

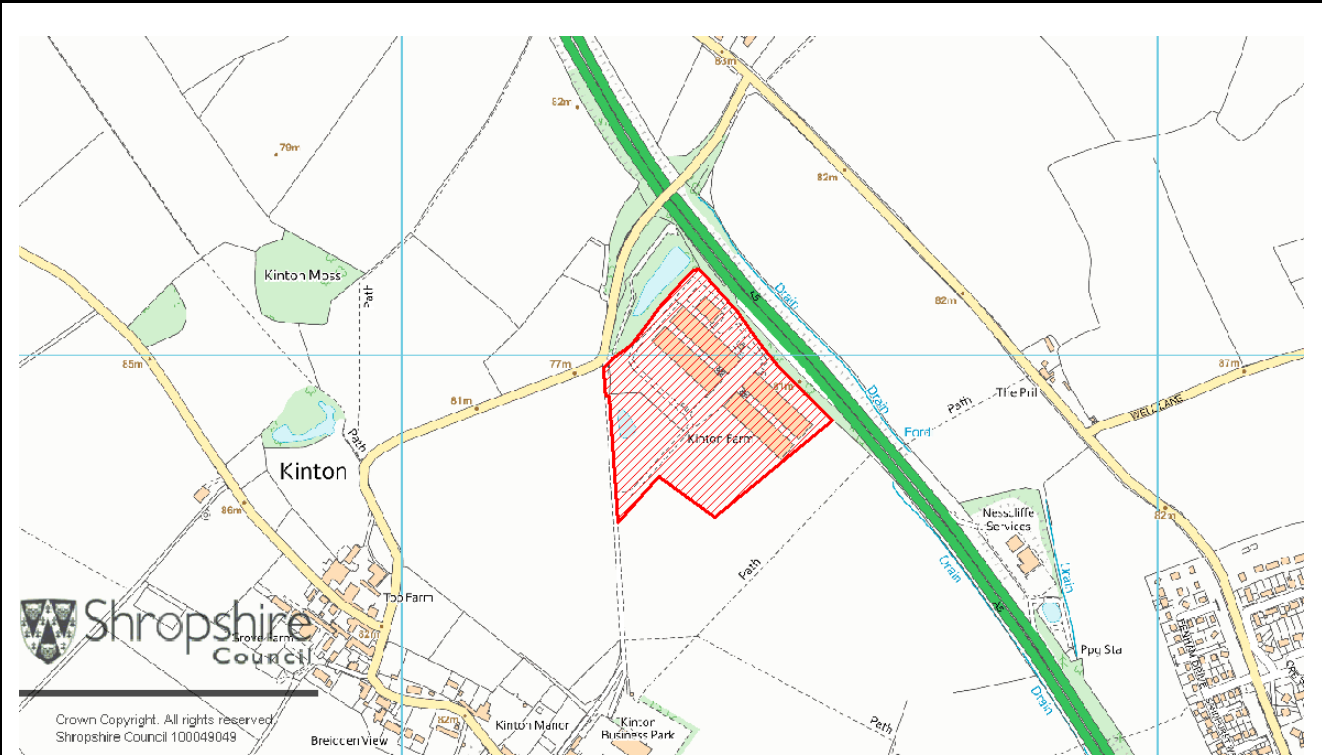
Development Management Report

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

Summary of Application

Application Number: 20/03976/EIA	Parish:	Great Ness
Proposal: Erection of four poultry rearing buildings, nine feed bins, landscaping scheme and all associated works		
Site Address: Land Adjacent to the A5 Kinton Shrewsbury Shropshire		
Applicant: Mr Edward Warner		
Case Officer: Kelvin Hall	email	: kelvin.hall@shropshire.gov.uk

Grid Ref: 337304 - 319951



Recommendation: That delegated authority is granted to the Planning Services Manager to grant planning permission subject to the conditions as set out in Appendix 1, and any amendments considered necessary.

REPORT

A BACKGROUND

A.1 Planning permission for the erection of four additional poultry rearing buildings and other ancillary development at this site was refused in 2019 on the basis that insufficient information had been submitted to identify what the likely significant effects on the environment would be (ref. 18/00130/EIA). The reasons for refusal were as follows:

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

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

A.2 The current application seeks to address the above reasons for refusal, and includes a number of additional technical assessments in support, in line with the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended).

1.0 THE PROPOSAL

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

1.2 The poultry buildings (measured from the submitted plans) would be approximately 109 metres x 27 metres with an eaves height of 2.7 metres and a ridge height of 5 metres.

External materials would be box profile metal sheeting, of a dark colour to be agreed, and lower block work. They would be fitted with roof extraction fans which would protrude from the roof slope, and rear gable end extraction fans. Integrated within the gable end of each of the poultry buildings would be a store, a control room, a wc, and a canteen.

- 1.3 The feed bins would be cylindrical with a conical top and bottom on top of a concrete plinth. They would be of metal construction of a dark colour to be agreed. They would be 3.3 metres wide with a total height of 9.2 metres. The wheat blending rooms would be 5 metres x 3 metres x 3 metres to eaves and 3.4 metres to ridge. The area of hardstanding which is used for turning, loading and unloading at the existing buildings would be extended. Landscaping would include the formation of a screening mound to the west of the buildings, and the planting of trees and hedgerows around the development
- 1.4 Production process: The rearing cycle involves bird delivery, ‘thinning’, removal; and shed cleaning. At the start of the cycle, birds are delivered to the site from a hatchery. When they reach around five weeks old a ‘thinning’ takes place, where a proportion are removed and transported to the processing company. This takes place over two days. The remaining birds are removed when they are around six weeks old. This process also takes place over two days. Manure generated from the proposed buildings would be exported from the site and taken to an anaerobic digester facility for treatment. The sheds would then be cleaned in preparation for the next bird delivery.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The existing poultry farm includes four large poultry buildings, feed bins and a biomass boiler building located at the northern part of a former arable field to the north-east of the village of Kinton. The application site covers an area of approximately 5.8 hectares and encompasses both the existing site and an area to the south-west where the proposed additional buildings would be situated. The north-east side of the site is bounded by a tree covered embankment. This falls away to the A5(T) which runs in a cutting further to the north-east. There is a hedgerow adjacent to the northern boundary of the site, beyond which is a belt of trees around a drainage pond. The western boundary of the site is bounded by a road which provides access to the Kinton Business Park. On the other side of this road, and to the south of the site, is agricultural land.
- 2.2 The approved access into the poultry farm is from the public highway to the north, via a short section of the private access road which leads to the business park. The as-built access does not conform to this, and has been constructed approximately 120 metres further south than it should have been. The proposed access would use this (currently unauthorised) entrance point. The nearest residential properties to the application site are two dwellings at The Prill, approximately 270 metres to the east, on the opposite side of the A5(T). Other properties lie approximately 330 metres to the north, and properties at Kinton approximately 310 metres to the south-west.
- 2.3 Kinton Business Park lies approximately 280 metres to the south, and includes a mix of light industrial units and offices. The A5(T) Nesscliffe Services area is located approximately 200 metres to the south-east, on the opposite side of the A5(T) to the application site. There are a number of public rights of way in the area. The nearest of these runs north-south through the western boundary of the site.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

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

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

4.1.1 **Great Ness & Little Ness Parish Council** Supports, subject to the landscaping being in keeping with the present buildings.

