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Northern Planning Committee
4th April 2023

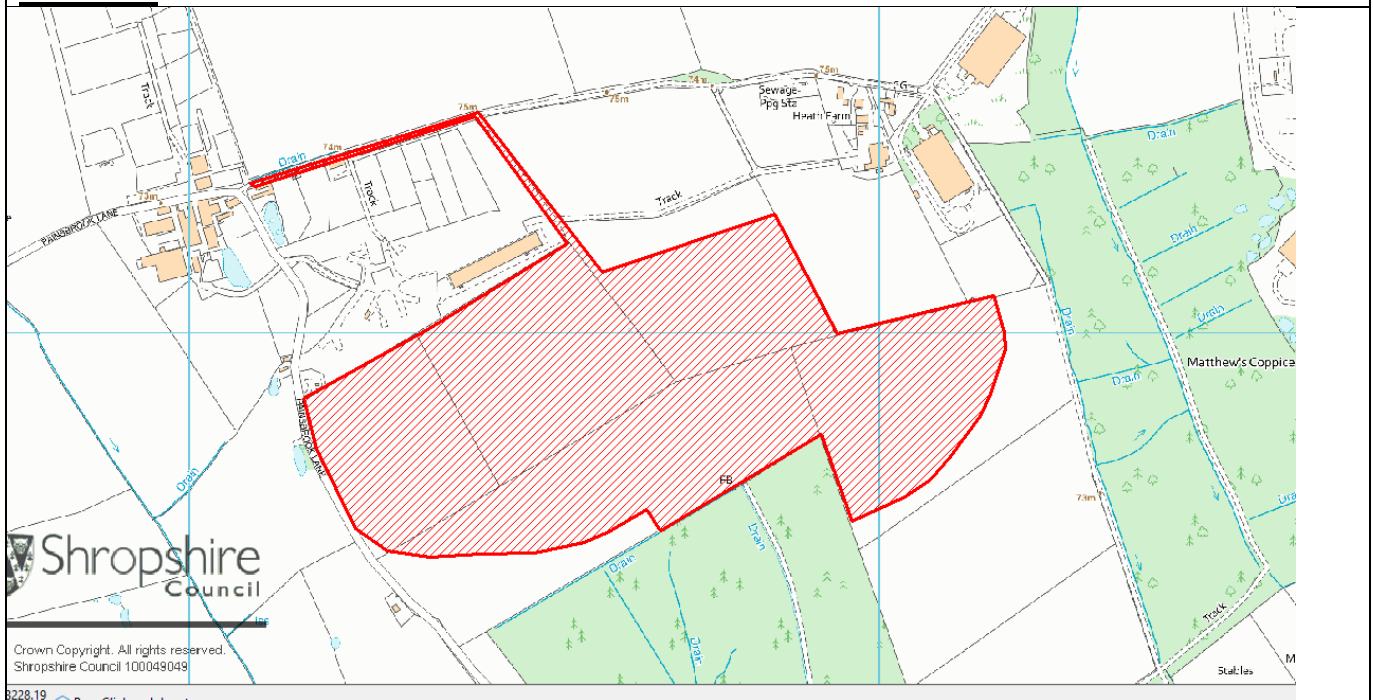
Development Management Report

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

Summary of Application

Application Number: 22/03828/EIA	Parish:	Hadnall
Proposal: Construction of two free range poultry houses with feed bins and ancillary equipment		
Site Address: Painsbrook Farm Painsbrook Lane Hadnall Shrewsbury Shropshire		
Applicant: Mr Brisbourne		
Case Officer: Philip Mullineux	email: philip.mullineux@shropshire.gov.uk	

Grid Ref: 353068 - 321189



Recommendation: Refusal. The application falls short of the requirements of EIA Regulations 2017 in that it has potential to have significant potential direct and indirect adverse impacts on the environment, and insufficient information has been provided in relation to manure management and its disposal. This is considered a by-product of the development and as such the Environmental Statement in support of the application does not meet the requirement of EIA regulations. As such it is considered that the proposal does not comply with Policies CS5, CS6, CS17 and CS18 of the Shropshire Core Strategy, Policies MD2 and MD7b of the SAMDev, the National Planning Policy Framework and the Town and County Planning (Environmental Impact Assessment), Regulations 2017.

REPORT

1.0 THE PROPOSAL

- 1.1 The application is made in 'Full' and proposes erection of two free range poultry houses with eight feed bins, (four alongside each of the two proposed chicken houses), and ancillary equipment on land at Painsbrook Farm, Painsbrook Lane, Hadnall, SY4 4BA
- 1.2 It is accompanied by a site location plan, block plan, elevations and floor plans, plan of heritage assets, ammonia report, ecological assessment, nitrogen calculations and a report termed an 'Environmental Statement'.
- 1.3 Pre-application advice was given in relation to a proposal for an expansion to the existing egg laying unit that forms part of the farming business dated 21st May 2020 and this indicated as the conclusion:

'Whilst on the basis of the information as provided to-date, I consider that the principle of development as indicated could be considered acceptable in principle, the proposal represents substantial development in the open countryside to which careful consideration is required to all the subject issues as identified in this letter. Careful consideration is required to issues as raised and in particular in relation to landscape and ecological mitigation, as well as impacts on residential amenity and public highway access

I also draw your attention to the requirement for an Environmental Statement in accordance with Environmental Impact Assessment Regulations as discussed earlier in this letter.'

