

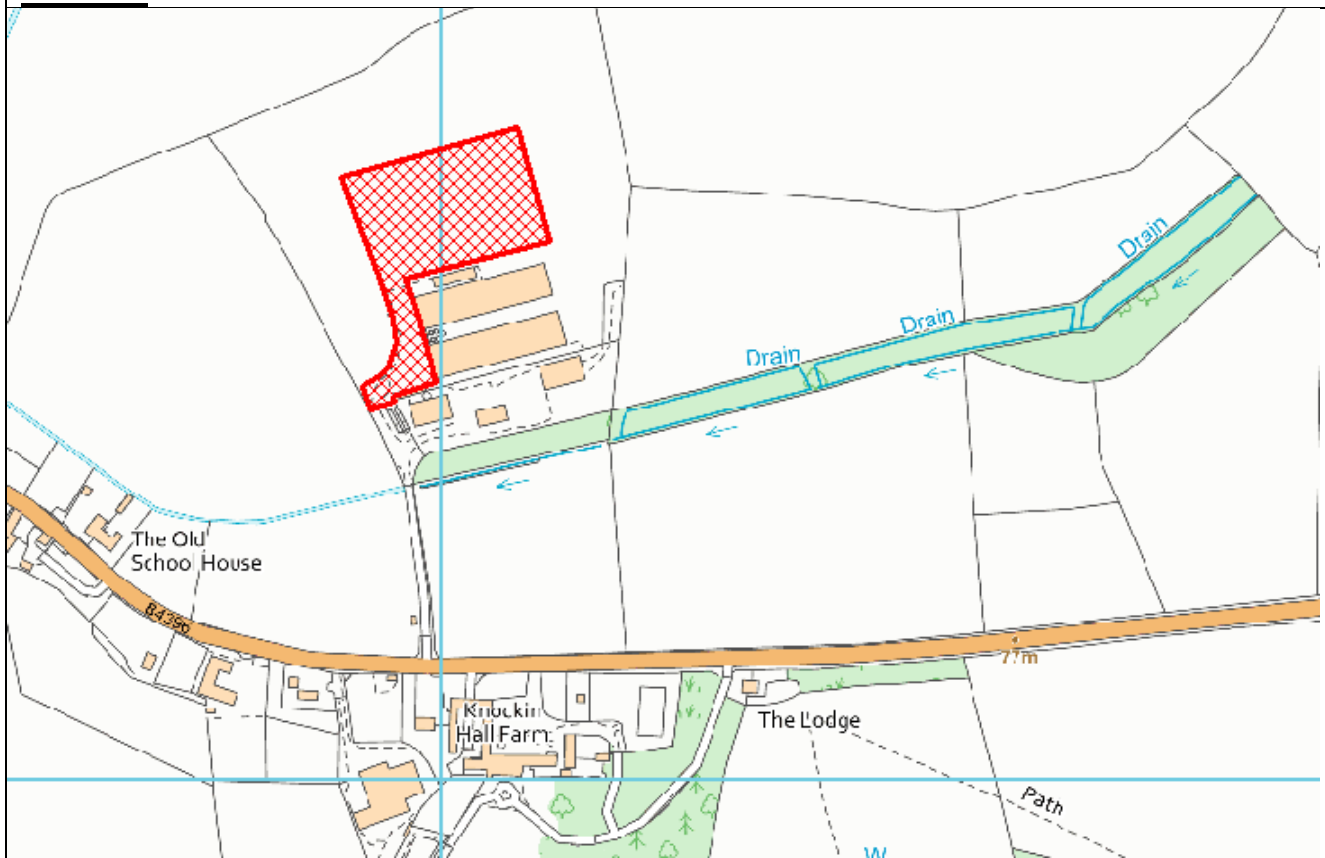
Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

<u>Application Number:</u> 19/04432/EIA	<u>Parish:</u> Knockin
<u>Proposal:</u> Erection of an extension to a poultry unit including silos and all associated works	
<u>Site Address:</u> Knockin Hall Farm The Avenue Knockin Shropshire SY10 8HQ	
<u>Applicant:</u> Knockin Growers	
<u>Case Officer:</u> Philip Mullineux	<u>email</u> : philip.mullineux@shropshire.gov.uk

Grid Ref: 334095 - 322024



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REPORT

Recommendation: Delegated approval to the Assistant Director that on satisfactory submission of an addendum to the noise report, on noise, in relation to the air

scrubbers, subject to the conditions as outlined in appendix one attached to this report, and any modifications to these conditions as considered necessary by the Assistant Director.

1.0 THE PROPOSAL

- 1.1 Application is made in full and proposes erection of an extension to an existing poultry unit including silos and all associated works at Knockin Hall Farm, The Avenue, Knockin.
- 1.2 The application is accompanied by an Environmental Statement, which includes reference to a landscaping plan, ammonia screening, odour management, dust management, drainage plan and design and access plan. Application also includes manure management plan, noise report, proposed elevations and floor plans, drainage plans, site location plan and block plan. During the application processing period further information was received owing to concerns with regards to ammonia emissions, landscaping and a further ecology report, along with an amended manure management plan. Amended plans were also received indicating air scrubbers fitted to the proposed eastern side gables of the broiler houses. This is basically an exhaust air single stage chemical air cleaner using a suction principle that separates dust and ammonia produced from within the broiler house.
- 1.3 It is noted during the application processing that the applicants decided as a result of SC Ecology concerns and ammonia disposition to add mechanical scrubber units. These are an addition that will require a site permit variation. (Managed and operated by the Environment Agency). If mindful to support the application, it is advised that an informative is attached to any approval notice in respect of this matter.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site for the proposed development which covers an area of approx. 2.65 hectares and is grade 3 agricultural land currently used for arable production and is located to the rear of two existing intensive broiler units on land on opposite side of the B4396 public highway to the original farmstead known as Knockin Hall Farm. Immediately adjoining the site and the existing poultry unit is farmland in the control of the applicants. Nearby is the designated Knockin Conservation Area, however the site is not located within or adjoining this designated area. .
- 2.2 Detail in support of the applicants Environmental Statement indicates that the closest residential properties are situated to the south and west of the site. The original agricultural barns converted to residential use at Knockin Hall Farm are the closest and are around 230 metres to the south on the opposite side of the B4396. One of the barns is occupied by the Moseley family but the rest are in separate ownership. Knockin Hall and Knockin Hall Farmhouse are set further back from the road and are around 275 metres from the proposed site. There are further dwellings and commercial premises alongside the B4396.
- 2.3 Information forming part of the Design and Access Statement in support of the application indicates that the buildings will each measure 97.90 metres by 24.69 metres bird area (living area accommodation) plus the fan canopy. Height to the eaves is 2.65 metres and ridge height 4.85 metres. There will be 5 feed bins situated between the buildings which will have a capacity of 30 tonnes and measure 6.6 metres in height and 2.8 metres in diameter. The proposed poultry sheds are to be of standard construction, comprising portal frames with profile sheet cladding finished in a BS12B29 Juniper Green colour to facilitate integration within the landscape. The poultry complex that the

application site forms part of will house approximately 200,000 birds in total, split between four sheds; this is based on the number of chicks that will be delivered at the start of the cycle. At the end of the cycle this number will be less due to an average mortality rate of 4% during each crop.

- 2.4 It is noted that the site had granted on 8th June 2019 a variation to its site permit that is operated and managed by the Environment Agency. This controls day to day general management, including operations, maintenance and pollution incidents.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 Committee consideration is mandatory as the application is classed as schedule one development in accordance with EIA Regulations and is accompanied by an Environmental Statement.

4.0 Community Representations

- 4.1 **Knockin Parish Council** have responded indicating support for the application.