4.1.2 **Environment Agency** No objections.

Environmental Permitting Regulations: The proposed development will accommodate up to a further 200,000 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.

The farm operates under an Environmental Permit (Ref: EPR/YP3031WK) which has been submitted with the planning application for completeness. The Permit allows a maximum of 400,000 birds and we have received no complaints about the site.

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

Our ammonia screening assessment is made in line with our current guidance available at:

<https://www.gov.uk/guidance/intensive-farming-risk-assessment-for-your-environmental-permit#pre-application-discussion>

With regard to 'cumulative impact', we undertake a screening approach based on the potential impact of the proposed intensive poultry farm on designated nature conservation sites. Where required we carry out an 'in-combination' calculation of other

intensive poultry farms regulated by the Environment Agency in the area. The same approach applies to cases when detailed ammonia modelling may be required to determine the risk to nature conservation sites.

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

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

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

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

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

<https://www.gov.uk/government/publications/intensive-farming-introduction-and-chapters>

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

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

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

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

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

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

A dust management plan (DMP) will be required similar to the odour and noise management plan process. This will secure details of control measures to manage the risks from dust and bio-aerosols. Tables 1 and 2 and checklist 1 and 2 in 'assessing dust control measures on intensive poultry installations' (available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/297093/g_eho0411btra-e-e.pdf) explain the methods the operator should use to help minimise and manage these emissions.

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

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

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

<http://publications.environment-agency.gov.uk/PDF/SCHO0612BUWH-E-E.pdf>

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

document titled “How to comply with your environmental permit for intensive farming.”
<https://www.gov.uk/government/publications/intensive-farming-introduction-and-chapters>

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>

4.1.3 **Historic England** We do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

4.1.4 **SC Conservation** Recommends conditions.

This application does not appear to have changed in terms of the extent and positioning of the proposed expansion of the existing poultry units on this site, doubling the number from 4 to 8, where previous application 18/00130/EIA was refused.

We had previously commented on this element of that application as follows:

The expansion of the poultry rearing buildings and related activities is towards the south-west, moving it closer in proximity to the historic settlement of Kinton which is comprised of both designated and non-designated heritage assets. Our Archaeology Team additionally noted the application site's proximity to and location within the setting of the Scheduled Monument occupied by the Nesscliffe Hill Camp.

We had also noted that in considering this planning application, due regard to the following local and national policies and guidance would be required in terms of historic environment matters: CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, Policies MD2 and MD13 of the SAMDev component of the Local Plan, the National Planning Policy Framework (NPPF) and Historic England Guidance including GPA3 The Setting of Heritage Assets.

This re-submission again includes the Heritage Impact Assessment prepared by Castlering Archaeology in 2017 – this considers the requirements noted above and the conclusions of that assessment are acknowledged. Similarly the LVIA also prepared in 2017 has been re-submitted with this application where should this re-submission be granted approval, a strict landscaping, planting and maintenance condition as recommended in the assessments noted above should be included in the Decision Notice. Also should this application be approved, colour finishes and materials of all buildings and related infrastructure should be of a recessive and neutral nature.

I would also refer you to the current comments provided by the Archaeology half of our Team where formal consultee comments from Historic England are still required on this re-submitted scheme and where any recommendations from both should be followed in full.

4.1.5 **SC Archaeology** No objection. The proposed developed site is located c. 1km west, and within the setting of, the Scheduled Monument of Nesscliffe Hill Camp: a small multivallate hillfort (NHLE ref. 1020285). It is noted that Historic England raise no objections to the proposal in relation to any impacts on the setting and significance of the Scheduled Monument. The majority of the proposed development site itself has previously been subject to bulk earth moving operations and is not therefore considered to hold archaeological interest. As a consequence we have no further comments to make on this application with respect to archaeological matters

4.1.6 **Natural England** No response received.

4.1.7 **SC Ecologist** No objection. Conditions are required to ensure the development accords with the NPPF, MD12 and CS17.

In making these comments the following documents have been considered in detail:

- A report of air quality impacts (Report on the Modelling of the Dispersion and Deposition of Ammonia from the Existing and Proposed Broiler Chicken Rearing Houses at Kinton Farm, Kinton, near Nesscliffe (AS Modelling & Data Ltd, 25 July 2020)
- Manure Management Plan (Roger Parry & Partners LLP, December 2020)
- Revised drawing 1499.03 REV C: Landscape Proposals (Alan Moss Associates, undated)
- Ecological Impact Assessment of land at Kinton poultry units (Churton Ecology, 9 October 2017)

Ammonia

The following BAT measures are proposed:

- 4 scrubbers on the existing poultry buildings at Kinton Farm
- 4 scrubbers on the proposed poultry buildings at Kinton Farm

In addition, the Manure Management Plan (Roger Parry & Partners LLP, December 2020) states that all manure will be taken off-site to an anaerobic digester, so will not be spread on land.

A report of air quality impacts (AS Modelling & Data Ltd, 25 July 2020) 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	Distance from Proposal Proposed*	Existing Process Contribution % of Critical Level	Proposed* Process Contribution % of Critical Level	Existing Process Contribution % of Critical Load	Process Contribution % of Critical Load
Lin Can Moss SSSI	1km north	10.2	5.1	10.6	5.3

** 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 a betterment to the existing ammonia and nitrogen process contribution at the above designated site of Lin Can Moss SSSI. Although there is one other sensitive site (ancient woodland) slightly closer than Lin Can Moss (ie Nesscliffe Country Park @940m east), which has not been modelled in detail, it is safe to conclude that with the fitting of scrubbers to the existing units, as well as the proposed, airborne ammonia emissions will be less than the current situation at all sensitive sites, ie there will be a betterment. 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.

The landscape proposals do not show a robust planting scheme along the eastern side of the proposed sheds and this should be more robustly planted to both provide screening and long-term ammonia capture. Advice of planting trees to capture ammonia can be found at [Tree Shelter Belts for Ammonia Mitigation | Tree Shelter Belts for Ammonia Mitigation \(ceh.ac.uk\)](http://Tree Shelter Belts for Ammonia Mitigation | Tree Shelter Belts for Ammonia Mitigation (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 hardstanding and arable land, habitats of negligible potential to support notable/protected species. A rough area of semi-natural habitat lies to the north west. Both boundary hedgerows, which are relatively species-poor, remain intact. There would be no direct impacts on designated wildlife sites or notable habitats.

Although there is a nearby pool, its function as an attenuation pool i.e. seasonally wet and heavy rainfall-dependent, makes it unlikely to support great crested newt. This was confirmed by carrying out presence/absence surveys in May 2015 when the pool was periodically holding water (for a few days only after heavy rainfall). On the 13th April 2017 the pool was dry. No further surveys for GCN are required.

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

Conditions are recommended to require the air scrubbers to be operational at all times; the submission of a landscaping scheme for approval; and a pre-commencement badger inspection.

4.1.8 **Shropshire Council – landscape consultant** No objections.