- 1.4 In the Council's pre-application advice dated 19th March 2020 cumulatively with the existing development the proposal was considered to be EIA development and therefore would need an Environmental Statement. The existing development does not meet the threshold to be (Schedule one 17(a) threshold being 60,000 places for hens). However the new proposal for a total of 64,000 extra birds meets the threshold in Schedule 1 - 17(a) being in itself a proposal of more than 60,000

birds. In assessing the environmental effects of the development it is necessary to consider the cumulative impact of the development as a whole.

- 1.5 The Environmental Statement submitted in support of the application indicates that the development as proposed is for two new buildings each measuring 120m long x 20m. Height to the ridge level will be 6 metres. The maximum capacity of the proposed new sheds will be 64,000 birds on completion. (32,000 in each of the two proposed chicken units). The laying cycle will be 14 months, plus a turnaround period for de-stocking and cleaning etc. of 14 – 21 days.
- 1.6 Planning approval was granted on 18th March 2019 for 'Erection of free range poultry laying unit (32,000 birds) with 3No. feed bins and ancillary equipment; alterations to existing access' on land close to the application site and this egg laying unit is part of the same agricultural business. (Approval reference 18/04465/FUL).
- 1.7 There were two previous applications on site: (reference 21/03061/FUL), for the erection of two free range poultry houses with feed bins and ancillary equipment *was withdrawn on 22nd September 2021 on Officer advice as the application was considered deficient in information provided and also referred to the incorrect Environmental Impact Assessment Regulations.* The second one (reference 21/05985/EIA was refused on 1st April 2022 owing to insufficient information in support of the application on which basis to make a positive recommendation.
- 1.8 During the current application processing confirmation was submitted that the applicant intends installing air scrubbers on each of the proposed chicken sheds as well as one on the existing shed alongside the site. Each new unit to be supplied with four roof-mounted fans therefore 12 fans in total. Three new air scrubbers (1 to each unit (including 1 for the existing unit). Each air scrubber will have 9 exhaust fans (27 in total)

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is relatively flat and in agricultural use and covers an area of approx.0.95 hectares in accordance with detail as set out on the application form, it classed as Grade 2 land in accordance with the agricultural land classification index and current in either arable use or as ranging in relation to an adjacent unit which will form part of the larger poultry enterprise site to the business concerned, if this application is subsequently approved. The site is situated approx 400 metres south east of Painsbrook Farmstead, being around 1.5km north of the village of Hadnall. There are mature hedgerow boundaries within the vicinity of the application site. Adjacent to the proposed development site is an existing intensive egg laying unit and this is similar in scale and size to the two proposed individual units subject to this application.
- 2.2 Detail as part of the Environmental Statement in support of the application indicates that the construction materials proposed will consist of a steel framed fully insulated building clad externally with profiled steel sheeting coloured by agreement with the Local Authority. The applicant proposes slate blue cladding for the roof, walls and feed bins. An integral part of the design of the development is an effective and appropriate landscaping scheme. The proposed features will screen the development over time, provide additional landscape features which are

sympathetic to the local landscape character and provide additional habitat. It is considered the existing mature native species hedgerows around the field boundaries around the proposed buildings will assist assimilation of the development into the landscape. The applicants will let those hedgerows grow taller. Clean run-off water will be collected via drains to a large french drainage field. It will then percolate into the free draining soil. The drains work very well and can accommodate the proposed buildings. Feed will be stored in steel bins, which will be sited as shown on the Site Layout Plan. Sufficient bins are needed to ensure adequate supply in the event that bad weather prevents deliveries.

2.3 The Environmental Statement in support of the application indicates that the size of the new buildings will be 120metre long x 20metres. Height to the ridge level will be 6 metres. The maximum capacity of the proposed sheds will be 64,000 birds on completion. The laying cycle will be 14 months, plus a turnaround period for de-stocking and cleaning etc. of 14 – 21 days.

3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 The application is considered schedule one development in accordance with EIA Regulations. As such the application requires Committee consideration.

4.0 **Community Representations**

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

4.2 **Consultee Comment**

4.3 **The MOD** have responded indicating:

Thank you for consulting the Ministry of Defence (MOD) on the above proposed development with additional ranging plan and revised information, which was received by this office on 18th January 2023.

The Defence Infrastructure Organisation (DIO) Safeguarding Team represents the Ministry of Defence (MOD) as a consultee in UK planning and energy consenting systems to ensure that development does not compromise or degrade the operation of defence sites such as aerodromes, explosives storage sites, air weapon ranges, and technical sites or training resources such as the Military Low Flying System.

This is an EIA screening report for the construction of two free range poultry houses approx. 6.2m in height with feed bins and ancillary equipment.