4.2 Consultee Comments

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

Thank you for your letter of 14 October 2019 regarding the above application for planning permission. We refer you to the following published advice which you may find helpful in determining the application.

The Setting of Heritage Assets. Historic England Good Practice Advice in Planning Note 3 (Second edition December 2017).

We also suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. If you would like detailed advice from us, please contact us to explain your request.

- 4.4 **The Environment Agency** have responded to the application indicating:

Thank you for referring the above application which was received on the 16 October 2019. We would offer the following comments for your consideration at this time.

Environmental Permitting Regulations: The proposed development will accommodate up to 100,000 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 Environmental Permit (EP) 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.

A variation to the existing Environmental Permit has been granted (Ref: EPR/FP3036JH/V002, dated 8 June 2019) and submitted with the planning application for completeness. The variation increases the threshold for bird numbers on the site from 100,000 to 220,000

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 plan is required.

A dust management plan (DMP) will be required similar to the odour and noise management plan process. This will secure details of control measures to manage the risks from dust and bio-aerosols. Tables 1 and 2 and checklist 1 and 2 in 'assessing dust control measures on intensive poultry installations' (available at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/297093/geho0411btra-e-e.pdf) explain the methods the operator should use to help minimise and manage these emissions.

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

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

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

Manure Management (storage/spreading): Similar to other emissions, as part of the permit determination process, we do not require a Manure Management Plan (MMP) upfront. 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> Any Plan would be required 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>

Note: The Environment Agency are aware that the applicants now propose to install mechanical air scrubbers to the units on site and advise that a variation to the site permit operated by the EA will be required. No objections are raised to this amendment to the application .

4.5 **Natural England** have responded indicating:

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which **significantly** affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

The earlier response indicated:

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have potential significant effects on a number of

designated sites, Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

A Habitats Regulations Assessment

Clarification of some of the details relating to impacts on air quality on designated sites

Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained.

Natural England's further advice on designated sites/landscapes and advice on other issues is set out below.

Additional Information required

The proposed development triggers the Impact Risk Zone for the Midlands Meres and Mosses Phase 2 Ramsar, an International Site and is therefore subject to the

Conservation of Habitats and Species Regulations 2017 (as amended). The

environmental pathways are likely to be through emissions to air or through hydrology.

Impact Risk Zones for a number of Sites of Special Scientific Interest (SSSI) are also

triggered, these include Lin Can Moss SSSI, Montgomery Canal Aston Locks – Keepers Bridge SSSI, Morton

Pool and Pasture SSSI and Crofts Mill Pasture.

We note that a number of documents relating to air quality have been submitted in relation to air pollution including a SCAIL Modelling Report. Natural England requests

clarification of some of the information within this report, specifically relating to the

summary table and the selection of Critical Levels. The table indicates that Critical

Levels of 3 have been used for all sites, according to the Air Pollution Information

System it would be more appropriate to use a Critical Level of 1, these include Lin Can

Moss, Morton Pool and Pasture, Llanymynech and Llyncllys Hills, Sweeney Fenn,

Sharwardine Pool and Trefonen Marshes. This is usually due to the presence of lichens

or bryophytes It would be useful if clarification could be given as to why the less

precautionary 3 was used.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and

Countryside Act 1981 (as amended) to notify Natural England of the permission, the

terms on which it is proposed to grant it and how, if at all, your authority has taken

account of Natural England's advice. You must also allow a further period of 21 days

before the operation can commence. Further general advice on the protected species

and other natural environment issues is provided at

Annex A.

If you have any queries relating to the advice in this letter please contact me on 07881

835 753. Should the applicant wish to discuss the further information required and scope

for mitigation with Natural England, we would be happy to provide advice through our

Discretionary Advice Service. Please consult us again once the information requested

above, has been provided

4.6 **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.

1. Surface water and foul drainage schemes for the development should be designed and constructed in accordance with the Council's SUDS Handbook which is available in the Related Documents Section on the Council's Website at:
<https://shropshire.gov.uk/drainage-and-flooding/development-responsibility-and-maintenance/sustainable-drainage-systems-handbook/>
2. Appendix A1 - Surface Water Drainage Proforma for Major Developments must be completed and together with associated drainage details, must be submitted for approval.
3. Details and plan on how the contaminated water in the yard from spillages or cleaning of sheds will be managed/ isolated from the main surface water system should be submitted for approval to ensure that polluted water does not enter the water table or watercourse.

An earlier response indicated:

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

Informative Notes:

A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Council's Surface Water Management: Interim Guidance for Developers document. It is available on the council's website at: <https://www.shropshire.gov.uk/media/5929/surface-water-management-interim-guidance-for-developers.pdf>

The provisions of the Planning Practice Guidance, Flood Risk and Coastal Change, should be followed.

Preference should be given to drainage measures which allow rainwater to soakaway naturally. Soakaways should be designed in accordance with BRE Digest 365. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

4.7 **SC Archaeology Manager** has responded indicating:

We note Historic England's comments in their consultation response of 22 October 2019 and that they raise no objections to the proposed development.

In our opinion, and with reference to Historic England's 'Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets' (2nd edition), the proposed development will not affect the setting of the Scheduled Monument of Knockin Castle: a motte and bailey castle immediately east of St Mary's Church (NHLE ref. 1019304).

Based on the results of the geophysical survey and archaeological watching brief that was undertaken during the construction of the existing poultry unit in 2015 and 2016 respectively, we consider the development site itself to have low – negligible archaeological potential. Consequently, we have no further comments to make on this application with respect to archaeological matters.

- 4.8 **Shropshire Fire and Rescue Service** 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 280m²

Access for Emergency Fire Service Vehicles

It will be necessary to provide adequate access for emergency fire vehicles. There should be sufficient access for fire service vehicles to within 45 metres of every point on the projected plan area or a percentage of the perimeter, whichever is less onerous. The percentage will be determined by the total floor area of the building. This issue will be dealt with at the Building Regulations stage of the development. However, the Fire Authority advise that early consideration is given to this matter. ‘THE BUILDING REGULATIONS, 2000 (2006 EDITION) FIRE SAFETY APPROVED DOCUMENT B5.’ provides details of typical fire service appliance specifications.

Water Supplies for Fire fighting – Building Size

It is important to note that the current Building Regulations require an adequate water supply for firefighting. If the building has a compartment of 280m² or more in area and there is no existing fire hydrant within 100 metres, a reasonable water supply must be available. Failure to comply with this requirement may prevent the applicant from obtaining a final certificate.

- 4.9 **SC Public Rights of Way** have responded indicating: It appears that Footpath 7 runs extremely close to the buildings that are to be developed, this footpath will need to be taken into consideration at all times both during and after development and the applicant also has to adhere to the following criteria:
- The right of way must remain open and available at all times and the public must be allowed to use the way without hindrance both during development and afterwards.
 - Building materials, debris, etc must not be stored or deposited on the right of way.
 - There must be no reduction of the width of the right of way.
 - The alignment of the right of way must not be altered.
 - The surface of the right of way must not be altered without prior consultation with this office; nor must it be damaged.
 - No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation.
-

If it is not possible to keep this footpath open whilst development takes place, then a temporary diversion will need to be put into place and the applicant will need to contact the Mapping & Enforcement Team (fees apply).

4.10 **SC Highways** have responded indicating:

No Objection – subject to the development hereby approved being constructed in accordance with the approved details.

All access is proposed to be taken via the access to the existing poultry unit off the B4396, which is satisfactory. The proposed site includes enough space for parking, turning and loading.