We consider that the findings of the LVIA submitted are reliable and set out a comprehensive assessment of the landscape and visual effects of the proposed development. The mitigation proposals appear to be appropriately designed and specified. The results of the assessments are summarised below:

Landscape effects	
Receptor	Predicted effect with mitigation in place
Landscape character	Minor adverse
Character of Nesscliffe Country Park	Minor/Moderate adverse
Cumulative effects on landscape character	Moderate adverse
Night time lighting	Negligible adverse

Visual effects

1 Footpath 0419/9	Moderate adverse
2 Footpath 0419/10	Minor adverse
3 Footpath 0419/11	Minor adverse
4 Road to Kinton	Minor adverse
5 Footpath 0419/6Y	Negligible adverse
6 Footpath 0419/5	Negligible adverse
7 A5	Negligible adverse
8 Road to Nesscliffe	Negligible adverse
9 The Cliffe	Negligible/Minor adverse
10 Oliver's Point	Moderate/Major adverse
11 Approx 7 dwellings in Kinton	Minor adverse
12 Nesscliffe Hotel	Negligible adverse

All predicted landscape and visual effects are adverse, with levels ranging from Moderate/Major to Negligible. No beneficial or neutral effects are predicted. The threshold of significance is identified in the LVIA methodology as Major or Severe, and as a result no significant effects are identified. It should also be noted that the highest level of effect, that of Moderate/Major adverse predicted for walkers at Oliver's Point in Nesscliffe Country Park/Local Nature Reserve, represents a worst case scenario given that views out from the vicinity of this viewpoint are restricted by woodland.

4.1.9 **SC Public Protection** No objections.

15/4/21 comments: Additional information has been provided on noise and odour. Having considered the information in both assessments it is concluded that both have provided suitable explanation and quantification of parameters previously requested for further information by Regulatory Services.

The odour assessment information concludes no significant adverse impact on amenity from the proposed installation. This conclusion is accepted.

The noise assessment concludes a very low impact from the proposed installation. This conclusion is accepted.

Other aspects have previously been considered and conclusions previously mentioned

remain. Previously a query over what will happen to manure produced was raised. The odour assessment has clarified that manure will be removed from the site and will not be applied to any land on the farm holding. This is accepted but it is recommended that this stance is checked for consistency throughout any other reports

12/2/21 comments:

Noise: A new noise assessment has been submitted with the application ref: M1936/R02. A background noise survey has been included with appropriate distance calculations to provide what is considered a reasonable background noise level to expect at each receptor location assessed.

Fan noise has been assessed and compared to existing noise source from fans on the development site. In all cases noise levels are predicted to be below background noise level. The cumulative impact of the scrubber fans and emergency fans has not been considered. However, noting the noise levels for the individual fan system the cumulative noise impact is not expected to show any significant noise impact at any receptor at any time of day based on rating level consideration compared to background noise levels or where more appropriate absolute noise levels of the proposed noise source at receptors (consistent with guidance when low background noise levels are found). Additionally, the noise from fans will not cause any internal or external amenity noise standards for residential properties to be exceeded. For completeness sake the applicant may wish to ensure that the combined noise impact from scrubber fans and roof ventilation is provided in the noise assessment to ensure that this aspect can be said to have been considered thoroughly.

Loading in the day is expected to create noise levels less than background. Feed delivery is modelled to have a potential adverse noise impact (4-5dB above background at receptors B and A respectively). The assessment suggests that the impact of this noise is acceptable given that it is infrequent and occurs for relatively short amounts of time and absolute noise levels not being very high. This explanation is accepted. The predicted noise levels will be 2dB above the existing noise level from this activity. As such this noise source is considered to have a negligible impact on amenity given the points made above. During the night although predicted noise levels are above background they are not considered to be significant when considering absolute noise levels which is acceptable in this instance. The conclusion in the noise assessment is that the impact of noise at night will be very low. This conclusion is considered acceptable.

Odour: An odour assessment has been produced by ADAS and submitted with the application. It states that the spent litter/manure will continue to be removed from the poultry unit at the end of each flock cycle and would be spread on land in same ownership as the application site, and with any excess manure being exported to anaerobic digestion (AD) plants. In contrast the ammonia assessment (produced by AS Modelling and Data Ltd) states: The modelling also assumes that the scrubbers are 100% operational and that additional liquors and manures produced are not spread on fields locally. These two assessments seem to contradict each other. It would be useful if the applicant could consider these aspects, provide a statement on what is the proposal in respect of manure spreading/removal from site and ensure all assessments show consistency.

The assessment states that for modelling purposes this additional ventilation has been assumed to occur only at times when ambient temperatures exceed 22°C. Is this information available from the manufacturer? Is this what is likely to occur? It is an important aspect which I feel needs some additional clarity.

The odour model has considered a 30% reduction in baseline odour across the year based on some winter, summer variation. Is this reasonable? The reduction is suggested as being conservative and in line with BREF documentation. Looking at the data from which the average summer odour reduction provided by the Inno+ technology provides it is noted that the spread of data is very large ranging from -46.7% to 73.2%. Could the applicant comment on why the range of odour impacts is so large to help inform a decision on if the 30% reduction figure used is acceptable.

The assessment makes reference to an Odour Management Plan for cleaning out activities suggesting that by carrying out good practice's odour can be reduced to less than when a unit is fully stocked. It is suggested that any OMP submitted is conditioned for planning reasons to ensure the proposals satisfy planning regime requirements.

Modelled odour predictions at all residential receptors are found to be below thresholds generally accepted to show a low likelihood of impact on amenity. With maximum odour levels modelled at the worst effected receptor being predicted to be 2.03 odour units at Receptor 5. This is below the H4 EA standard and other standards set which indicate a likelihood of nuisance complaint. The increase in odour from the proposed development is less than 1 odour unit more than the predicted odour concentrations experienced from the existing sheds. This suggests the impact would be imperceptible to the human nose. As such the conclusions in the odour assessment are considered reasonable. Odour is not considered likely to have a significant impact on amenity at residential receptors. At nearby footpaths which the public may use although odour levels are higher, sensitivity is lower due to a transient impact as walkers move by. Again, no significant impact is anticipated at this receptor location.

Dust (public health): The Local Air Quality Management Regime directs Local Authority to assess sources of air pollution which have the potential to generate pollution that may impact on human health. The regime specifically states that large poultry installations could generate particulates (PM10s or smaller) within the rearing sheds which, once passed out through the ventilation system, have the potential to impact on human health. The regime provides details of what types of potential pollution sources could impact on human health in the published DEFRA document Technical Guidance LAQM.TG(16) (referred to as TG(16)). This document provides a screening assessment with which to consider which poultry installations may require detailed assessment (para 7.39 of TG(16)) of particulate matter (PM10s). For detailed assessment to be required the following characteristics are specified (Table 7.3 of TG(16)):

1. Poultry farms housing in excess of 400,000 birds (if mechanically ventilated) / 200,000 birds (if naturally ventilated)
2. Exposure (of relevant receptors such as residential properties, schools, hospitals) within 100m of the poultry units

The application is for 400,000 chickens in mechanically ventilated sheds satisfying part one above however the installation is more than 100m from nearest relevant receptors. The consequence is that no detailed assessment of the impact of particulates produced within the poultry sheds is considered necessary from a public health perspective. Quantitative data produced in DEFRA project AC0104 found that particulates drop off rapidly downwind of an installation and add added confidence in the screening criteria in TG(16).