The application site occupies the statutory safeguarding zones surrounding RAF Shawbury. In particular, the aerodrome height, technical and birdstrike safeguarding zones surrounding the aerodrome and is approx. 400m from the boundary of RAF Shawbury

After reviewing the application documents, I can confirm the MOD has no safeguarding objections to this proposal.

The MOD must emphasise that the advice provided within this letter is in response to the data and information detailed in the developer's documents titled 'Ranging Plan', 'Revised Noise Impact Assessment' dated December 2022. Any variation of the parameters (which include the location, dimensions, form, and finishing materials) detailed may significantly alter how the development

relates to MOD safeguarding requirements and cause adverse impacts to safeguarded defence assets or capabilities. In the event that any amendment, whether considered material or not by the determining authority, is submitted for approval, the MOD should be consulted and provided with adequate time to carry out assessments and provide a formal response.

4.4 **SC Conservation** have responded indicating:

We have no further comments to make in relation to conservation matters (No objections).

4.5 **SC Drainage** have responded indicating:

The revised block plans do not affect the drainage proposals or our comments dated 7th December 2022 for which we await further details.

An earlier response indicated:

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

Condition:

No development shall take place until a scheme of surface and polluted 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 brought into use.

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

Comment:

The drainage proposals as outlined in the Environmental Statement are generally acceptable. However the completed Surface Water Drainage Proforma suggests that details of how to control the 1% plus CC storm flows are included in the FRA and that other construction details will be dealt with as part of a further application. Infiltration tests and the sizing of the soakaway trenches in accordance with BRE 365 must be submitted for approval together with a detailed drawing showing the control of the dirty water. No specific details are included the FRA or the Environmental Statement but can be dealt with as part of the above planning condition

An earlier response indicated:

1. The Flood Risk Assessment proposes the use of soakaways to drain the proposed development. Although the outline SUDs applicability zone of the site according to Shropshire Council's records is infiltration, full infiltration tests data and associated calculations must accompany the BRE 365 soakaway design

calculations.

2. To fully develop the surface and foul water designs to satisfy the LLFA's requirements, reference should be made to Shropshire Council's SuDS Handbook which can be found on the website at <https://shropshire.gov.uk/drainage-and-flooding/development-responsibility-and-maintenance/sustainable-drainage-systems-handbook/>

The Appendix A1 - Surface Water Drainage Proforma for Major Developments must also be completed and submitted with the application

4.6 **SC Trees** have responded indicating:

As no trees or hedges are directly affected a Tree Report is not required. I have no arboricultural comments and defer to SC Ecology and Landscape Consultant on these matters.

4.7 **SC Landscape Consultant** has responded in conclusion indicating:

Other than the omission of the approach to cumulative landscape and visual effects, the methodology for the LVIA is appropriate for the nature of the proposed development and scale of likely effects, and has been prepared in compliance with GLVIA3 and relevant supporting Technical Guidance. We consider that the findings may be relied on to make a sound planning judgement.

All predicted effects are adverse or no change, apart from one predicted beneficial effect on the landscape fabric of the site once mitigation is in place and effective. Significant adverse effects are predicted on the landscape character of the site during the operational phase of the proposed development.

The proposal site has the potential to accommodate a development of this nature given the vegetation in the vicinity which act to limit visibility to the majority of visual receptors away from the immediate vicinity of the site, and the baseline presence of the existing poultry unit. Mitigation measures have the potential to reduce the level of adverse effects and provide beneficial landscape and biodiversity effects. We consider that, although long term adverse effects are predicted, these are not at an unacceptable level and should not prevent the proposals from complying with the Council's Local Plan policies on landscape and visual amenity, particularly given the presence of existing poultry units.

We recommend that, should the application be approved, a condition be imposed requiring the submission of full landscape details and a maintenance and management plan, with suggested wording as follows:

- No development shall take place until a detailed hard and soft landscape scheme for the whole site has been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. The details shall include: Plant species, sizes, numbers and

densities, method of cultivation and planting, means of protection and programme for implementation. This is for all grassed areas, tree, shrub, and hedgerow planting

- No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. The maintenance shall be carried out in accordance with the approved schedule. The maintenance schedule shall include for the replacement of any plant (including trees and hedgerow plants) that is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective. The replacement shall be another plant of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation

4.8 **SC Ecology** have responded indicating:

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

COMMENTS

Since my previous comments of 20 December 2022, revised drawings have been submitted showing scrubbing units fitted to each of the two new buildings and one added to the existing poultry unit. There is also now a holding water tank shown for the existing building scrubber, which would be shared with one of the proposed buildings.

With regards to ranging areas, the ammonia and odour report have been amended to show ranging areas in accordance with where the pop holes are to be located.

Ammonia emissions and nitrogen deposition upon sensitive sites has been assessed in 'A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Existing and Proposed Free Range Egg Laying Chicken Houses and the Impact of Proposed Mitigation Measures at Painsbrook Farm, Painsbrook Lane, near Hadnall in Shropshire' by AS Modelling & Data, dated 27th July 2022 (submitted 23 January 2023).