The traffic movements detailed in the Environmental Statement are considered acceptable from a highways perspective. The bird depopulation is noted to take place at 2am to start the movement of birds however this may begin earlier or later. From observations made elsewhere however it must be noted that this must not overrun and impact on the morning peak period.

4.11 **SC Conservation Manager** has responded indicating:

Having reviewed the additional information, ie site section drawing RB-MZ386-05 dated 16.05.21 and photograph from the site access towards the site, it can be confirmed that a HA will not be required, in light of the fact that one was submitted for the initial application and the additional information referred to above has confirmed that the proposed additional sheds are to be set at the same level as the existing sheds by digging them into the ground.

We do not consider there will be any additional harm to the significance of the identified heritage assets and therefore we do not object on heritage grounds. In coming to this conclusion we have considered Section 66 (1) of the Planning (Listed Building & Conservation Areas) Act 1990 where great weight should be given to the preservation of listing buildings and their settings when weighing public benefits against harm (para 196) and consider that it is not applicable in this case. We have also paid special attention to the desirability of preserving or enhancing the character or appearance of the conservation area as required by Section 72 (1) of the above Act along with local and national policies.

We would still suggest that a sensitive and appropriate landscaping scheme and its future management and retention, are obtained to ensure that the level of screening is not lost, and should be either obtained prior to consent or by condition. This relates to the existing woodland immediately to the south of the site, the hedgerows to the west, one running north to south and the other east west, to give further visual separation between the site and the heritage assets.

An earlier response indicated:

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 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Knockin Hall Farm, is a farmstead first identified and classified by the Historic Farmsteads Characterisation Project, 2008 – 2010. Within the HER for the above Characterisation Project it is described as “Full Regular Courtyard... Date Evidence from Farmhouse: 18th Century... Position of Farmhouse: Attached to agricultural range. Farmstead Location: Located within a park. Survival: Partial Loss - less than 50% change. Confidence: High. Other Notes: Large modern sheds to the side of the historic farmstead suggest that the farmstead is still in use. Some Evidence for Conversion. Dated by listed farmhouse (PRN 15153). Separate C18 Knockin hall (PRN 13034). Large Gin house demolished. Historic farm buildings no longer in agricultural use.”

The traditional farm buildings part of Knockin Hall Farm, although converted to residential, are considered curtilage to Knockin Hall Farmhouse – Grade II listed and possibly more widely to Knockin Hall also Grade II listed. Knocking Hall Farmhouse is described “Circa 1790 with later alterations. Red brick; slate roof with coped verges on carved stone kneelers to left gable end. 3-unit baffle-entry plan. 2 storeys with detailed eaves cornice. 4 unevenly spaced windows; glazing bar sashes (narrow sash window horned) except for two C19 casements to lower right and plate-glass sashes to each face of canted bay (c. 1846) to lower left. Entrance immediately to right of canted bay through flat-roofed brick porch with plain pilastered mid-C19 wooden doorcase and half-glazed door with stained glass panels to corners. Tall red brick ridge stack directly above. C19 2-storey lean-to to left gable end. Attached to left end of Knocking Hall (qv) of which it may formerly has been the service wing. Included for group value.” (HE list description, October, 1987).

Knockin Hall is the main listed building in this group and is described as a “Small country house with flanking walls and attached outbuildings. Circa 1790 with mid-C19 and late C20 additions and alterations. Red brick with stone dressings; double-span slate roof with coped verges on carved stone kneelers; parapet and valley stacks to left and right. Double-depth main block of 3 bays with single-bay 3-storey range to right and flanking walls with outbuildings behind. 3 storeys and attic with moulded stone eaves cornice and painted stone floor bands...”.

Whilst the site is outside the Knockin Conservation Area due regard to impact on its setting should be considered in any decision making process.

Areas with regard to the Schedule Ancient Monuments have been commented on by my archaeology colleagues and Historic England, therefore no further comments will be added here in this regard.

Details:

No Heritage Impact Assessment has been submitted with this application although one was submitted for the initial application. This should probably be refreshed in the light of additional sheds proposed due to the fact that from the topographic survey submitted previously it would appear that the land rises up from the current sheds. With regard to this point there is no information (site sections) which clearly indicates at what level the proposed sheds are proposed to be constructed in relation to the existing. If this information was provided it is possible it will demonstrate that there will be no further impact beyond that of the existing sheds, from a historic environment perspective, especially if the landscaping is further enhanced around the field boundaries.

With regard to the Conservation Area: in this part of the Conservation Area's character is considered to comprise of both built form the ie listed farm complex, including Knockin Hall and the natural environmental ie The Avenue of trees which form part of the wider setting of the Conservation Area. There is no HA to address this, however, as per the

previous paragraph this may not be an issue if there is no further impact beyond existing sheds. It is noted that consideration of the significance of the Conservation Area and how its wider setting contributes, or not to it, does not appear to have been approached in the Heritage Assessment submitted in support of the application, however, in this instance I am satisfied that the proposal should have a detrimental impact on the setting of the Conservation Area provided that the access splay (which is within the Conservation Area) is the minimum necessary to

RECOMMENDATION:

It is considered that the level of development shown in the application may not cause unacceptable harm to the Designated, non-designated heritage assets and their settings, but that further information as noted above, has not been submitted to give any surety to this and therefore should be requested. Sensitive and appropriate landscaping scheme and its future management and retention, to ensure that the level of screening is not lost, will be necessary should permission be granted. This relates to the existing woodland immediately to the south of the site, the hedgerows to the west, one running north to south and the other east west give further visual separation between the site and the heritage assets.

4.12 SC Regulatory Services have responded indicating:

Having considered the discussion provided around the odour concentrations predicted in the odour assessment and the changes to previous models for the site I am satisfied that the information provided gives clarity on this aspect and reasonably describes the differences between the current model and those past.

Given the odour predictions are based on high velocity ridge fans expelling air at some 14.85m³/s for the existing and proposed units I would recommend that this aspect is conditioned to ensure that the predictions in the model are as accurate as possible to future actual odour levels.

In respect to noise I have no additional comments requiring clarity. There are no proposed conditions for consideration regarding this aspect of the development.

Please consider this Regulatory Services formal comments on this application.

An earlier response indicated

Having considered the proposal I would firstly note that the application is being brought forward under the description, "Erection of an extension to a poultry unit including silos and all associated works". I would suggest this wording could be misleading to make as a poultry unit is typically used to describe one poultry rearing shed and not a whole complex of sheds. When initially looking through the applications in the system this stood out as low risk as it was assumed it would be a modification to an existing poultry unit. Having noted information in the D&A it is clear this is the addition of 2 further units roughly doubling the size of the poultry installation.

There are residential properties in close proximity. As such a noise and an odour assessment are necessary. Information provided with the application gives an odour and a noise management scheme but no assessment. Before any substantial comment can be given please can the applicant provide a noise and an odour assessment as is common practice for units of this size when there are sensitive receptors in close

proximity. Without this information there is not enough information to make any comment other than the proximity of the development to existing sensitive receptors suggests that there could be a significant impact from odour and noise.

Noise and odour assessments must include the current poultry units in combination with the proposed additional 2 sheds which are set to house a further 100,000 birds on the site.

Having considered the odour and noise assessments I have the following comments.

The odour assessment predicts that the 4 shed operation for 200,000 birds will produce only 0.01 odour unit more at the most sensitive receptor than the current 100,000 bird unit was predicted to create (noting the odour assessment in the previous planning application for the first two sheds). Please could this be explained including a clear explanation around the odour units used in the most recent report and those used in the report submitted with the previous application and reasons for any differences.

In addition it is noted that odour assessments do not tend to consider odour from clearing out operations. These activities can create significant odour. With 7 cycles a year this is 7 days a year when odour may be significant over and above that modelled.