Shropshire Council has undertaken detailed assessment of two poultry installations within its jurisdiction where both numbers of poultry and proximity to a receptor met the screening criteria thresholds. Assessments were carried out with monitoring undertaken at one location. The assessments concluded that no air quality national objective levels, levels below which no unacceptable impact on human health is found as specified in UK legislation, were exceeded. This exercise suggests that the screening criteria found in TG(16) are sufficiently conservative in nature and adds weight to the conclusions drawn above that no detailed assessment of the proposal applied for is necessary. No unnecessary burden is expected to be placed on human health by the proposal should planning approval be granted.

It is appreciated that there are other poultry sheds in the wider vicinity which may increase background levels of particulates slightly. However, due to the location of the units it is not considered likely that any combined impact of significance would occur due to distances involved creating adequate dispersal of pollutants and wind direction ensuring that in general no properties would be impacted by combined impacts from the proposed installation and existing.

In addition to particulates comments have been found on past poultry applications which raise the potential of bioaerosols in the extract air creating a health impact on those living in the area. DEFRA project AC0104 considers bioaerosols. It notes that they drop to around background levels at 100m downwind from poultry installations where quantitative testing took place. As such it would not be considered likely that the proposed poultry unit would increase bioaerosol loading at nearest residential properties and from this it could be suggested that there is no unacceptable burden on health from this aspect. If any further comment is considered necessary, it is recommended that Public Health England are contacted for comment.

Dust (nuisance): Dust produced from the ventilation systems of poultry units is not considered to be a significant source of nuisance dust over the distances found between the proposed poultry sheds and nearest receptors. Welfare standards and agricultural practices are responsible for this in the main. The Regulatory Services team has not come across a dust complaint in respect of dust deposited from ventilation systems of poultry houses in their collective history. The potential for nuisance dust is therefore considered to be very low for a poultry operation and this is considered the case here due to the remote location of the proposed additional sheds.

4.1.10 **Highways England** Recommends conditions.

The Site: The existing site already operates as a poultry farm with 4 poultry sheds in situ housing 200,000 birds which were granted planning permission under application reference 15/05462/EIA. The existing poultry sheds and earth bund are located within

proximity to the A5 boundary. Planting of trees was proposed under the 2015 consent along the shared site /A5 boundary, however this has not been implemented yet based on review of the submitted detail. The A5 Trunk Road (Nesscliffe Bypass) is located within a cutting adjacent to the site boundary with a 1.7 metre to 2.1-metre-high embankment located between the shared site / A5 boundary and the carriageway. The A5 embankment is planted with trees and vegetation, therefore the existing development buildings are predominantly screened from motorists travelling on the A5 Trunk Road northbound. However, due to lack of planting along the A5 boundary to the south of the site, it is evident that the existing buildings can be partially seen from a distance.

The Site is accessed off an unclassified road to the north west of the site. The nearest point of access to the SRN is A5 Wolfshead Roundabout (A5/B4396/Old A5) approximately 1 mile north of the site.

Planning History: As stated above, planning consent has been granted for the erection of four poultry rearing buildings, biomass building, ten feed bins and other ancillary buildings, landscaping including ground modelling and tree planting, construction of a surface water attenuation feature and new access at the site under application reference 15/05462/EIA. Whilst we note that Highways England were not consulted on this application, an application for additional 4 poultry units (similar to the application currently seeking approval) was lodged in 2018 under reference 18/00130/EIA but was refused due to insufficient information being submitted to assess the Environmental Impacts. Highways England were consulted on this planning application and we recommended that the proposal was acceptable subject to the submission of Surface Water and Foul Drainage design information and Boundary Treatment information. This was recommended to be dealt as a planning condition attached to any grant of planning consent.

Based on our review of the information submitted in support of the current planning application, no significant traffic impacts are anticipated from the development proposal. However, Highways England have most recently issued a holding recommendation for this consultation on 26 January 2021, recommending the applicant to submit additional information related to the boundary related concerns.

Following the issue of this holding recommendation, the applicant has submitted additional/ amended information in relation to this development proposal and this is detailed below.

Boundary impacts:

Earth Bund located along Eastern site boundary: Highways England had raised concerns via the latest holding response issued in January 2021, in regard to the proposed and existing ground remodelling works undertaken within the site adjacent to the A5 embankment, which may have the potential to destabilise the A5 embankment and SRN boundary fence if not adequately designed/ constructed. Highways England requested that the applicant to provide a cross section plan of the existing and proposed earth bund along the eastern site boundary, along with a supporting slope stability assessment for any sections of back slope that have a gradient steeper than 1v:3h to review and approve.

The applicant has now provided a Section Plan (Drawing no. RB-MZ631-02, dated 25 February 2021) in response to our comments. We note that two section drawings along the eastern boundary have been provided within the plan (Section A and Section B), which is approximately 260 metres in length. Section A is located approximately 57 metres south from the most northern point along the eastern site boundary shared with A5 and Section B is located approximately 207 metres south from the same northern point along the shared boundary. Section A indicates that the existing back slope gradient is 1v:1.5, which confirms Highways England's concern of the back face of the A5 bund within the site being over steepened near the Biomass building and having potential risk to the medium to long term stability of the front of the earthwork and fence located within the A5 boundary. Section B indicates that the existing back slope gradient is 1v:3h which is considered acceptable and unlikely to negatively impact the A5 embankment.

Based on our review of the Section Plan submitted, we note that the applicant proposes to alter the existing bund located within the applicant's site to a slope of 1v:3h, which is deemed acceptable to Highways England. As the backslope has been altered to an unacceptable gradient over recent years, we would require the applicant to undertake the ground alteration works during the early stages of works. As such, Highways England recommends that these alteration works are requested through a pre-commencement condition.

Tree Planting along Eastern site boundary: The landscape proposals for tree planting as outlined in the Landscape Proposals Rev C Plan are considered to be acceptable.

Proposed Boundary Treatments: As the details of any proposed boundary treatments were unavailable at the initial stages of consultation, Highways England noted in our previous formal responses that a suitably worded condition will be recommended to be attached to any consent that may be granted. This was to ensure that the erection of any boundary treatment within proximity of the SRN boundary complies with Highways England's requirements.

However, it has now become apparent that an existing boundary fence is in place along the eastern site boundary. Therefore, Highways England considers that any proposed boundary fence would not raise a concern in accordance with Annex A1 of DfT's Circular 02/2013. As such, a condition is no longer required to be attached.

Landscape and Visual Impact: Based on our review of the latest Landscape and Visual Impact Assessment (LVIA), we note that it is in compliance with paragraph 45 of DfT's Circular 02/2013.

