumulation of effects with other existing and/or approved projects
- 6.1.4 National Planning Policy Framework (NPPF) states that the focus of planning decisions should be on whether the proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). It adds that planning decisions should assume that these regimes will operate effectively. Nevertheless the EIA regulations require that likely effects of the development on the environment are identified and taken into consideration in the decision-making process. These effects will include matters that are also regulated by the EA.
- 6.2 Planning policy context; principle of development**
- 6.2.1 Planning applications are to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF is a material planning consideration and sets out a presumption in favour of sustainable development and there are three overarching objectives to achieving this: economic; social; and environmental. The NPPF states that significant weight should be given to the need to support economic growth and productivity (para. 80). In respect of development in rural areas, it states that planning decisions should enable the sustainable growth and expansion of all types of business; and the development and diversification of agricultural and other land-based rural businesses (para. 83).
- 6.2.2 This approach is reflected in Development Plan policy. Core Strategy policy CS5 provides support for appropriate development within the countryside, which maintain and enhance countryside vitality and character where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to specified proposals including: agricultural related development. It states that proposals for large scale new development will be required to demonstrate that there are no unacceptable adverse environmental impacts, and this is discussed in

sections below. Core Strategy policy CS13 states that, in seeking to develop and diversify the Shropshire economy, emphasis will be placed on matters such as supporting rural enterprise and diversification of the economy, in particular areas of activity which include the agricultural and farm diversification sectors.

6.2.3 The proposal to expand the existing enterprise would involve significant investment and would help to sustain the long-term viability of the rural business. It would provide additional economic benefits in terms of additional labour requirements in a sector which is appropriate in the rural area. The Environmental Statement states that the proposal is a sustainable economic development. Its list of benefits include: the expansion of the UK poultry meat production capacity; helping to meet the rising demand for poultry meat in the UK and aiming to become self-sufficient in poultry meat; reducing the need to import foreign produced poultry meat; reducing greenhouse gas emissions from fossil fuel consumption in transportation of meat across the globe, i.e. food miles. It is considered that the proposal has support in principle from Development Plan and national policy. However policies also recognise that poultry units can have significant impacts and these matters are assessed below.

### 6.3 **Siting, scale and design, landscape and visual impact.(Biodiversity).**

6.3.1 Core Strategy policy CS6 seeks to ensure that development is appropriate in scale and design taking into account local context and character, having regard to landscape character assessments and ecological strategies where appropriate. It states that development will be designed to a high quality using sustainable design principles.

6.3.2 Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan policy MD2 requires that development contributes to and respects locally distinctive or valued character and existing amenity value, and demonstrates how good standards of sustainable design and construction have been employed. SAMDev Plan policy MD7b states that applications for agricultural development should be of a size/scale which is consistent with its required agricultural purpose, and where possible sited so that it is functionally and physically closely related to existing farm buildings. Policy CS16 seeks to deliver sustainable tourism, and promotes connections between visitors and Shropshire's natural, cultural and historic environment.

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

### 6.3.3 Ecological issues.

Core Strategy policy CS17 seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan policies MD2 and MD12 require that developments enhance, incorporate or recreate natural assets. Policy MD12 states that proposals which are likely to have a significant adverse effect, directly, indirectly or cumulatively, on specified ecological assets should only be permitted if it can be clearly demonstrated that:

- a) there is no satisfactory alternative means of avoiding such impacts through re-design or by re-locating on an alternative site and;
- b) the social or economic benefits of the proposal outweigh the harm to the asset. It states that in all cases, a hierarchy of mitigation then compensation measures will be sought.

Paragraph 175 of the NPPF states that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