The noise assessment submitted with the application provides details for plant on site and concludes no significant noise impact from the additional poultry units. This conclusion is considered satisfactory for on site equipment. However, the assessment does not consider noise from vehicles. This aspect requires consideration. Given that the proposal is to double the size of the site it will double the amount of vehicles associated with depopulation and associated noise. As such I would suggest that a condition is proposed to limit depopulation activities to daytime hours (between the hours of 0700 - 2300 hours. In addition I recommend a condition on feed deliveries as found on the decision notice for the existing two sheds.

4.13 **SC Ecology** have responded indicating:

No Objection. Conditions are required to ensure the development accords with the NPPF, MD12 and CS17.

COMMENTS

Since SC Ecology's last consultee comments dated 11 November 2021, discussions have been undertaken with the agent and updated information submitted which has been considered as follows:

1. Landscaping Plan dwg no. RB-MZ386-03 dated 24/01/2022
 2. A Report on the Modelling of the Dispersion and Deposition of Ammonia from the existing and proposed broiler chicken rearing houses and the Impact of proposed mitigation measures at Knockin Hall Farm, Knockin, near to Oswestry in Shropshire, 12 January 2022, AS Modelling & Data Ltd.
 3. DLG Test Report 6260 fr Inno+ B.V certificate chemical air scrubber Ammonia Reduction Calculator
 4. Letter from Arbor Vitae dated 19 January 2022
- Ammonia emissions

The submitted ammonia report models various scenarios however, in an e-mail dated 28 January 2022 from the agent, scenario 4 in the ammonia report is the proposal they wish

to take forward for consideration.

Under scenario 4, the following BAT measures are proposed:

- Scrubbers retrofitted on two existing poultry buildings at Knockin Hall Farm; and
- Scrubbers fitted on the proposed poultry buildings at Knockin Hall Farm.

A report of air quality impacts (AS Modelling & Data Ltd, 22 January 2022) has been completed and submitted, the results of which are summarised below. This compares the existing poultry emissions against the proposed poultry emissions with the implementation of the proposed BAT

Table 1: Predicted maximum annual mean ammonia concentrations at the discrete receptors; existing and proposed*:

Site	Existing Process Contribution % of Critical Level	Proposed* Process Contribution % of Critical Level	Existing Process Contribution % of Critical Load	Proposed* Process Contribution % of Critical Load
Lin Can Moss SSSI	0.51	0.24	0.80	0.38
Montgomery canal, Aston Locks-Keepers Bridge SSSI	0.24	0.13	n/a	n/a
Morton Pool and Pasture SSSI/Ramsar	0.13	0.06	0.31	0.14
Crofts Mill Pasture SSSI	0.13	0.06	0.14	0.06
Bullmoor Ancient Woodland	0.56	0.56	0.44	0.44

proposed scenario with emission factors for the existing and proposed poultry units with ammonia scrubbers fitted.

Table 1 shows that the proposal will result in at least nutrient neutrality at the one ancient

woodland within 5km and betterment for all the other sites within 5km of the proposal.

This is considered acceptable. It is noted that an in-combination assessment is not required as the proposals do not give rise to any residual effects, ie there is a betterment in terms of the reduction of ammonia from the existing to the proposed situation.

An appropriate assessment has been carried out as the proposal (without mitigation) would be likely to have a significant effect on Morton Pool (part of the Midland Meres and Mosses Phase 2 Ramsar).

Landscaping

The updated landscape plan indicate an area of 'Additional tree and shrub' planting to the east of the proposals, which is welcomed, however, no specification for this planting

is supplied (ie species composition, mix, stock size, density etc). Advice of planting trees to capture ammonia can be found at [Tree Shelter Belts for Ammonia Mitigation | Tree Shelter Belts for Ammonia Mitigation \(ceh.ac.uk\)](https://www.ceh.ac.uk). This should inform the landscaping proposals. A condition is recommended to secure appropriate landscaping in the event that a revised landscaping plan is not submitted prior to determination.

A condition will be required to ensure that all the ammonia scrubbers to be fitted will be working from day one of the operation of the development as the achievement of betterment is reliant on this. SC Ecology have suggested a condition – see below, however, the suitability of the wording of a condition to secure this is one for the planning officer to decide. In addition, either a condition should be used to ensure the manure is taken off site to a digester (ie not spread on land) or the MMP (as submitted) should be an approved document which the development must be undertaken in accordance with (for the lifetime of the use of the development).

Other ecological matters

The location of the proposed buildings is within an extant area of arable land, habitats of negligible potential to support notable/protected species. The letter from Arbor Vitae confirms there are no identified ecological constraints or likely impacts upon ecology as a result of the proposals. A site visit by the ecologist was undertaken on 14 January 2022.

RECOMMENDED CONDITIONS

Ammonia scrubbers

Prior to first use of the buildings approved by this permission, Inno+ air scrubbers shall be installed on both the existing two buildings at Knockin Hall Farm, Oswestry, Shropshire and the two new buildings permitted under this approval as shown on Drawing number RB-MZ386-03 Proposed Block Plan dated 24/01/2022. The scrubbers shall be fully operational, at all times when birds are housed within, and maintained in accordance with the manufacturer's instructions, for the lifetime of the buildings.

Reason: To ensure that the proposed development does not adversely affect designated sites through air emissions in accordance with NPPF, Core Strategy CS17 and SAMDev Plan policy MD12.

Landscaping (if required)

Prior to the first use of the development, a revised landscaping scheme shall be submitted to the LPA for approval. The scheme shall include details of the species composition, size of stock and planting density of the proposed tree and scrub planting to the east of the buildings in order to reduce long-term ammonia dispersion from the development. The landscaping shall be carried out in full in the first planting season (1st October to 31st March) following completion of the development. Any trees or shrubs which die or become seriously damaged or diseased within five years of completion of the development shall be replaced within 12 calendar months with trees of the same size and species.

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design.

4.14 **Public Comments**

4.15 At the time of writing this report two letter of objections have been received from members of the public. Key planning related issues raised can be summarised as follows:

- Concerns with regards potential increase in pollution on the surrounding area.
- Detrimental impact on surrounding residential amenity and in particular at night time with regards to lorries reversing and external light pollution.

- Lack of public consultation in relation to the proposal.
- Concerns with regards to noise and in particular night time noise and operation of fans.

5.0 THE MAIN ISSUES

- Principle of development
- Environmental Impact Assessment
- Siting, scale and design of structure
- Visual impact and landscaping
- Historic impacts
- Ecology
- Highway access
- Drainage
- Residential amenity

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Environmental Impact Assessment

The application proposes housing of up to 100,000 broilers on site and as such the proposed development falls into the remit of Schedule 1:17(a) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and therefore an Environmental Statement in support of the application is mandatory.

6.1.2 Planning policy and principle of development

6.1.3 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements (Par 2- NPPF).

6.1.4 The NPPF advises that the purpose of the planning system is to contribute to achieving sustainable development (para. 7) and establishes a presumption in favour of sustainable development (para. 11) indicating that 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).

6.1.5 Core Strategy Policy CS5 states that development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to specified proposals including: agricultural related development. It states that proposals for large scale new

development will be required to demonstrate that there are no unacceptable adverse environmental impacts. Whilst the Core Strategy aims to provide general support for the land based sector, it states that larger scale agricultural related development including poultry units, can have significant impacts and will not be appropriate in all rural locations (para. 4.74). Policy CS13 seeks the delivery of sustainable economic growth and prosperous communities. In rural areas it says that particular emphasis will be placed on recognising the continued importance of farming for food production and supporting rural enterprise and diversification of the economy, in particular areas of economic activity associated with industry such as agriculture.