Drainage: The principle of the proposed surface water drainage system appears to be robust and in accordance with the prevailing policies and standards. Therefore, it is unlikely to impact the safe operation of the SRN in accordance with DfT Circular 02/2013 paragraphs 49 and 50. However, as the site has a common boundary with the SRN and noting that a condition with regard to the disposal of foul and surface water was included in the previously permitted decision notice, we would recommend that a similar condition is required for the current application to ensure satisfactory drainage is provided within the site. In line with the above, Highways England considers that the

current holding recommendation can be lifted. However, we recommend that conditions be attached to any planning permission that may be granted to require: implementation of ground alteration works prior to the commencement of the development; and submission of a scheme for foul water drainage and surface water drainage prior to commencement of development.

4.1.11 **SC Highways Development Control** No objection.

19/1/21: No objection.

30/10/20: The proposal will use the existing access located on the shared access road to Kinton Business Park, which has a suitable junction with the adopted highway, C1058. From here HGVs will use the C1058 to the junction with the old A5, where the junction has sufficient capacity for the increase in movements. The subsequent junction takes vehicles onto the SRN and Highways England will comment on effect on their network.

The routing of HGVs for the proposal will be the same as for the existing operation approved under 15/05462/EIA; which could be acceptable; as could the increase in movements – subject to confirmation of the below.

The existing 4 sheds were approved under 15/05462/EIA. Conditions 5 and 6 under that approval related to improvements and widening to the C1058 between the access to Kinton Business Park and the bridge over the A5 where the carriageway was considered narrow and unsuitable for increase in HGV movements. Therefore it was conditioned that the applicant would provide appropriate road improvements, in the form of localised widening between the existing access and the bridge over the A5, to safely accommodate the increase in HGV movements and not inconvenience other road users. These conditions do not seem to have been discharged.

In order for the proposed development to be appropriately assessed, from a highways and transport perspective, the following information is required to be submitted, by the applicant:

- Evidence of the improvements required to the C1058 having been undertaken; OR
- Details of the proposed road widening on the C1058.

4.1.12 **SC Rights of Way** From checking the Definitive Map of Public Rights of Way it appears that FP 9 runs through the corner of the development site on a line that will be affected by the proposed planted hedgerows. If it is not possible to move the development boundary or accommodate the footpath within the development then the footpath will need to be diverted under section 257 of the TCPA 90 in line with the planning application (fees will apply). The applicant should contact the Mapping & Enforcement Team direct for further information.

4.1.13 **SC Drainage** No objection. The surface water drainage proposal in the FRA and Water Management Plan is acceptable in principle. However full drainage details, plan and calculations should be submitted for approval. 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.

4.1.14 Ministry of Defence – Defence Infrastructure Organisation

28/7/21

DIO Town Planning have been made aware of an email from Mr Richard Corbett dated 13th May 21 regarding the above referenced EIA application for 4 Poultry Sheds at Kinton.

As non-statutory consultees the MOD sought to inform the applicant about the proximity of the application site relative to Nesscliffe Training Area.

Location relative to airfield: The application site is approximately 1.08km east from Nesscliffe Training Area and lies within the approach for aircraft operating in/around the training area.

The county of Shropshire as well as parts of adjacent counties is designated by the Ministry of Defence as Low Flying Area (LFA) 9, an area utilised for dedicated training area of military helicopter crew which requires intensive low-level flying activity. At Nesscliffe Training Area and its associated training areas (including RAF Shawbury, Chetwynd and Tern Hill) routine activity includes extremely low flying and manoeuvring, helicopters remaining operational (rotors turning) for extended periods after landing and helicopters hovering at full power for several minutes as a time (occasionally between 5 and 10 minutes). This activity, in support of front-line activity, produces a significant amount of low frequency noise which can be disturbing. This intensive low-level helicopter activity tends to be scheduled between Monday and Friday, from 8.30am to 5pm though night flying is carried out from this Training Area. Night flying operations tend to be completed by 2am though it should be noted that 24-hour flying may occur on any day of the week where operationally required.

In addition to helicopter traffic, Nesscliffe Training Area is used regularly for pre-deployment training for many Battalion sized Army deployments. This training will frequently involve live/simulated arms training, explosives and the use of large tracked vehicles and weapons systems. This activity will also impact on the proposed development site.

The MOD recognised the Noise Impact Assessment accounts for noise from the extraction fans, but no assessment has been made regarding the potential impact of flying activity on the poultry farm. Hence, the MOD informing the applicant on the potential for loud noises to startle poultry and lead to stress and potential loss of life.

The applicant's agent has reflected on the MOD response and our comments referencing the matter of the applicant being the Agent of Change and the MOD would not accept responsibility for any losses caused by aircraft, training or any associated activity or noise.

Specifically, point 9 states: "the applicant has formally offered to indemnify the MoD against any claim that they may make for bird losses attributable to their operations. We accept that the applicant is the 'agent of change' and that we do not expect the MOD to accept responsibility for any losses caused by aircraft, training or any associated activity or noise. This is on the basis the applicant (and successors in title) would be deemed to have full knowledge of the immediate location, including the location of the application

site in context to Nesscliffe Training Area and the general nature of training activity taking place. We suggest that this should satisfy any concerns that they have.”

The MOD appreciates the applicant considering our comments and on reviewing the above with our legal team we seek amendments to the wording this being: "the applicant formally confirms that no claims will be brought against MOD for bird losses attributable to MOD's operations".

If the applicant agrees to the above this will alleviate the MOD concerns.

4.1.15 **Ministry of Defence – Defence Infrastructure Organisation (Safeguarding)** No safeguarding objections. The application relates to a site outside of MOD statutory safeguarding areas.

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

4.2 **Public comments**

4.2.1 The application has been advertised by site notice and in the local press. In addition, 35 residential properties and businesses in the local area have been directly notified.

4.2.2 Six letters of objection have been received, raising the following points:

- Query over need for more chicken sheds
- Density of chicken sheds in the area
- Facility will be brought closer to Kinton, with additional view, smell and disruption
- Visual impact, including from Oliver's Point, a well-loved historical and rural viewpoint
- Higher emissions of nitrogen, ammonia and possible contaminants
- Additional nitrogen applied to fields from manure spreading
- Odour from spreading of manure
- Rats and flies from manure storage and spreading; potential spread of disease
- Additional odour, adding to existing issues
- Light pollution from vehicles loading and unloading, day and night
- Pollution from manure spreading
- Additional bio-aerosols and dust
- Insufficient information regarding disposal of manure at anaerobic digester plant
- Need to assess additional traffic from export of manure
- Visual assessment in relation to Oliver's Point on Nesscliffe Hill was carried out prior to designation as a Nature Reserve
- Increase in HGV traffic
- Noise pollution

4.2.3 **Shrewsbury CPRE** Objects.

Odour: We notice that there is more information in this application on storing and spreading manure. We find it strange that the report states:

Manure will be spread under suitable conditions

- Wind direction will be chosen with prevailing direction from the west which will blow odours away from the closest dwellings.

Presumably this is intended to state that it will not be spread when the wind is from the west. Given the predominance of west/south-west wind, we do not believe that this is

practicable.

Odours also arise from the existing poultry farm, as we have experienced on the hill above Nesscliffe.

The report notes that there are five sensitive sites likely to be affected by odours. One of them is a private house at Prill. No mention is made of the odour impact on Nesscliffe village which is only 300 metres from Prill and includes a significant new housing estate. The proposed extension would substantially increase odour impact on these dwellings.