- 6.3.4 The principal ecological issues relate to the direct impacts of the development on the ecological value of the area, and the indirect impacts due to the release of ammonia from the resultant poultry manure.
- 6.3.5 Whilst the applicants have submitted in support of their application an assessment on ecological issues, the SC Planning Ecology have indicated there is insufficient information relating to air quality to enable impacts of the proposals on ecology to be assessed. The applicant needs to read the guidance regarding the assessment of intensive livestock installations available on the Shropshire Council website (<https://shropshire.gov.uk/media/10859/interim-guidance-note-on-ammonia-emitting-developments-apr-2018.pdf>) and to provide the required information prior to a decision being made on this application on ecological issues.
- 6.3.6 The Council's ecologist has advised that, based upon the evidence submitted, the planning case officer cannot conclude that the proposed development will not have significant adverse effects on biodiversity under Development Plan and NPPF policy.
- 6.3.7 In addition to the above, Natural England has advised that there is insufficient information to enable Natural England to provide a substantive response to this consultation as required under the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 6.3.8 The applicants have submitted in support of their application, as part of their Environmental Statement, a landscape and visual impact assessment,(LVIA), (Chapter 7) and this concludes that overall, the landscape and visual assessment has established that the proposed poultry extension will have a limited effect on the baseline conditions in terms of both landscape character and visual amenity. The measures factored into the site selection and design process will reduce, minimise and even improve any potential adverse effects. Therefore, on balance they consider that the proposed extension would be acceptable in this context with regard to the potential effects on landscape character and visual amenity.
- 6.3.9 The Council's Landscape Consultant has commented on this indicating in conclusion that he has a number of significant concerns in respect of the LVIA. In summary, these are that it;
  - Has been prepared using guidance which is almost 20 years out of date and which has been superseded by later revisions. As such, it does not follow nationally recognised best practice.
  - Provides no information on the competence of the author, cumulative effects, and whether effects are adverse or beneficial, contrary to the requirements of the Environmental Impact Assessment Regulations 2017.

- References national and local planning policies which are, again, significantly out of date
- Contains a number of factual errors in the application of landscape character information contained in the Shropshire Landscape typology
- Does not carry out an assessment of landscape and visual effects in accordance with its own methodology
- Contains insufficient geographical and no photographic information to support the assessments of visual effect.
- Contains insufficient information on proposed mitigation measures

6.3.10 As a result of the above it is considered that the assessment of landscape and visual effects has not been carried out to a compliant standard for an EIA project in accordance with GLVIA3. The findings are considered in-sufficient to support making an informed planning decision.

6.3.11 Having assessed the LVA against Local Plan policy relating to landscape and visual matters, the proposals do not comply with local plan policies CS5, CS6, CS17, MD2, MD7b and MD12.

#### 6.4 **Drainage and impacts on Water Resources.**

6.4.1 Core Strategy policy CS18 seeks to reduce flood risk and avoid adverse impact on water quality and quantity. Policy CS6 requires that development safeguards natural resources, including soil and water.

6.4.2 The applicants have submitted a Water Resources assessment as part of their Environmental Statement. (Chapter 12), This concludes that a number of potential impacts on the local hydrology and hydrogeology have been identified as a result of the construction and operation of a Poultry Extension at the site. Potential impacts include the risk of groundwater and surface water contamination from oils and hydrocarbons and dirty water. Both development and operation of a poultry extension on this site have the potential to negatively impact on the hydrology and hydrogeology of the area through the contamination of surface water and groundwater. Employing appropriate construction techniques (see Pollution Policy Guidance - PPG documents) and good design will ensure that these risks will be successfully mitigated. The significance of such impacts has been systematically evaluated and mitigation measures for each of the impacts have been identified. Following mitigation, the significance of residual impacts is all reduced to a minor level or below.

6.4.3 The SC Drainage specialist has advised that the proposed development should not be permitted.

6.4.4. The site is in Flood Zone 3b. Flood Zone 3b is a functional floodplain. This zone comprises land where water has to flow or be stored in times of flood with an annual probability of 1 in 20 (5%) or greater in any year, or is designed to flood in an extreme (0.1%) flood. In accordance with the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework, only the water-compatible uses and the essential infrastructure listed in Table 2 that has to be there should be permitted in Flood Zone 3b. Alternatively, re-locate the proposed development outside Flood Zone 3b and re-submit a revised Site Layout.