6.1.6 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. In principle therefore it is considered that the provision of an extension to the existing broiler unit adjacent to the site can be given planning consideration in support. Policies recognise that poultry units can have significant impacts, and seek to protect local amenity and environmental assets. These matters are discussed below.

6.2 **Siting, scale and landscape and visual impact.**

6.2.1 Core Strategy Policy CS6 seeks to ensure that development is appropriate in scale and design taking into account local context and character, having regard to landscape character assessments and ecological strategies where appropriate. It states that development will be designed to a high quality using sustainable design principles. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan policy MD2 requires that development contributes to and respects locally distinctive or valued character and existing amenity value. 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 MD12 of the SAMDev puts emphasis on the avoidance of harm to Shropshire's natural assets and their conservation, enhancement and restoration.

6.2.2 The application proposes two intensive broiler buildings for the housing of up to 100,000 birds and 5 feed silo's to the northern side of an existing intensive broiler site consisting of two broiler buildings, five feed silos and a biomass building . The site consists of grade 3 farm land to which it is acknowledged that development as proposed will have a significant localised visual impact cumulatively with the existing alongside the site.

6.2.3 Whilst it is acknowledged that intensive poultry units can have a significant impact on the landscape character as well as a visual impact, consideration also has to be given to the economic benefits.

6.2.4 The application proposes extending an existing intensive broiler unit, (which houses up to 100,000 broilers on site), on a green field site. The proposed development in accordance with detail as contained in the Design and Access Statement submitted in support of the application is for the erection of 2 broiler units. The buildings will each measure 97.90 metres by 24.69 metres bird area (living area accommodation) plus the fan canopy. Height to the eaves is 2.65 metres and ridge height 4.85 metres. There will

be 5 feed bins situated between buildings which will have a capacity of 30 tonnes and measure 6.6 metres in height and 2.8 metres in diameter.

- 6.2.5 The applicant has submitted a landscape and visual impact assessment in support of the application, (Chapter six of the Environmental Statement), and this concludes that the direct effects on landscape will be limited. The proposed development is on an agricultural field adjacent to existing agricultural buildings and no important landscape features or elements will be lost as a direct consequence of the development. The proposed development will be compatible with the surrounding agricultural land uses. With regard to indirect effects and the perception of landscape character, it is considered that the proposed development will have minor effect on the Principal Settled Farmland on which the development site is located and the adjoining Enclosed Lowland Heath. The effects on the other character areas surrounding the site will not be significant. The impacts on visual amenity have been assessed and considered to be on balance not significant or of slight significance. The landscape is capable of accommodating the development and additional mitigation works will further lessen any impact. Overall, whilst Officers do have concerns with regards some of the methodologies used to assess the impacts the landscape and visual assessment has established that the proposed poultry installation will have a limited effect on the baseline conditions in terms of both landscape character and visual amenity. Officers consider on balance that the proposed development is considered to be acceptable with regard to the potential effects on landscape character and visual amenity and that further landscape mitigation will assist in integrating the proposal into the landscape as well as providing overall some biodiversity net gain for the surrounding landscape.
- 6.2.6 It is considered that the application proposes extensive development in scale, in the form of an extension to an existing intensive 'Broiler unit' which will see the existing unit double in area size, (four broiler sheds rather than the existing two), of steel frame construction with steel cladding to match the existing. This it is considered will have an impact on the landscape, however impacts will be localised to the surrounding area and it is considered that the existing landscape with its surrounding native trees and hedgerows with additional mitigation as proposed by the applicant, in the form of tree belt planting with consideration to the surrounding land topography, will mitigate the development into the surrounding landscape to an acceptable level. Whilst comments that tree mitigation as proposed could be considered not typical of the surrounding landscape in that it will appear to be out of place, if natives species are used, it is considered that this will blend into the surrounding landscape and that this form of planting is typical of the overall rural landscape .and character. (Pockets of native plantings). There is also the added benefit of other biodiversity enhancements in relation to provision of habitat.As such the conclusions of the applicants landscape and visual impact assessment as part of the application's Environmental Statement on balance are accepted.
- 6.2.7 On balance in relation to mass, scale and landscape and visual impact with mitigation as proposed by the applicant, impacts are considered acceptable. Further landscaping by means of a condition attached to any approval notice issued will provide further landscape mitigation, enhancement and biodiversity net gain. Therefore if members are mindful to support the application it is recommended that conditions with regards to landscape mitigation and maintenance as well as external colour of development on site are attached to any approval notice subsequently issued. Also of material consideration

is the economic viability of the proposal and the contribution towards local food production. Whilst it is acknowledged that the land on which the development is proposed is of high quality agricultural classification, its loss to arable production in the overall planning assessment is considered not to be of a high significance. As such the proposed development considered in accordance with Policies CS6 and CS17 of the Shropshire Core Strategy and Policies MD2 and MD12 of the SAMDev and the NPPF on these matters.

6.3 **Historic Impact**

- 6.3.1 Paragraph 129 of the NPPF indicates that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal, (including by development affecting the setting of a heritage asset), taking account of the available evidence and any necessary expertise. The proposal therefore has to be considered against Shropshire Council policies CS6 CS17 and MD13 and with national policies and guidance including PPS5 Historic Environment Planning Practice Guide and section 12 of the National Planning Policy Framework (NPPF). Special regard has to be given to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses as required by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Policies CS6 and CS17 of the Shropshire Core Strategy emphasis the need to protect and enhance Shropshire's historic assets. Policy MD13 of the SAMDev emphasising the requirement wherever possible that proposals should avoid harm or loss of significance to designated or non-designated heritage assets and this includes consideration to their settings.
- 6.3.2 The site (although separated from), forms part of Knockin Hall Farm, which is a farmstead first identified and classified by the Historic Farmsteads Characterisation Project, 2008 – 2010. The traditional farm buildings forming part of Knockin Hall Farm, although converted to residential, are considered curtilage to Knockin Hall Farmhouse – Grade II listed and possibly more widely to Knockin Hall also Grade II listed. Knockin Hall is the main listed building in this group. Whilst the site is outside the Knockin Conservation Area due regard to impact on its setting will need to be considered in any decision making process. With reference to Historic England's Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (2nd edition), the proposed development will not it is considered affect the setting of the Scheduled Monument of Knockin Castle, a motte and bailey castle immediately east of St Mary's Church (NHLE ref. 1019304).
- 6.3.3 The Council's Conservation Manager has responded to the application indicating that having reviewed the additional information, ie site section drawing RB-MZ386-05 dated 16.05.21 and photograph from the site access towards the site, it can be confirmed that a Heritage Impact Assessment will not be required, in light of the fact that one was submitted for the initial application and the additional information referred to in support of the application has confirmed that the proposed additional sheds are to be set at the same level as the existing sheds by digging them into the ground. It is therefore considered there will be no additional harm to the significance of surrounding identified heritage assets. In coming to this conclusion consideration has been given to Section 66 (1) of the Planning (Listed Building & Conservation Areas) Act 1990 where great weight should be given to the preservation of listing buildings and their settings when weighing public benefits against harm (para 196) and consider that it is not applicable in

this case. Special attention has been given to the desirability of preserving or enhancing the character or appearance of the conservation area as required by Section 72 (1) of the above Act along with local and national policies. In consideration of enhancement a sensitive and appropriate landscaping scheme and its future management and retention, is required as discussed in accordance with landscape and visual impact issues earlier in this report. This relates to the existing woodland immediately to the south of the site, the hedgerows to the west, one running north to south and the other east west, to give further visual separation between the site and the surrounding heritage assets.