Landscape: The existing poultry farm is largely screened by the row of trees and bushes along the side of the A5 and although clearly visible from Nesscliffe Hill, its impact is far less obtrusive than would be the case if the extension is approved.

The earlier application was refused by the Council for various reasons which included Planning Policies C85, C86, C513 and C517 and SAMDev policies MD2, MD7b, MD8, MD12 and MD13. The minor additions to the Manure Management section do not in our view override these policies nor do they justify any possible economic benefits.

5.0 THE MAIN ISSUES

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

6.0 OFFICER APPRAISAL

6.1 Environmental Impact Assessment

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

6.2 Planning policy context; principle of development

- 6.2.1 Planning applications are to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF is a material planning consideration and sets out a presumption in favour of sustainable development and there are three overarching objectives to achieving this: economic; social; and environmental. The NPPF states that significant weight should be given to the need to support economic growth and productivity (para. 80). In respect of development in rural areas, it states that planning decisions should enable the sustainable growth and expansion of all types of business; and the development and diversification of agricultural and other land-based rural businesses (para. 83).

6.2.2 This approach is reflected in Development Plan policy. Core Strategy policy CS5 provides support for appropriate development within the countryside, which maintain and enhance countryside vitality and character where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to specified proposals including: agricultural related development. It states that proposals for large scale new development will be required to demonstrate that there are no unacceptable adverse environmental impacts, and this is discussed in sections below. Core Strategy policy CS13 states that, in seeking to develop and diversify the Shropshire economy, emphasis will be placed on matters such as supporting rural enterprise and diversification of the economy, in particular areas of activity which include the agricultural and farm diversification sectors.

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

6.3 Siting, scale and design; impact on landscape character

6.3.1 Core Strategy policy CS6 seeks to ensure that development is appropriate in scale and design taking into account local context and character, having regard to landscape character assessments and ecological strategies where appropriate. It states that development will be designed to a high quality using sustainable design principles. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan policy MD2 requires that development contributes to and respects locally distinctive or valued character and existing amenity value, and demonstrates how good standards of sustainable design and construction have been employed. SAMDev Plan policy MD7b states that applications for agricultural development should be of a size/scale which is consistent with its required agricultural purpose, and where possible sited so that it is functionally and physically closely related to existing farm buildings. Policy CS16 seeks to deliver sustainable tourism, and promotes connections between visitors and Shropshire's natural, cultural and historic environment.

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

6.3.3 Design and sustainability: The buildings would be heated using a biomass boiler fuelled by woodchip/pellets, straw or Miscanthus, which would be more environmentally

beneficial than the use of non-renewable forms of energy. The proposal would incorporate sustainable drainage measures to reduce impacts on surrounding land. Officers acknowledge that these represent beneficial elements to the proposal.

- 6.3.4 Landscape and visual impacts: The Environmental Statement includes a Landscape and Visual Impact Assessment (LVIA). This assesses the landscape in this area as having low/medium landscape quality. There are no national or local landscape designations affecting the application site. The poultry buildings would be constructed at the level of the existing sheds and ground modelling around the development would result in surrounding land being approximately 3.5 metres higher than the floor levels of the buildings. The existing approved landscaping scheme provides for tree and hedgerow planting around the existing buildings. The proposed development would prevent this from being implemented. However tree and hedgerow planting would be carried out along the new south-eastern and south-western boundaries of the site.
- 6.3.5 Taking into account factors such as the sensitivity of the landscape, the magnitude and significance of effects, and the existing development, the LVIA states that the effect on landscape character would be of Minor adverse significance. This assessment, as revised, does take into account the new status of Nesscliffe Country Park as a Local Nature Reserve. There would be a single low-wattage, downward-facing light above each of the main shed doors. The LVIA suggests that the effect of night-time lighting would be of Negligible adverse significance.
- 6.3.6 The site is generally well contained visually to the east and north by trees belts, and more open to view from the west and south. Potentially susceptible visual receptors include public footpaths in the area, the Kinton road, the A5(T) and The Cliffe and Oliver's Point. The LVIA has assessed visual effects from representative locations. The route of footpath 0419/9 would be directly affected by the development and would need to be diverted. The LVIA assesses the effect on the visual amenity of this footpath as of Moderate adverse significance. The LVIA acknowledges that visitors to Nesscliffe Country Park, to the east, would have high susceptibility to change. It states that from here the proposed development would be visible in the context of the existing poultry unit, the A5(T) and the adjacent service area, and the proposed ground modelling and tree/hedgerow planting would help to soften the outline of the development from this direction once established. It assesses the effect on visual amenity from Oliver's Point as of Moderate/Major adverse significance. Effects from other public views, and from private dwellings, are assessed as being of Minor adverse significance to the decision making process. Overall the LVIA assesses the visual effects of the proposed development from these locations as Not Significant. The LVIA concludes that there would be no significant adverse landscape effects or visual effects.
- 6.3.7 The Council's landscape consultant, ESP Ltd., has been consulted on the LVIA and considers that its findings are comprehensive and reliable, and that the mitigation proposals are appropriate. The LVIA considers that the proposal would not lead to any cumulative effects with other poultry units and Officers concur with this conclusion. The proposal would be a significant development, and would extend the area of the whole site to approximately 5.8 hectares. It would increase its visibility in the local area, and result in adverse visual amenity from some public viewpoints. This matter is considered further in the planning balance section below.

6.3.8 Potential impact on MOD activities

The MOD has advised that the site is located approximately 1.08km away from the Nesscliffe Training Area and lies within the approach for aircraft operating in/around the training area. This area is used for training purposes which includes 'extremely low flying and manoeuvring' and involves helicopters hovering at full power for several minutes at a time. The MOD states that training also includes live/simulated arms training, and the use of explosives, large tracked vehicles and weapons systems. The MOD is concerned to ensure that they should not be expected to accept responsibility for any losses caused by MOD's activities in the area. In response to this the applicant has formally confirmed that no claims will be brought against the MOD for bird losses attributable to MOD's operations, and it is considered that this is sufficient to alleviate the MOD's concerns.

6.4 **Residential and local amenity considerations**

6.4.1 Core Strategy policy CS6 requires that developments safeguard residential and local amenity. SAMDev Plan policy MD7b states that planning applications for agricultural development will be permitted where it can be demonstrated that there would be no unacceptable impacts on existing residential amenity.

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

6.4.3 Odour: The proposed development has the potential to have a significant impact on the environment as a result of odour generation. Manure generated from within the proposed sheds would be taken directly off site at the end of each cycle to an anaerobic digester, as opposed to being spread on farmland. Potential odour impacts would therefore relate to direct emissions from the poultry houses, either alone or in combination with the existing sheds, rather than any indirect impacts from manure spreading.