- 6.4.5 In relation to drainage and the requirement for appropriate methods of sustainable drainage, the application is considered unacceptable and not in accordance with Policies CS6 and CS18 of the Shropshire Core Strategy, Policies MD2 and MDBb of the SAMDev, the NPPF and the requirements of procedures of the Environmental Impact Assessment Regulations.
- 6.5 **Residential and amenity considerations**
- 6.5.1 Core Strategy policy CS6 requires that developments safeguard residential and local amenity. SAMDev Plan policy MD7b states that planning applications for agricultural development will be permitted where it can be demonstrated that there would be no unacceptable impacts on existing residential amenity.
- 6.5.2 Odour: The proposed development has the potential to have a significant impact on the environment as a result of odour generation, both from the direct emissions from the poultry houses, either alone or in combination with the existing sheds, and also from the storage and spreading of manure produced by the development.
- 6.5.3 Manure management: The proposed development would result in a significant quantity of manure being produced from the birds. Manure has the potential to result in significant impacts on the environment. The Environmental Statement submitted with the application reference to a manure management plan. This states that all manure from the site will be transported to a AD Plant.
- 6.5.4 Officers accept that the site benefits from an Environmental Permit and that this has been varied to allow 400,000 birds to be reared at the site. The permit was amended (varied) in 2018 following an application by the applicant to allow the number of birds held on site to increase to 350,000. This is understood by the Environment Agency to be the same number that is the subject of the development for which consent is sought by this application for planning permission.
- 6.5.5 The Environment Agency notes that it is the responsibility of the applicant to undertake the relevant risk assessments and proposed suitable mitigation to inform whether emissions can be adequately managed. However, in order to meet the requirements of the EIA regulations, this assessment work needs to be undertaken as part of the EIA process and prior to a decision being made on the proposal. Officers acknowledge the advice in para. 183 of the NPPF regarding the relationship between the planning and pollution control regimes, as referred to above. However this does not obviate the need for EIA applications to comply with the EIA regulations.
- 6.5.6 Officers do not consider that there is sufficient justification for odour to be scoped out of the EIA process. There are sensitive receptors within the vicinity of the site, and odour is already emitted by the existing development thereby contributing to background levels in the area, although it is acknowledged that manure generated on site as a result of the proposed development will be transported to an A.D Plant.
- 6.5.7 Noise: Para. 180 of the NPPF states that planning decisions should ensure that new development is appropriate for its location; and mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development; and avoid noise giving rise to significant adverse impacts on health and the quality of life. The proposed development has the potential to have a significant impact on the environment as a

result of noise generation, including from extraction fans, from vehicle movements around the site, and from the traffic movements to/from the site. These impacts may result either from the development itself, or in combination with the existing operation. However the Environmental Statement advises that noise impact has been scoped out of the EIA. It states that the noise environment around the site is typical of a working farm with the associated feed deliveries, grain drying, milling, blowing off of feed, field work, yard etc. It suggests that the nearest residential curtilage is more than 400 metres from the site and is separated from the site by mature vegetation. It goes on to say that noise emissions from the site have already been assessed as part of the Environmental Permit application; noise was not a matter that was raised as a concern as part of the permit application implying that noise generation from the site is unlikely to have any significant environmental effect. It refers to the aims of the NPPF to avoid noise from giving rise to significant adverse impacts on health and quality of life, and suggests that the proposal meets these aims, and that the EA confirmed this in granting the site an Environmental Permit to operate.

- 6.5.8 SC Regulatory Services have responded to the application indicating the proposed site would extend existing poultry rearing operations at Morton Ley Farm. There are residential receptors to the east, the nearest being approx. 400m from the proposed site. With the size of the site increasing and a residential receptor 400m from the site and given the low background noise levels likely in this area it is considered reasonable for a noise assessment to be provided with the assessment. Noise has been considered by the applicant in the Environmental Statement, chapter 11. It is not known who the author of the assessment is other than potentially Roger Parry & Partners LLP who are the agent. Any assessment should be carried out by a suitably qualified and experienced person. It should refer to relevant guidance and policy. A noise assessment should contain a background noise survey and provide details of this in the report and use the details to consider any noise impact from the installation against. Given that the application is an addition to existing it is considered reasonable for the cumulative impact of the proposed element and the existing element to be assessed and data provided. Chapter 11 of the Environmental Statement does not refer to relevant guidance. Specifically, it specifies PPG24, a policy document which was withdrawn in 2012 when the NPPF came into effect. It also considers the guidance document BS4142: 1997. This is an outdated version of guidance which was updated in 2014 and again in 2019. This suggests that the assessor is not a suitably qualified and experienced person to undertake the noise survey. No background noise study has been carried out and as such noise levels with which to compare potential impacts against are not available. As such the contents of Chapter 11 of the Environmental Statement have not been considered further. In respect of odour the applicant has discussed this in the Environmental Statement. It has noted a residential receptor at 495m to the east. Having used mapping tools available it is suggested the site receptor is more like 400m from the site. The applicant has stated that due to the distance between the site and nearby receptors no detailed odour assessment is required. Given past appeal decision and consideration by planning inspectors it is considered that a poultry site of the proposed scale has the potential to impact on residents at the distances found and an odour assessment is considered reasonable. This may not have previously been the case for the site however with an increase in scale comes an increase in potential impact and an onus to ensure that relevant aspects have been given suitable attention. It is recommended that in order to proceed the applicant engage a suitably qualified

and experienced person to undertake a noise assessment and an odour assessment

6.5.9 Officers do not consider that this is an appropriate approach and are of the view that it would fall short of the legal requirements of the EIA regulations, details of which are set out in section 6.1 above. Contrary to the suggestion in the Environmental Statement that there is a total of five locations where people may be present were identified within a 500 metre radius of the site, it is considered this is an overestimate in distance. The Environmental Statement does not appear to have taken sufficient consideration when scoping noise out of the EIA process