- 6.3.4 Overall, it is considered that the proposed development will not have any significant detrimental impact on historic features and this includes the setting of the Knockin Conservation Area. It is noted that Historic England in response to the application indicating no objections to the proposed development.

In conclusion in relation to impacts on the historic environment, it is considered that the proposed development is acceptable, and with conditions attached to any approval notice issued with regards to site levels, landscape mitigation and enhancement, the development as proposed is considered to be in accordance with Policies CS6, CS17, MD2 and MD13 of the Local Plan, and the NPPF. Due consideration has also been given to Sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the guidance contained in the NPPG and Historic England's Historic Environment Good Practice in Planning Advice Notes 2 (Managing Significance in Decision-Taking in the Historic Environment) and 3 (The Settings of Heritage Assets)

6.4 Ecology

- 6.4.1 The NPPF and policy CS17 of the Shropshire Core Strategy require consideration to be given to the impact of the proposed development on the natural environment. This particularly relates to the impact on statutorily protected species and habitats. Therefore the application has been considered by the Council's Ecologist and Natural England.
- 6.4.2 The application is accompanied by an Ecological assessment and ammonia assessment these indicate that the proposed new sheds will occupy an area of arable land which has produced cereals in a recent harvest and is currently under stubble. This area has no ecological interest and the proposed construction will have no negative impacts of the area. No other habitats will be affected by the proposals. No trees or hedgerows lie within 75 metres of the site. There will be no impact on protected species. Consideration was given to badgers, bats, breeding birds and great crested newts but none of these are present on the site. No areas of open water lie within 500 metres and that therefore the proposals will have no direct adverse ecological impact on the site itself or other habitats within the area. As a consequence of initial concerns raised by SC Ecology further information was received in the form of a report on the Modelling of the Dispersion and Deposition of Ammonia from the existing and proposed broiler chicken rearing houses and the Impact of proposed mitigation measures at Knockin Hall Farm, Knockin, along with AS Modelling & Data Ltd and DLG Test Report 6260 fr Inno+ B.V certificate chemical air scrubber Ammonia Reduction Calculator. A revised manure management plan confirming all manure generated as a result of the proposed development would be exported to an AD Plant.
- 6.4.3 SC Ecology have responded to the application in consideration of further information received during the application processing in relation to ammonia issues and manure

management indicating no objections subject to conditions being attached to any approval notice issued in relation to landscaping and installation of air scrubbers on each of the broiler units on site. The response indicating that the location of the proposed buildings is within an extant area of arable land, habitats of negligible potential to support notable/protected species. Detail in support of the application confirms there are no identified ecological constraints or likely impacts upon ecology as a result of the proposals.

6.4.4 It is noted that the responses received from the Environment Agency and Natural England raise no objections. On balance the application in relation to ecological and biodiversity issues is considered acceptable with conditions and informative attached to any approval notice issued as recommended by SC Planning Ecology and therefore in accordance with Policies CS6 and CS17 of the Shropshire Core Strategy, the Council's SAMDev Policy MD12 and the NPPF.

6.5 **Public highway and transportation issues.**

6.5.1 Policy CS6 of the Core Strategy requires development to be inclusive and accessible. Paragraph 111 in the NPPF indicates that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. Paragraph 113 of the NPPF indicates all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport assessment so that the likely impacts of the proposal can be assessed.

6.5.2 The applicants Environmental Statement includes a chapter on transportation and this indicates all traffic visiting and leaving the site will do so along the B4396 public highway. This is an obvious route considering the adjacent public highway layout adjacent to the site. Clearly the proposed development is located alongside an existing broiler unit and thus many deliveries will be to the combined site and whilst obviously HGV movements will increase, with consideration to the location and the adjacent B4396 public highway increased impacts on this highway overall will not be considered adverse. The ES Transport chapter indicates that the assignment of manure will be removal by tractors and trailers and will be exported to local farms in the nearby vicinity. This will result in 20 tractor and trailer movements over two days during the clean out period at the end of each flock cycle. (N.B. 2 movements equates to one vehicle, one movement in, one movement out). This aspect of the proposal has been amended as the applicants now propose to export the manure to an AD plant. This will be carried out during the clean out after the bird rearing cycle of each batch of birds. Feed deliveries will be via HGV movements and the statement indicates that there will be 22 movements per crop cycle. Feed deliveries can be a noisy movement (unloading of the feeding stuffs), and thus this aspect considering the site's location close to the former traditional farmstead of Knockin Hall Farm where some of the traditional agricultural barns are in residential use will require a condition attached to any approval notice subsequently issued to control the time of feed deliveries, if members are mindful to support the application.

6.5.3 It is noted SC Highways Manager raises no objections to the proposal indicating that all access is proposed to be taken via the access to the existing poultry unit off the B4396, which is satisfactory. The proposed site includes enough space for parking, turning and loading. The traffic movements detailed in the Environmental Statement are considered acceptable from a highways perspective. The bird depopulation is noted to take place at

2am to start the movement of birds however this may begin earlier or later. From observations made elsewhere however it must be noted that this must not overrun and impact on the morning peak period. This latter comment in relation to bird depopulation is noted, however from a transportation and road network perspective the times suggested are considered acceptable. Observations made by the SC Public Rights of Way Manager with regards to a nearby public footpath and potential obstruction is noted and it is advised that an informative note is attached to any approval notice in order to ensure adequate consideration to this matter.

Objections from members of the public on highway and transportation related issues are noted. However on balance transportation issues are considered acceptable as confirmed by the SC Highways Manager and therefore overall considered by Officers to be in accordance with relevant local plan policies and the NPPF on highway and transportation matters.

6.6 Drainage

- 6.6.1 The NPPF and policy CS18 of the Shropshire Core Strategy require consideration to be given to the potential flood risk of development. It is noted that the application site is in flood zone 1 in accordance with the EA flood risk data maps.(lowest risk), The application is accompanied by a drainage plan and further diagram detail these are noted and have been considered as part of the consideration to this application.
- 6.6.2 Whilst detail in relation to drainage is considered minimal and this is of concern, it is also accepted that this application is for an extension to an existing Broiler enterprise where there are no known drainage issues of concern. In this case no objections have been raised by the Environment Agency or the Council's Drainage Manager as it is considered that a sustainable drainage system can be installed on site. Reference to this via the attachment of a condition in relationship to a final sustainable drainage layout plan can be included on any planning permission if granted. It is also noted that this site will require a variation to the site permit, operated and managed by the Environment Agency and it is noted their response as set out in paragraph 4.4 above confirms that a variation to the site permit to allow the additional birds (from 100,000 - 220,000), on site as a consequence of this proposal has been granted on 19th June 2019. (20,000 more birds than this application is in relation to). This will also control emissions from the site which includes consideration to drainage as part of the permitting process.
- 6.6.3 In view of the above it is considered that an appropriate sustainable drainage system via the attachment of a condition to any approval notice subsequently issued can be installed to meet the requirements of the NPPF and Policy CS18 of the Shropshire Core Strategy.

6.7 Residential amenity.

- 6.7.1 Policy CS6 of the Core Strategy 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. The existing poultry unit is operated under an Environmental Permit issued by the Environment Agency. The Agency has confirmed that a Permit Variation dated 8th June 2019 has been issued to allow an increase in the total number of birds to 220,000. The Permit controls the detailed site management aspects of the operation, including emissions relating to

odour, noise and dust, where these are produced within the Permit boundary. The Agency can require specific management plans to be submitted where necessary. National planning policy as set out in the NPPF is clear 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 (para. 188). The usual legislation in relationship to these matters as applied by the Council's Public Protection is also relevant.