6.4.4 The application is accompanied by an Odour Impact Assessment which is based upon dispersion modelling. It also takes into account the proposed use of end-wall scrubbers on both the four proposed poultry buildings and the existing four. The assessment concludes that odour exposure levels at all modelled receptors would be below benchmark level of 3.0 ouE/m³ for moderately offensive odours such as poultry manure. Based upon industry guidance, at most of the modelled receptors there would be 'negligible effects'. It predicts that there would be 'slight adverse effects' at one residential receptor (The Prill) and at the public right of way surrounding the site. Importantly it notes that all receptors would remain in the same odour effects categories

that they are currently in in relation to the existing four buildings. Officers are not aware of any existing odour complaints in relation to the poultry rearing operation. The report concludes that the proposed development would not result in any significant adverse effects on local amenity.

- 6.4.5 The Council's Public Protection Officer concurs with the conclusions of the Odour Impact Assessment. It is not considered that the proposal would result in unacceptable odour impacts.
- 6.4.6 Noise: Para. 180 of the NPPF states that planning decisions should ensure that new development is appropriate for its location; and mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development; and avoid noise giving rise to significant adverse impacts on health and the quality of life. The proposed development has the potential to have a significant impact on the environment as a result of noise generation, including from extraction fans, from vehicle movements around the site, and from the traffic movements to/from the site. These impacts may result either from the development itself, or in combination with the existing operation.
- 6.4.7 The submitted Noise Impact Assessment has calculated the emissions from the ventilation extract fans and from transport activity including deliveries and collections. It states that noise levels during the night at the nearest dwellings would be low, and significantly below the sleep disturbance threshold set out in standard guidance. It concludes that during the night both the extract fans and transport activities would result in a 'very low' noise impact.
- 6.4.8 The Council's Public Protection Officer has noted that the cumulative impact from the scrubber fans and emergency fans has not been considered, however has nevertheless advised that the conclusions of the Noise Impact Assessment can be supported. As such it is not considered that the proposed development would result in unacceptable levels of noise in the area.
- 6.4.9 Manure management: Manure from the existing permitted poultry rearing operation is spread on local farmland as a fertiliser. It is proposed that manure from the proposed four buildings would be taken off site to an anaerobic digester facility for treatment, and would not be spread on land. It is considered that a planning condition should be imposed to require that manure is exported from the site in covered vehicles in order to minimise odour levels. Subject to this it is considered that potential impacts from manure generation would not be significant. However in order to ensure that appropriate control is maintained over the management of poultry litter, it is considered that a condition should be imposed to require that records of the quantity and destination of manure from the proposed buildings are kept and made available as and when required.
- 6.4.10 Dust: The air scrubbers would capture significant levels of dust from the buildings. The Council's Public Protection Officer has advised that the proposed development would not be likely to increase bioaerosol loading at the nearest residential properties, and that the potential for nuisance dust is very low due to the distance of the site from receptors. In addition the Environment Agency has advised that in relation to their Environmental Permitting process a dust management plan would not be required as the site is more than 100 metres away from sensitive receptors.

6.5 Historic environment considerations

- 6.5.1 Core Strategy policy CS17 requires that developments protect and enhance the diversity, high quality and local character of Shropshire's historic environment. SAMDev Plan policy MD13 requires that heritage assets are conserved, sympathetically enhanced and restored by ensuring that the social or economic benefits of a development can be demonstrated to clearly outweigh any adverse effects on the significance of a heritage asset, or its setting.
- 6.5.2 A Heritage Impact Assessment has been submitted. This suggests that the dominant heritage asset to be taken into consideration is the Scheduled Monument of Nesscliffe Hill Camp. It suggests that given the existing poultry unit, the screening afforded by the Nesscliffe bypass, and the restricted heights of the proposed buildings, the proposed development would have limited negative impact on views from this heritage asset. It states that any filtered views would be distant, and visual impact on the Scheduled Monument is assessed as being low adverse in the short term and negligible in the long term. It assesses the impact of the development on listed buildings and heritage assets at Kinton village as low adverse to negligible.
- 6.5.3 The Council's archaeologist concurs with the assessment of impacts on the hillfort. The Conservation Officer has recommended that landscaping is undertaken and this can form part of the decision notice if permission is granted.

6.6 Traffic, access and rights of way considerations

- 6.6.1 Core Strategy policy CS6 requires that all development is designed to be safe and accessible. SAMDev Plan policy MD8 states that development should only take place where there is sufficient existing infrastructure capacity. Policy CS16 seeks to deliver sustainable tourism, and promotes connections between visitors and Shropshire's natural, cultural and historic environment. Policy CS17 seeks to protect and enhance environmental networks, including public rights of way.
- 6.6.2 Peak traffic movements to/from the site would occur during times when birds are removed from the site. This would take place over two 2-day periods during each 48 day crop cycle. This would commence at 0200 hours, and during the 0200 – 0700 night-time period there would typically be no more than two HGV movements per hour. Manure removal would be undertaken by tractor and trailer and would amount to 30 over two days during the bird rearing cycle. The Environmental Statement states that on 27 days of the crop cycle, there would be no HGV movements, and there would be more than 2 HGVs per day on only 7 days of the crop cycle. The most HGVs on any one day would be 18.
- 6.6.3 The widening of the public highway to the north of the site has been undertaken by the developer in line with the requirements of the existing planning permission. It is considered that the proposed access to the farm is of an acceptable design and provides satisfactorily visibility for incoming and outgoing vehicles. The application proposes that HGV traffic would approach the site via the Wolfshead roundabout from the A5(T) to the north of the site and the former A5. This would avoid HGVs travelling through Kinton village. It is considered that this route is appropriate. The Council's highways officer has raised no objection to the proposal.

6.6.4 Highways England issues: The proposed development is situated adjacent to the A5 Trunk Road and Highways England initially raised concerns over the potential implications of the development on the highway embankment. The application has now been amended to incorporate ground re-modelling works adjacent to the embankment to ensure that its stability can be maintained. Subject to the imposition of conditions requiring implementation of these works and the submission of a drainage scheme, Highways England has now removed its holding objection.

6.6.5 In light of the above it is considered that the proposal does not raise significant traffic and highways issues.

6.6.6 Rights of way considerations: A public right of way runs across the southern part of the site. There is scope to divert this footpath around the boundary of the proposed site and this does not appear to raise any significant issues. As noted by the Rights of Way team, this can be done under a separate legal process.

6.7 **Ecological consideration**

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

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

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

6.7.3 The principal ecological issues relate to the direct impacts of the development on the ecological value of the area, and indirect impacts from the release of ammonia from the sheds.

6.7.4 Direct impacts: The proposed buildings would be sited on hardstanding and arable land, which comprise habitats of negligible potential to support protected or notable species. The Council's ecologist has advised that there would be no direct impacts on designated wildlife sites or notable habitats. The ecologist has advised that no further Great Crested Newt surveys are required, and that a pre-commencement badger inspection should be undertaken as a precautionary measure. An appropriate condition is recommended.

6.7.5 Impacts from ammonia: The site lies within 10km of two internationally designated wildlife sites and within 5km of two nationally designated biological SSSIs. In addition there are seven non-statutory sites within 2km of the site. An Ammonia Impact

Assessment has been submitted and this takes into account the proposed use of ammonia scrubbing equipment on both the proposed four poultry buildings and also the existing four buildings. Notwithstanding the addition of four poultry buildings, the use of scrubbers on all of the buildings would result in an overall reduction in ammonia concentrations and nitrogen loads, amounting to approximately a 50% reduction. There would therefore be betterment in relation to the existing situation. The Council's ecologist has raised no significant concerns however has advised that a robust planting scheme should be provided for the purposes of long-term ammonia capture, and this can be secured as part of a planning condition.