In order to address this, officers request that an appropriate noise assessment is undertaken as part of the EIA process. Officers therefore consider that the Environmental Statement is deficient as it does not meet the requirements of the EIA regulations

6.5.10 The MMP or Environmental Statement does not assess what the impacts of indirect element of the proposed development would be, for example in respect of odour or ammonia emissions. The Environmental Statement is therefore deficient in respect of this matter.

## 6.6 Historic Environment considerations

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

6.6.2 On historic environment grounds the application is considered to be acceptable with negligible impacts on the historic environment. In relation to archaeology issues the Council's Archaeology Manager has responded indicating that development on this matter is acceptable and that an enhanced watching brief should be undertaken during initial soil stripping across the proposed development site, whereby the archaeological contractor also has control over the soil stripping method. It is considered that an appropriate condition to address this matter can be attached to any approval notice subsequently issued.

6.6.3 Whilst on historic grounds the application on balance is considered acceptable it is noted the Council's Conservation Manager has made comment that landscaping is considered insufficient. This matter has been discussed earlier in this report and on this matter conclusions reached are also shared in relation to the historic interest in that landscape mitigation will be required.

## 6.7 Access and transportation

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

- 6.7.2 The Design and Access Statement in support of the application indicates that the site is accessed off the B4396. Access to the Strategic Road Network is accessed along the B4396 to Llyncllys Crossroads where the vehicles will join the A483 and thereafter the A5 Trunk Road at Mile End Roundabout. The access arrangements are designed to restrict HGV movements on to the B4396; Feed HGVs will be coming from Lloyds Animal Feeds located approximately ½ mile away on the B4396 towards Morton.
- 6.7.3 Chapter 8 of the applicants Environmental Statement discusses traffic movements and concludes that as a result of the proposal there will be a small increase in traffic in a limited number of settlements such that the baseline conditions including living conditions will change. The small increases in traffic are however offset by the predicted reduction in the use of the local highway network following the cessation of manure imports and the reduction in movements. The assessment has demonstrated that the proposals are estimated not to have a significant effect on the surrounding highway network, and that the safety conditions of the network would not be made worse.
- 6.7.4 The Council's Highways Manager has indicated that the existing site access and internal vehicle arrangements are considered adequate to support the development proposed. The increase in vehicle activity associated with these additional sheds, is unlikely to cause any specific “severe harm” on the adjacent highway network
- 6.7.5 Notwithstanding the concern that the applicants traffic assessment is considered weak in its layout and compliance with EIA procedures, Officers acknowledge that on highways and transportation grounds the development on balance could be considered acceptable. However it is not considered that the planning application has satisfactorily assessed the full traffic impacts of the proposal as it does not adequately explain detail in relation to the export of manure to the anaerobic digestion plant and positives and negatives in relation to this. The site is clearly part of an existing poultry enterprise that in accordance with the Environmental permit variation for the site obtained from and managed by the Environment Agency indicates 'broiler bird' numbers on site will increase from 200,000 to 350,000 places. This application refers to an increase of 90,000 birds. (It is appreciated by Officers that an Environmental permit can be for more birds than actually retained on site), on an agricultural holding amount to some 25.17 hectares (62.20 acres). The farm operates as an arable enterprise annually growing winter wheat, spring barley and oil seed rape in rotation as well as an intensive poultry enterprise. It is intended to concentrate the farming enterprise more on the poultry production. Clearly in relation to the amount of farm land in the control of the business concerned this farming method and its proposed business model can only best be described as intensive agricultural production as manure generated on site for example cannot be absorbed into the existing farming enterprise on site and will need to be exported off site.
- 6.7.6 Whilst on highway and transportation issues the application in principle is considered acceptable, it is considered that the Environmental Statement in relation to transportation issues lacks detail on traffic movements as a result of the increase in intensification on site and in particular in relation to traffic movements to an AD plant in order to dispose of manure generated on site.