The following BAT* measures are proposed:

- Ammonia scrubber retro-fitted to the existing free range egg building at Painsbrook Farm
- Ammonia scrubbers fitted on the two proposed free range egg buildings at Painsbrook Farm

*BAT = Best Available Techniques

Information from the air quality report regarding existing and proposed ammonia emissions and nitrogen deposition upon designated sites is shown below.

HENCOTT POOL RAMSAR/SSSI

Existing Process Contribution % of Critical Level: 0.12%

Proposed* Process Contribution % of Critical Level: 0.19%

Difference in Critical Level between existing and proposed: 0.0007 ug/m³

Existing Process Contribution % of Critical Load: 0.1%

Proposed* Process Contribution % of Critical Load: 0.15%

Difference in Critical Load between existing and proposed: 0.005 kg/ha

FENEMERE RAMSAR/SSSI

Existing Process Contribution % of Critical Level: 0.04%

Proposed* Process Contribution % of Critical Level: 0.05%

Difference in Critical Level between existing and proposed: 0.00036 ug/m³

Existing Process Contribution % of Critical Load: 0.09%

Proposed* Process Contribution % of Critical Load: 0.12%

Difference in Critical Load between existing and proposed: 0.003 kg/ha

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

The modelling shows that the proposal will result in small increases in the existing ammonia and nitrogen process contributions at the above designated sites, however, these increases are below all the JNCC de minimus thresholds, therefore they are deemed to be so small as to be insignificant, and do not require to be assessed in-combination with any other projects emitting ammonia or depositing nitrogen.

Landscaping includes additional native tree and species-rich native hedgerow planting which is welcomed. The Landscape and Biodiversity Enhancement and Management Proposals report by H:B:A Environment dated November 2021 and Drawing no. HBA 01 should be read in conjunction with each other and be approved documents.

Recommendations contained within the EclA by Churton Ecology dated 9 May 2021 regarding the fencing of hedgerows (a priority UK habitat) are not shown on any plans and therefore a condition is recommended to ensure appropriate fencing is erected in accordance to protect these important features.

RECOMMENDED CONDITIONS

Prior to the commencement of the development a scheme shall be submitted in writing detailing 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 the time without the use of air scrubbing unit is minimised. The poultry rearing operation shall be undertaken in accordance with the approved scheme.

Reason: to mitigate adverse impact on biodiversity from ammonia emissions consistent with the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Policy MD12 and the policies of the National Planning Policy Framework

No birds shall be brought to any of the egg laying units hereby permitted, or to the existing egg laying unit, unless the associated air scrubbing unit is in effective working order.

Reason: To prevent adverse impact on biodiversity from ammonia emissions consistent with the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Policy MD12 and the policies of the National Planning Policy Framework.

Prior to first beneficial use of the development, evidence (prepared by a suitably qualified industry professional) shall be submitted to the LPA to confirm that the air scrubbers detailed in 'A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Existing and Proposed Free Range Egg Laying Chicken Houses and the Impact of Proposed Mitigation Measures at Painsbrook Farm, Painsbrook Lane, near Hadnall in Shropshire' by AS Modelling & Data, dated 27th July 2022 (submitted 23 January 2023), the 'Environmental Statement' by Halls dated September 2022 and shown on drawing number HPJ10707-202 Rev. D have been installed and are fit for purpose. The air scrubbers shall be maintained and operated thereafter, in accordance with the manufacturer's instruction for the lifetime of the development.

Reason: To prevent adverse impact on biodiversity from ammonia emissions consistent with the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Policy MD12 and the policies of the National Planning Policy Framework.

The poultry laying units hereby approved shall be limited to occupation by 64,000 birds.

Reason: To ensure that the restriction on the maximum number of birds to be kept in the buildings at any one time can be satisfactorily enforced, in order to prevent adverse impact on biodiversity from ammonia emissions consistent with the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Policy MD12 and the policies of the National Planning Policy Framework.

Prior to first use of the development, a plan showing the location, extent and specification for fencing of hedgerows as detailed in section 5.1.1 of the Ecological

Impact Assessment by Churton Ecology dated 9 May 2021 has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.

Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and section 174 of the NPPF.

INFORMATIVE

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.

4.9 **SC Archaeology Manager** has responded indicating;

We have no comments to make on this application with respect to archaeological matters

4.10 **SC Highways** have responded to the application indicating:

No objection – subject to the development being constructed in accordance with the approved details and the following conditions and informative notes.

Conditions:

Passing Place

No development shall take place until the passing place as detailed on Passing Bay Information Drawing no. HPJ10707-206 has been fully implemented and completed in accordance with the approved details and thereafter be kept clear and maintained at all times for that purpose.

Reason: To ensure that the development should not prejudice the free flow of traffic and conditions of safety on the highway nor cause inconvenience to other highway users.

Access, Parking, Loading, Unloading and Turning

The development hereby permitted shall not be brought into use until the areas

shown on the approved Site Plan Drawing No. HPJ10707-202 Rev B for the access parking, loading, unloading, and turning of vehicles has been provided properly laid out, hard surfaced and drained. The space shall be maintained thereafter free of any impediment to its designated use.