- 6.7.2 An **Odour** Impact Assessment has been submitted as part of this application. This identifies that the main sources of odour would be point sources emitted from the building via ventilation outlets, and from handling and management of manure. It also notes that there would be a spike in odour levels towards the end of the bird cycle and when the sheds are being cleared. The Odour assessment has identified the nearest properties to the site and confirms no issues in relation to odour have been identified at these properties from the existing broiler unit. The assessment identifies what is considered good practice in relation to odour management.
- 6.7.3 A Plant **Noise** Assessment and Noise Assessment also accompanies the application and this identifies potential noise sources such as HGV movements, operation of fans on site, flue outlets, alarm systems, standby generators and birds on site as a result of the proposal and also confirms that within 400 metres of the site are residential properties. (Knockin Hall Farm), located on the entrance to the site from the adjacent public highway). This assessment also identifies good working practices in relation to noise management. Whilst HGV feeding deliveries and dispatching feed into the feed silo's can be a potential source of noise, it is considered this matter can be controlled with regards to delivery times with an appropriately worded condition attached to any approval notice issued. Such a condition is attached in relation to the existing poultry unit that the site will form part of. It is noted Regulatory Services in their initial response to the application also referred to a restriction of time in relation to bird de-population activities. The existing site that the application site will form part of does not have such a condition attached to its approval notice. With consideration to the site's location and public highway access from the site onto the 'B4396' class public highway it is not considered necessary to attach such a condition which in any case would be difficult to enforce, in consideration of restrictions and the current broiler unit, operating adjacent to the site. During the application processing further detail was submitted which includes provision for air scrubbers in order to tackle dust and ammonia issues on site. However the noise impact assessment does not refer to these and potential noise. Detail in support of the application does not refer to potential noise impacts as a result of installation of the air scrubbers. As such it is considered necessary for an addendum to the noise report in consideration of the proposed air scrubbers and potential noise during operation. However air scrubbers are not known to generate adverse noise and it is considered that this matter could be delegated to the Assistant Director to approve the application subject to satisfactory detail in relation to noise generation as a result of the installation of air scrubbers to the satisfaction of the Council's Public Protection Team. This matter will also require an amendment to the Environmental Permit operated and managed by the Environment Agency. If this detail is not considered acceptable to the Council's Public Protection Team then development would not be able to proceed in accordance with the approved plans if members are mindful to support the application. (It is not known that air scrubbers do produce unacceptable noise levels in consideration of nearby residential development). Noise it is acknowledged is a concern raised in the

two letters of objections received and these have been taken into consideration during consideration to this application.

- 6.7.4 **Dust:** A dust management plan also accompanies the application, and this does not identify any significant issues in relation to dust production and its subsequent management. The air scrubbers are a recent introduction in consideration of the application, (to which it is proposed to install one on each of the proposed two units subject to this application, as well as the existing two broiler units on site), it is considered the installation of air scrubbers on site will have no adverse impacts in relation to control of dust particles on site.
- 6.7.5 **Manure:** An amended manure management plan accompanies the application. This indicates that the manure produced on site is to be exported to an anaerobic digester, (AD plant), operated by Gamber Logistics Ltd who are contracted to purchase poultry litter produced on site, which is a business operated by poultry processors, breeders and contract growers throughout the Midlands and mid-Wales. Detail in support of the application indicates that the litter is sold to farms as a replacement for artificial fertilisers, or as a feedstock for anaerobic digesters. The litter is sold by FACTS qualified salesmen, who are able to give advice, when required, on all compliance issues associated with organic manures, including but not limited to COGAP for Soil, Water and Air, NVZ regulations, cross compliance, Farming Rules for Water and nutrient management planning. Our customers are required to sign a statement acknowledging their responsibilities relating to the relevant legislation when transporting, storing and spreading poultry litter. Duty of Care notes are produced for litter sent to AD plants. Gamber Logistics keep electronic records of all sales, including customers names and addresses, dates of collection/delivery, and tonnages. These records are forwarded to site operators on a regular basis. Manure would be cleaned out of the shed at the end of each bird cycle and transported directly to the AD plant.
- 6.7.6 The Environment Agency permit controls all emissions and this includes consideration to noise, dust and odour. There is no known concerns in relation to water supplies and it is considered that there are adequate controls in place to address any potential issues in relation to this aspect.
- 6.7.7 One of the letters of objection received in relation to this application raises concerns with regards to night time artificial light pollution. Whilst it is acknowledged by Officers there is public protection legislation that covers amenity impacts in relation to light pollution, it is also acknowledged this can be a potential nuisance. As such it is recommended that any approval notice issued, (if members are mindful to support the Officer recommendation), includes a condition to control the form of artificial lighting on site.
- 6.7.8 It is recommended that a condition is attached to any approval notice in order to ensure all manure removed off the intensive poultry site is done so in sealed and covered containers. A condition with regards to potential noise and the air scrubbers. (This on the understanding that SC Public Protection raise no objections to the addendum report on noise in relation to the air scrubbers). Condition in respect of artificial lighting. Also a condition with regards to feed deliveries, so as to ensure no night time deliveries as transferring feed from a HGV into a feed silo on site can be a noisy operation and it is acknowledged that background noises in this area are relatively low. It must also be noted that as well as the Environment Agency's site permitting regime, the Council's

Public Protection section has statutory powers to deal with any proven amenity issues as a result of the development.

6.7.9 In conclusion in relation to amenity matters, it is considered that the planning application and accompanying Environmental Statement includes on balance a satisfactory level of assessment to ensure that potential impacts on local amenity are understood. The proposed development would result in some impacts on the local area; these impacts include those resulting from odour generation. However, it is considered that the proposed site is located a sufficient distance from dwellings to ensure that impacts on residential amenity would not be unacceptable. Odour and noise from the development would be noticed by users of nearby public footpaths, however given the transient nature of this use it is not considered that these impacts would be adverse. Having taken account of the submitted assessments and advice from technical consultees it is not considered that these impacts would be unacceptable. An additional level of control would be provided by the Environment Agency under the Environmental Permitting regime. On balance the proposal is considered acceptable in relationship to surrounding residential amenity issues. As such the proposal is considered to be in accordance with relevant policies of the Shropshire Core Strategy, the Council's SAMDev and the National Planning Policy Framework on issues in relationship to residential amenity and public protection.

7.0 **CONCLUSION**

7.1 The proposal is for an extension to an existing broiler production unit to increase bird capacity from 100,000 to 200,000 broilers. The application proposes two new broiler houses and five feed silos and supporting infrastructure which includes additional landscaping on a greenfield site adjacent to the existing broiler unit. The application is EIA development and as such is accompanied by an assessment to identify the potential impacts of the development on the environment and this on balance is considered acceptable.

7.2 It is acknowledged that the development is significant in scale and does have a limited impact on the local landscape, however it is considered that the proposed development with consideration to the surrounding landscape character and topography and field layout with further landscape mitigation can be successfully integrated into the surrounding landscape. Consideration has also been given to impacts on the historic landscape which includes the setting of designated and non-designated heritage assets. Therefore, on balance with consideration to the location, size and scale and cumulative impacts, it is considered that there will not be an adverse impact with further landscape mitigation. Also with consideration to overall economic benefits and production of local food with further landscape mitigation in the form of native plantings and consideration to the external colour of the development, on balance acceptable in principle.

7.3 It is noted none of the statutory consultees and Council consultees raise any significant objections to this application.

7.4 Public highway access and transportation issues have also been carefully considered and with consideration to the response received from the SC Highways Manager, on highway and transportation matters it is considered that development as proposed is acceptable and as such the comments as made by the Highways Manager in this instance are considered acceptable.