## 7.0 CONCLUSION

- 7.1 The proposal to construct two intensive poultry sheds, five feed bins and supporting infrastructure is considered to be schedule one development in accordance with EIA Regulations. These regulations require that planning permission is not granted unless an Environmental Impact Assessment has been carried out. They state that EIA must identify, describe and assess in an appropriate manner, in light of each individual case, the direct and indirect significant effects of the proposed development.
- 7.2 The proposed development has the potential to have a significant adverse effects on the environment. Satisfactory assessments of potential direct and indirect impacts from odour, noise, manure management, ammonia, landscape and visual impact and transport have not been included in the Environmental Statement. The Environmental Statement does not meet the requirements of the EIA regulations and is deficient. The local planning authority is therefore unable to assess what the full impact of the development would be on the environment, and therefore whether the proposal can be supported in relation to Development Plan policy and other material planning considerations.
- 7.3 It is recognised that the poultry rearing operation does benefit from an Environmental Permit issued from the Environment Agency and that the Agency has advised that, through this, issues such as relevant emissions will be addressed. However, the focus of the planning process is on whether the proposed development is an acceptable use of land and this requires an understanding of what the land-use impacts are likely to be. The existence of an Environmental Permit does not obviate the need for an appropriate level of assessment to be undertaken as part of the EIA process, as required by the EIA regulations.
- 7.4 The proposal would provide economic benefits, including from the investment in the expansion of the existing business and the additional and sustained labour requirements which would result from the construction and operation of the development. Nevertheless it is not considered that these benefits would be sufficient to justify a grant of planning permission in view of the deficiencies of the current application.
- 7.5 In conclusion, on the basis of the above, officers recommend that planning permission be refused as the application is considered contrary to Policies CS5, CS6, CS17 and CS18 of the Shropshire Core Strategy, Policies MD1, MD2, MD7b and MD12 of the SAMDev, the National Planning Policy Framework in relation to sustainable development and the requirements of the procedures of The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017.

## 8.0 Risk Assessment and Opportunities Appraisal

### 8.1 Risk Management

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy

or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

## 8.2 Human Rights

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

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

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

## 8.3 Equalities

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

## 9.0 Financial Implications

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

## 10. Background

### Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

RELEVANT PLANNING HISTORY:

OS/07/15346/FUL Demolition of existing farmhouse and erection of new dwelling and garage block WDN 7th February 2008

OS/08/15674/FUL Replacement of existing dwelling REFUSE 2nd October 2008

OS/08/15675/FUL Alterations and extensions to existing house REFUSE 13th November 2008

PREAPP/09/00152 Proposed development - garage, games room, tv room, store, office and further garage REC

PREAPP/10/00574 Informal highway advice - chicken rearing shed PRRQD 2nd March 2010

10/01115/FUL Alteration to existing farm access and formation of new field access WDN 14th May 2010

10/02470/FUL Alterations to existing farm access GRANT 6th August 2010

PREAPP/11/00499 Proposed application for the erection of a 90,000 bird broiler unit PREAIP 10th April 2011

11/02532/CPL Application for Lawful Development Certificate for the proposed erection of two storey extension to side and single storey extensions to other side and rear LA 4th November 2011

11/02934/EIA Erection of 2 no. chicken rearing buildings, associated feed bins, hardstanding, store, office/facilities, access and all associated works GRANT 13th March 2012

12/01427/DIS Discharge of Conditions 3 (archaeological work) and 4 (external materials) attached to planning permission 11/02934/EIA DISAPP 18th April 2012

13/02441/SCO Proposed erection of a 90,000 bird broiler unit. SCO 18th October 2013

14/00265/AGR Bio mass boiler unit and store PPREQN 20th February 2014

14/00944/FUL Erection of building to house bio mass boiler unit and wood fuel storage for use with chicken breeding units GRANT 24th April 2014

15/04477/EIA Erection of two poultry buildings and three feed bins; construction of vehicular access and hardstanding; landscaping scheme GRANT 1st February 2016

16/03343/DIS Discharge of Conditions 3 (WSI), 4 (Landscaping), 5 (Buffer), 6 (Surface water), 7 (Non permeable surface), 8 (Contaminated water), 10 (External lighting), 11 (Bat Bozxes), 12 (Bird Boxes) and 13 (external colouring) of Planning permission 15/04477/EIA DISPAR 31st October 2016

19/01806/FUL Erection of detached carport and garden store GRANT 6th June 2019

19/05292/FUL Erection of 3 bay detached carport and store GRANT 10th February 2020

21/00692/EIA Erection of two additional poultry sheds, five feed bins, vehicular access and landscaping scheme; and associated works PCO

#### 11. Additional Information

View details online:

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Councillor Ed Potter
Local Member Cllr Joyce Barrow
Appendices APPENDIX 1 – Conditions None as refusal see start of report.