Reason: To ensure the provision of adequate vehicular facilities, to avoid congestion on adjoining roads and to protect the amenities of the area.

Observations/Comments:

Further to the Highway Advice Note dated 07.11.2022, additional and revised details have been published. The highway matters previously raised in terms of the traffic information and passing bay details have now been forwarded.

The additional poultry houses will result in an increase in vehicular traffic to the site mainly HGV, tractor and trailer movements in connection with manure removal, additional feed deliveries and bird collection at the end of the 14 month cycle. It is considered that the increase in traffic is unlikely to result in such adverse conditions in capacity terms to sustain a highway objection purely on safety. The collection of the birds however results in a tidal flow of HGV traffic whilst the increased manure removal and feed delivery movements further increases the potential of vehicles meeting one another along the lane.

In connection with the earlier application priority was given to providing a passing place within the initial section of the lane just to the east of its junction with the A49. The current application has proposed a further passing place to help mitigate against inconvenience of traffic meeting one another. The proposed additional passing bay to the east of the 'double bend' should elevate the need for an HGV to reverse back at this point and further aid movement along the lane both in connection with the proposed development and for all road users.

Based upon the information contained within the submitted information and proposed highway works it is considered that, subject to the conditions listed above being included on any approval, there are no sustainable Highway grounds upon which to base an objection.

The proposed passing bay works will however need to be covered by an appropriate highways agreement/license with Shropshire Council as the Highway Authority and attention is drawn to the following informative notes.

Informative notes:

Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

- construct any means of access over the publicly maintained highway (footway or

verge) or

- carry out any works within the publicly maintained highway, or
- authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or
- undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

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

<https://www.shropshire.gov.uk/roads-and-highways/road-network-management/application-forms-and-charges/>

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

Mud on highway

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

An earlier response indicated:

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:

- Transport Statement. Information should be forwarded in respect of all vehicular trips and types generated by the current poultry building and users of Painsbrook Lane, updated from the earlier development. The number of anticipated trips and types as a result of the proposed development. The distribution pattern for the vehicular movements identified by the statement, describing peak flows and the cyclical nature of the operation.
- It would seem that further consideration has been given to increasing the number of passing places along the lane by improving an existing opportunity to the east of the tight bends. The information given on the current drawing no. HPJ10707-205 Rev A appears to attempt to replicate the earlier approved drawing no. HP-J996_006 Rev B (19/01978/DIS) in discharging condition 4 of consent 18/04465/FUL. The overall width of the carriageway (existing carriageway and widening) should be a minimum of 6 metres and the construction information appears to have been truncated with no information given in terms of the tie-in or drainage of the passing place.

Informative notes:

Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

- construct any means of access over the publicly maintained highway (footway or verge) or
- carry out any works within the publicly maintained highway, or
- authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or
- undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

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

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

Mud on highway

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

No drainage to discharge to highway

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

4.11 **Shropshire Fire and Rescue Service** have responded indicating:

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

4.12 **SC Public Protection** have responded indicating:

Environmental Protection has reviewed the additional technical note on noise and has the following comments:

The cumulative impact of the additional plant (air scrubbers) has been assessed and indicates that the plant noise associated with the proposal is not likely to have a significant noise impact on surrounding properties.

Predicted L_{Amax} levels associated with night time HGV movements passing

residential properties on the access route, have not been provided in the technical note. In the absence of this it is fair to assume that the noise levels and the frequency of movements during bird removal would be such that it is likely to cause sleep disturbance even with windows shut. Where internal LAFmax levels exceed 45dB more than 10 times a night this is likely to cause sleep disturbance. The existing sheds result in 6 HGV pass by's each night during bird removal whereas the additional sheds will result in 18 HGV pass by's each night.

Therefore on the nights when the birds are being removed it is likely to result in sleep disturbance at the properties close to the access route, nonetheless, as the technical note highlights this will only occur on 2 nights every 14 months (assuming all sheds are in sync and cleared at the same time). Whilst the impact is infrequent it is something the planning officer should be aware of when considering any cumulative impacts and determining the application

An earlier response indicated:

Environmental Protection has reviewed the noise and odour reports and has the following comments: Noise The cumulative impact of all the fans running at the same time needs to be assessed. Please could the noise consultant confirm whether the calculated specific level detailed in Table 8 relates to the cumulative impact of all fans running at the same time. During bird removal there will be 18 HGVs equating to 36 vehicle movements spread over 2 nights. The noise assessment report has assessed the noise impact from vehicles within the proposed development site but has not considered the noise impact as the HGVs pass residential properties on the way into the site. When these vehicles access and leave the site via Painsbrook Lane they will pass within approximately 10m of two residential properties. The noise levels of HGVs passing these properties has not been considered, in particular the LAmax levels which have potential to cause sleep disturbance. Odour Manure management Previous appeals found that moving the spreading of manure to a third party for spreading would be considered to be an indirect impact of a poultry application requiring consideration by the planning regime. Hence I would recommend that an appropriate manure management plan is required or an agreement that the applicant will only provide manure to those that agree with the applicant to spread manure in line with the DEFRA Code of Good Agricultural Practise Protecting our Soil, Water and Air. It would be advised that this aspect should be conditioned to ensure that the planning regime offers reasonable security of this aspect having a low impact. Environmental Permit The proposal is for two sheds housing 64,000 birds in addition to the existing 32,000 bird unit approved in 2019. As such the development will require an environmental permit issued and regulated by the Environment Agency prior to operation. It is advised that the Environment Agency is consulted on this application and the applicant is recommended to place an application for the environmental permit in tandem with this planning application in order to ensure that both control regimes are aligned and that any conditions placed on each do not conflict with the