- 7.5 It is noted neither Natural England or the Environment Agency object to the application. SC Ecology on submission of further information in relation to ammonia emissions raise no significant objections.
- 7.6 Comments as made in the two letters of objections received have been taken into consideration in relation to the recommendation in relation to this application. It is noted Knockin Parish Council raises no objections. Issues in relation to residential amenity are considered acceptable and as discussed in this report.
- 7.7 As such the proposed development overall and on balance is considered acceptable and in accordance with relevant policies as set out in the Shropshire Core Strategy, the SAMDev, the National Planning Policy Framework and other relevant planning guidance and legislation which includes the provisions of the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The recommendation is therefore one of delegated approval to the Assistant Director that on satisfactory submission of an addendum to the noise report, on noise, in relation to the air scrubber, subject to the conditions as outlined in appendix one attached to this report, and any modifications to these conditions as considered necessary by the Assistant Director.

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. BackgroundRelevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS1 - Strategic Approach

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS13 - Economic Development, Enterprise and Employment

Economic Development, Enterprise and Employment

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD1 - Scale and Distribution of Development

MD2 - Sustainable Design

MD7B - General Management of Development in the Countryside

MD12 - Natural Environment

MD13 - Historic Environment

National Planning Policy Framework

SPD Sustainable Design Part 1

RELEVANT PLANNING HISTORY:

OS/02/12329/FUL Conversion of redundant farm building range to form four dwellings GRANT
15th April 2003

OS/02/12358/LBC Conversion of redundant farm building range to form four dwellings GRANT
15th April 2003

OS/97/09922/FUL Erection of an agricultural building GRANT 3rd September 1997

OS/97/10010/LBC Alterations and refurbish 2 no existing staff bedrooms to be brought into full

main house use GRANT 15th December 1997
 OS/03/12778/FUL Relocation and erection of grain store on land opposite GRANT 22nd
 October 2003
 OS/03/12779/FUL Relocation and erection of livestock building and lean-to on land opposite
 GRANT 22nd October 2003
 OS/03/12780/FUL Relocation and erection of straw store on land opposite GRANT 22nd
 October 2003
 13/03772/FUL Erection of a single plot affordable 2 bed detached dwelling including detached
 double garage GRANT 12th September 2014
 15/04228/SCO Proposes Poultry Units EIA 26th November 2015
 16/00015/EIA Construction of two poultry sheds and feed bins, ancillary works, access
 improvements, erection of biomass building and associated landscaping GRANT 29th March
 2016
 16/02704/DIS Discharge of condition 3 (Archaeology), condition 4 (Landscaping), condition 5
 (Lighting) and condition 6 (Scale _ Height) for the construction of two poultry sheds and feed
 bins, ancillary works, access improvements, erection of biomass building and associated
 landscaping relating to 16/00015/EIA DISPAR 17th October 2016
 OS/76/6666/FUL Erection of agricultural storage building GRANT 19th March 1976
 19/04432/EIA Erection of an extension to a poultry unit including silos and all associated works
 PDE

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 Vince Hunt
Appendices APPENDIX 1 - Conditions

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

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No development shall take place until a scheme of foul drainage, and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. Details and plan on how the contaminated water in the yard from spillages or cleaning of sheds will be managed/ isolated from the main surface water system will be submitted for approval to ensure that polluted water does not enter the water table or watercourse. The approved scheme shall be fully implemented before the development is occupied/brought into use (which ever is the sooner).

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

4. Prior to the commencement of development, a detailed plan showing the levels of the existing site, the proposed slab levels of the buildings approved and a datum point outside of the site shall be submitted to and be approved in writing by the Local Planning Authority and the development will be carried out in accordance with the approved plans.

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

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

5. Notwithstanding the approved plans prior to first use of the buildings approved by this permission, Inno+ air scrubbers shall be installed on both the existing two broiler buildings adjacent to the application site at Knockin Hall Farm, Oswestry, Shropshire and the two new broiler buildings within the application site permitted under this approval as shown on Drawing number RB-MZ386-03 Proposed Block Plan dated 24/01/2022. The scrubbers shall be fully operational, at all times when birds are housed within, and maintained in accordance with the manufacturer's instructions, for the lifetime of the buildings.

Reason: To ensure that the proposed development does not adversely affect designated sites through air emissions in accordance with NPPF, Core Strategy CS17 and SAMDev Plan policy MD12.

6. Notwithstanding the approved plans prior to the first use of the development, a revised landscaping scheme shall be submitted to the Local Planning Authority for approval. The scheme shall include details of the species composition, size of stock and planting density of the proposed tree and scrub planting to the east of the buildings in order to reduce long-term ammonia dispersion from the development. The landscaping shall be carried out in full in the first planting season (1st October to 31st March) following commencement of the development. Any trees or shrubs which die or become seriously damaged or diseased within five years of completion of the development shall be replaced within 12 calendar months with trees of the same size and species.

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design.

7. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon surrounding residential amenity and/or sensitive features. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To protect the amenity of the surrounding area.

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

8. All external building structure development on site, (including all the feed silo's), are to be all externally to colour code BS12B29, (juniper green) in colour.

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

9. a) No more than 100,000 birds shall be kept in the buildings hereby approved at any one time. The Brioler unit as a whole shall house no more than 200,000 birds at any one time.

(b) Records of the number of birds delivered to the site during each cycle shall be made and these shall be made available to local planning authority on request.

Reason: To prevent adverse impact on designated sites and ancient woodland from ammonia emissions, consistent with MD12 and the NPPF.

10. Manure arising from the poultry building hereby permitted shall be taken off site to an anaerobic digester or other suitable disposal or management facility. Manure shall not be exported from the site unless covered.

Reason: To minimise adverse impacts on residential amenity and avoid pollution to groundwater.

11. No feedingstuffs will be delivered to the site outside the hours of 8am - 6pm Monday - Saturday or at any times during a bank holiday.

Reason: In the interests of surrounding residential amenity

12. (a) Prior to the commencement of the development a scheme shall be submitted in writing for the approval of the local planning authority which sets out procedures for ensuring that, wherever practicable, bird rearing in any building hereby permitted only takes place during times when the air scrubbing unit for that building is operational. The submitted details shall identify contingency measures to be adopted to in the event that the operation of the scrubbing unit is not possible,

such as plant breakdown, and set out procedures to ensure that any bird rearing that takes place without the use of air scrubbing unit is minimised. The poultry rearing operation shall be undertaken in accordance with the approved scheme.

(b) No birds shall be brought to any of the poultry rearing buildings hereby permitted unless the associated air scrubbing unit is in effective working order.

Reason: To minimise the times when the air scrubbing unit is not operational in order to minimise emissions of ammonia and odour and prevent adverse impact on sensitive ecological sites.

Informatives

1. The applicants are reminded that they will need to apply for a variation to their site

permit in order to allow consideration to the air scrubbers proposed to be installed on each of the four broiler units that the application site forms part of.

2. Mud on highway

The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

3. Footpath 7 runs extremely close to the buildings that are to be developed, this footpath will need to be taken into consideration at all times both during and after development and the applicant also has to adhere to the following criteria:

The right of way must remain open and available at all times and the public must be allowed to use the way without hindrance both during development and afterwards.

Building materials, debris, etc must not be stored or deposited on the right of way.

There must be no reduction of the width of the right of way.

The alignment of the right of way must not be altered.

The surface of the right of way must not be altered without prior consultation with this office; nor must it be damaged.

No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation.

If it is not possible to keep this footpath open whilst development takes place, then a temporary diversion will need to be put into place and the applicant will need to contact the Mapping & Enforcement Team (fees apply).

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