6.8 Impact on water resources

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

6.8.2 The site is located within Flood Zone 1 (low risk of fluvial flooding) and the submitted Flood Risk Assessment confirms that risks from flooding are low. It is proposed that surface water from the site would be discharged into an existing attenuation swale located to the west of the development. This would be enlarged to increase its capacity to reflect the additional run-off from the proposed buildings. Additional attenuation would be provided by French drains to be constructed along the sides of the buildings. The FRA suggests that the residual impacts on the local water environment would be negligible. Wash water from the cleaning out of the sheds would be collected in underground tanks. The Council's drainage consultant has confirmed that the proposed drainage scheme is acceptable and that detailed matters can be dealt with as part of a planning condition.

6.9 Planning balance

6.9.1 The above assessment has discussed the likely impacts of this significant development. It is considered that impacts on the local area in general in relation to highways, residential amenity, historic environment, ecology, and water resources would not be unacceptable. In relation to landscape and visual impacts the proposal would result in moderate/major adverse visual effects at Oliver's Point in Nesscliffe Country Park/Local Nature Reserve. The Council's landscape consultant notes that this level of impact represents a worst case scenario given that views out from the vicinity of this viewpoint are restricted by woodland. Some mitigation would be provided in time as proposed landscaping develops albeit that screening effects would be limited due to the elevated position of the viewpoint. Notwithstanding this, Officers do not consider that these visual impacts would be of such a scale as to have a significant impact on tourism in the area. In addition it is considered that these adverse visual impacts and limited other adverse impacts would be outweighed by the benefits of the proposed expansion of the existing poultry business.

7.0 CONCLUSION

7.1 This planning application seeks to enlarge the existing poultry rearing operation at Kinton which was permitted in 2016. The additional four buildings would increase the number of birds at the site from 200,000 to 400,000. The application is accompanied by a set of technical assessments forming part of an Environmental Statement which identify the likely impacts on the environment.

- 7.2 Neither the Council's Conservation team nor the Archaeology team have raised objections in relation to potential impacts upon designated and non-designated heritage assets in the vicinity. A satisfactory level of traffic information has been submitted, including details of road widening works which were undertaken by the applicant in relation to the previous planning permission. No objections have been raised on highways grounds, either by the Council's highways officer or by Highways England in respect of the stability of the adjacent embankment of the A5 Trunk Road. The technical assessments in relation to odour and noise have identified likely impacts. The Council's Public Protection team have concluded that there would be a very low impact from noise and no significant adverse impact on amenity due to odour. A satisfactory surface and foul water drainage scheme, linking in with the existing one, can be secured through a planning condition.
- 7.3 The proposals would result in betterment over the current situation in terms of emissions of ammonia. This is due to the proposal to include air scrubbers on all eight of the poultry buildings, i.e. the proposed ones and also the existing four. Overall ammonia levels and nitrogen loadings would therefore be reduced, and this is a significant benefit of the scheme. Further biodiversity benefits would be provided by the additional landscaping proposed. In addition the proposal would involve a significant level of investment in an established agricultural enterprise, and provide additional indirect employment in the sector. The Landscape and Visual Impact Assessment has identified that there would be Moderate/Major adverse visual effects on Oliver's Point which forms part of the Nesscliffe Country Park/Local Nature Reserve and is approximately 1km to the east. Nevertheless, taking into account the advice of the Council's landscape consultant, Officers consider that this impact is outweighed by the overall benefits of the proposal, noting also the absence of other significant impacts.
- 7.4 Therefore on balance it is considered that the proposal is compliant with the Development Plan overall and that, subject to the imposition of the conditions included in Appendix 1, the grant of planning permission can be recommended.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

- 3φAs 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.
- 3φThe decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a)

promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

National Planning Policy Framework

CS5 - Countryside and Greenbelt
 CS6 - Sustainable Design and Development Principles
 CS16 - Tourism, Culture and Leisure
 CS17 - Environmental Networks
 CS18 - Sustainable Water Management
 MD2 - Sustainable Design
 MD7B - General Management of Development in the Countryside
 MD12 - Natural Environment
 MD13 - Historic Environment

RELEVANT PLANNING HISTORY:

15/05462/EIA Erection of four poultry rearing buildings, biomass building, ten feed bins and other ancillary buildings, landscaping including ground modelling and tree planting, construction of a surface water attenuation feature and new access GRANT 4th May 2016
 17/00504/FUL Erection of an agricultural workers dwelling and installation of septic tank WDN 27th June 2017
 18/00130/EIA Erection of four poultry rearing buildings, nine feed bins, landscaping scheme and all associated works (amended description) REFUSE 18th October 2019
 20/03976/EIA Erection of four poultry rearing buildings, nine feed bins, landscaping scheme 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 Ed Potter
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. 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. To ensure that the A5 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interests of road safety.

4. (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 on the site 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, or to any of the existing four poultry buildings, 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.

5. No development shall commence until a landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include tree planting along the site boundaries (particularly the southern and eastern boundaries) in order to reduce long-term ammonia dispersion from the development, and works to provide mitigation of landscape and visual impacts. 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.

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

6. Within six weeks prior to the commencement of development, a badger inspection shall be undertaken by an appropriately qualified and experienced ecologist and the outcome reported in writing to the Local Planning Authority. If new evidence of badgers is recorded during the pre-commencement survey then the ecologist shall submit a mitigation strategy for prior approval that sets out appropriate actions to be taken during the works. These measures will be implemented as approved.

Reason: To ensure the protection of badgers under the Protection of Badgers Act 1992.

7. Construction of the buildings hereby permitted shall not commence until the ground alteration works as detailed in the Section Plan drawing no. RB-MZ631-02) have been completed.

Reason: To ensure that the A5 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interests of road safety.

8. No above ground works shall take place until details of the external materials and colour treatment of all plant and buildings have been submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details, and retained as such for the lifetime of the development.

Reason: To ensure a satisfactory appearance of the development.

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

9. (a) No more than 400,000 birds shall be kept in the eight poultry rearing buildings at the site 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 the 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. (a) All manure arising from the poultry buildings 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 in covered vehicles.

(b) Records of the destination of each load of manure arising from the poultry buildings hereby permitted shall be made and these shall be made available to the local planning authority on request.

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

Informatives

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

2. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £116 per request, and £34 for existing residential properties.

Failure to discharge pre-start conditions will result in a contravention of the terms of this permission; any commencement may be unlawful and the Local Planning Authority may consequently take enforcement action.

3. Ecology advice:

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

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal and scrub removal and/or conversion, renovation and demolition work in buildings [or other suitable nesting habitat] should be carried out outside of the bird nesting season which runs from March to August inclusive.

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

4. Fire Service advice:

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

Water Supplies for Fire fighting - Building Size

It is important to note that the current Building Regulations require an adequate water supply for firefighting. If the building has a compartment of 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.

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