other causing further application to be made which are likely to cost the applicant time and money

4.13 **Public Comments**

4.14 Three letters of objections have been received from members of the public. key planning issues raised can be summarised as follows:

- Concerns with regards to waste generated on site and its disposal.
- Odour from the existing site is a concern.
- Public highway access road to the site is badly maintained.
- Manure storage and spreading. .

5.0 **THE MAIN ISSUES**

- Principle of development and EIA procedure.
- Siting, scale landscape and historic impact.
- Drainage
- Public highway and transportation
- Ecology
- Residential amenity

6.0 **OFFICER APPRAISAL**

6.1 **Principle of development**

- 6.1.1 The National Planning Policy Framework (NPPF) advises that the purpose of the planning system is to contribute to achieving sustainable development and establishes a presumption in favour of sustainable development (para. 7). One of its core planning principles is to proactively drive and support sustainable economic development. Sustainable development has three dimensions – social, environment, and economic. The NPPF also promotes a strong and prosperous rural economy, supports the sustainable growth and expansion of all types of business and enterprises, in rural areas, and promotes the development of agricultural businesses (para. 84). The NPPF states that the planning system should contribute to and enhance the natural and local environment (para. 174) and ensure that the effects (including cumulative effects) of pollution on health, the natural environment or general amenity should be taken into account (para. 185).
- 6.1.2 Core Strategy Policy CS5 states that development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to specified proposals including: agricultural related development. It states that proposals for large scale new development will be required to demonstrate that there are no unacceptable adverse environmental impacts. Whilst the Core Strategy aims to provide general support for the land based sector, it states that larger scale agricultural related development including poultry units, can have significant impacts and will not be appropriate in all rural locations (para. 4.74).
- 6.1.3 Policy CS13 seeks the delivery of sustainable economic growth and prosperous communities. In rural areas it says that particular emphasis will be placed on recognising the continued importance of farming for food production and supporting

rural enterprise and diversification of the economy, in particular areas of economic activity associated with industry such as agriculture.

6.1.4 The above policies indicate that there is strong national and local policy support for development of agricultural businesses which can provide employment to support the rural economy and improve the viability of the applicant's existing farming business. In principle therefore it is considered that the provision of an extension to the existing farming business egg laying unit can be given planning consideration in support. Policies recognise that poultry units can have significant impacts, and seek to protect local amenity and environmental assets.

6.1.5 **Environmental Impact Assessment**

6.1.6 The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 specify that Environmental Impact Assessment (EIA) is mandatory for proposed development involving the intensive rearing of poultry where the number of egg laying birds is 60,000 or more. As such the current proposal is classed as schedule 1: 17(a) EIA development. (60,000 places for hens). An adequate Environmental statement in support of such an application is therefore essential. Whilst the proposal also falls into the remit of Schedule 2 EIA Development criteria (Schedule 2 1(c) – Agriculture and aquaculture and intensive livestock installations, as area of floor space exceeds 500 square metres). The fact that the number of birds on site is to be 64,000 means that Schedule 1 development procedure prevails. This is also irrespective of the existing birds in the existing building adjacent to the site and pre-application advice in relation to the proposal for development on site which was in relation to 24,000 birds in each shed. (48,000).

6.1.7 It is noted detail as set out in the applicants Environmental Statement submitted in support of the application refers to the statement having been prepared in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 (hereafter referred to as the Regulations).

6.2 **Siting, scale, landscape and historic impacts.**

6.2.1 Paragraph 195 of the NPPF indicates that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal, (including by development affecting the setting of a heritage asset), taking account of the available evidence and any necessary expertise. The proposal therefore has to be considered against Shropshire Council policies CS6 and CS17 and with national policies and guidance including PPS5 Historic Environment Planning Practice Guide and section 16 of the National Planning Policy Framework (NPPF). Special regard has to be given to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses as required by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

6.2.2 As indicated in paragraph 2.3 above the size of the two new poultry housing buildings will be 120 metre long x 20 metres. Height to the ridge level will be 6 metres. The construction materials proposed will consist of a steel framed fully insulated building clad externally with profiled steel, to which detail in the applicants Environmental Statement indicates that external construction sheeting will be

coloured by agreement with the Local Authority. The applicant has indicated a preference for slate blue cladding for the roof, walls and feed bins. This is considered acceptable and if the Council are mindful to approve the application it is considered necessary to attach a condition to any approval notice to reflect this.

- 6.2.3 It is noted in relation to the historic environment, the Council's Conservation Manager raises no objections as it is considered the proposal will not have any detrimental impact on the surrounding historic environment. These conclusions are shared and with adequate consideration to landscape and visual impact matters, impacts on the historic built environment it is considered will be acceptable.
- 6.2.4 As part of the Environmental Statement a landscape and visual impact assessment has been submitted and this concludes that there would be a significant adverse effect on the character of the site landscape during the operational phase of the proposed development due to the presence of poultry units 2 and 3. However, there would not be any significant adverse effects on the landscape fabric of the site, on the character of the surrounding landscapes or on the visual amenity of receptors in the study area during the construction and operational phases of the proposed development due to the degree of screening provided by the abundance of existing vegetation on and around the site and the separation distances between the proposed development and the residential properties, public rights of way, visitor venues and roads in the study area. Furthermore, as the woodland, hedgerow and tree planting proposed in the landscape and biodiversity enhancement and management plan establishes, this would bring about long-term beneficial effects on the character of the site and surrounding landscapes which would help to offset the predicted significant effects on the character of the site landscape during the operational phase.
- 6.2.5 The Council's Landscape Consultant has responded to the application indicating that they consider the applicants Landscape and Visual Impact Assessment can be relied upon to make a sound planning judgement. Whilst it is considered all predicted effects are adverse or no change, apart from one predicted beneficial effect on the landscape fabric of the site once mitigation is in place and effective. Significant adverse effects are predicted on the landscape character of the site during the operational phase of the proposed development, however it is considered that the proposal site has the potential to accommodate a development of this nature given the vegetation in the vicinity which will act to limit visibility to the majority of visual receptors away from the immediate vicinity of the site, and the baseline presence of the existing poultry unit. Mitigation measures do have the potential to reduce the level of adverse effects and provide beneficial landscape and biodiversity effects. It is considered that, although long term adverse effects are predicted, these are not at an unacceptable level given the rural location and surrounding topography and should not prevent the proposals from complying with the Council's Local Plan policies on landscape and visual amenity, consideration has been given to the presence of the existing poultry units.
- 6.2.6 As such on balance with appropriately worded conditions in respect of external construction colouring, landscaping in relation to the whole of the site and a landscape maintenance scheme attached to any approval notice, if the Council are

mindful to approve the application, in relation to scale, landscape and visual impact and the historic environment, the application is considered acceptable and in accordance with Policies CS6 and CS17 of the Shropshire Core Strategy, Policies MD2, MD12 and MD13 of the SAMDev and the National Planning Policy Framework on these matters.

6.3 **Drainage**

- 6.3.1 The NPPF and policy CS18 of the Shropshire Core Strategy require consideration to be given to the potential flood risk of development. It is noted that the application site is in flood zone 1 in accordance with the EA flood risk data maps. (lowest risk),
- 6.3.2 A flood risk assessment forms part of the applicants Environmental Statement in support of the application and this indicates that the whole of the site falls within Flood Zone 1 for rivers and has only small pockets of potential standing water from surface water run-off and subject to satisfactory surface water drainage to the site proposals there will be no flood risk to the site or any other properties. Appropriately designed soakaways will be used for the building as suitable porosity is available. The soakaways will be stone trench with one provided for each quarter of the proposed poultry unit. The soakaways will be stone trench with 30% voids. All exceedance flows and flows for the 1 in 100-year event will dissipate to land surrounding the poultry unit and within the applicant's lands. The ground has suitable porosity and as such exceedance flows will dissipate to ground. Following the construction of the development and installation of the soakaways there will be no residual flood risks with the site or any property beyond. The drainage proposals are appropriate for the development and sufficient land will allow exceedance flows to flow away from the units and drain to farmland.
- 6.3.3 The Council's Drainage Manager has responded to the application raising some concerns, however indicating in principle with an appropriately worded condition in relation to a scheme of surface and polluted water drainage attached to any approval notice that the development is acceptable. The response indicates that the drainage proposals as outlined in the Environmental Statement are generally acceptable. However the completed Surface Water Drainage Proforma suggests that details of how to control the 1% plus CC storm flows are included in the flood risk assessment and that other construction details will be dealt with as part of a further application. Infiltration tests and the sizing of the soakaway trenches in accordance with BRE 365 must be submitted for approval together with a detailed drawing showing the control of the dirty water. No specific details are included, the FRA or the Environmental Statement but can be dealt with as part of the above referred to planning condition.
- 6.3.4 On balance with consideration to overall detail in support of the application on drainage matters and site observations, it is considered that with an appropriately worded condition that the development could be acceptable and in accordance with Policies CS6 and CS18 of the Shropshire Core Strategy, Policy MD2 of the SAMDev and the NPPF on drainage matters.

6.4 **Public highways and transportation**

6.4.1 The applicants Environmental Statement includes a section on transportation and vehicle movements in relation to the site. The following table is taken from the environmental statement and refers to all vehicle movements in relation to the egg laying business as existing and proposed.

Proposed vehicle movements in relation to the existing and proposed.

Purpose of Movement	Vehicle	Frequency with one shed	Frequency with three sheds.	Extra movements
Feed delivery	HGV	1 in and out per week (52 per year)	3 in and out per week (156 per year)	2 in per week 2 out per week
Egg Collection	Artic/HGV	Every 3 days (104 per year)	No change (104 per year)	none
Staff	Car	1 in and out per day (365 per year)	2 in, 2 out per day (730 per year)	1 extra per day
Manure removal	Tractor and trailer	2 loads per week (104 per year)	6 loads per week (312 per year)	4 loads per week in and out
Bird removal	HGV	6 artics every 14 months (5.14 per year)	18 artics every 14 months (15 per year)	0.14 per week
TOTAL		630 in per year 630 out per year 12.11 Per Week	1317 in per year 1317 out per year 25.33 in and out Per Week	687 in per year 13.21 in per week

The applicants transportation statement indicates that the current total number of vehicle movements relating to the poultry enterprise per year is 630 out of 13,461. The increase in vehicle movements per year due to the expansion in the poultry enterprise is 687 per year in and 687 per year out. The vast majority of vehicles using Painsbrook Lane are cars during normal working hours. HGV usage is very low on a daily basis (0.7 in per day). When Painsbrook had a dairy herd there was a milk tanker every day. Car journeys to Painsbrook are spread throughout the week. Visitors to the farm's stables are very early in the morning and before the riding school opens. The riding school's busiest time is when the farm shop is closed. The increase in car movements along Painsbrook Lane on an annual basis due to the proposed use is 365 in and out (each) being 2.8% which is considered negligible. The increase in Lorry/HGV's number is 111 per year in and out (each), which equates to 0.31 in and 0.31 out per day.

- 6.4.2 Painsbrook Lane which leads to the site from the A49 public highway has had improvements carried out as a result of the previous approval for an egg laying unit which is located alongside the proposed development site.
- 6.4.3 The SC Highways Manager has responded to the application indicating that it is considered that the increase in traffic is unlikely to result in such adverse conditions in capacity terms to sustain a highway objection, purely on safety. The collection of the birds however results in a tidal flow of HGV traffic whilst the increased manure removal and feed delivery movements further increases the potential of vehicles meeting one another along the lane. In connection with the previous approval priority was given to providing a passing place within the initial section of the lane just to the east of its junction with the A49. The current application has proposed a further passing place to help mitigate against inconvenience of traffic meeting one another. The proposed additional passing bay to the east of the 'double bend' should elevate the need for an HGV to reverse back at this point and further aid movement along the lane both in connection with the proposed development and for all road users. Based upon the information contained within the submitted information and proposed highway works it is considered that, subject to conditions with regards to construction of an additional passing place on Painsbrook Lane and on site access, parking, loading, unloading and turning attached to any approval notice subsequently issued that on public highways and transportation the application is acceptable.
- 6.4.4 On public highway and transportation issues the application is considered to comply with the requirements of policy CS6 of the Shropshire Core Strategy and Policy MD2 of the SAMDev and the considerations of the National Planning Policy Framework on this matter,
- 6.5 **Ecology**
- 6.5.1 The NPPF and policy CS17 of the Shropshire Core Strategy require consideration to be given to the impact of the proposed development on the natural environment. This particularly relates to the impact on statutorily protected species and habitats. Therefore the application has been considered by the Council's Ecologist and Natural England.
- 6.5.2 The NPPF in paragraph 174 indicates: The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures
- 6.5.3 Paragraph 179 indicates: To minimise impacts on biodiversity and geo-diversity, planning policies should promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan.
- 6.5.4 The SAMDev Plan policy MD12 states: In accordance with Policies CS6, CS17 and through applying the guidance in the Natural Environment SPD, the avoidance of harm to Shropshire's natural assets and their conservation, enhancement and

restoration will be achieved by:

Ensuring that proposals which are likely to have a significant adverse effect, directly, indirectly or cumulatively, on any of the following:

- i. the special qualities of the Shropshire Hills AONB;
- ii. locally designated biodiversity and geological sites;
- iii. priority species;
- iv. priority habitats
- v. important woodlands, trees and hedges;
- vi. ecological networks
- vii. geological assets;
- viii. visual amenity;
- ix. landscape character and local distinctiveness.

will only be permitted if it can be clearly demonstrated that:

a) there is no satisfactory alternative means of avoiding such impacts through redesign

or by re-locating on an alternative site and;

b) the social or economic benefits of the proposal outweigh the harm to the asset.

In all cases, a hierarchy of mitigation then compensation measures will be sought

6.5.5 The Environmental statement in support of the application includes reference to an ecology assessment which assesses surrounding biodiversity and recommends further enhancements such as native tree and hedgerow plantings.

- 6.5.6 SC Ecology have responded to the application indicating no objections subject to conditions being attached to any approval notice subsequently issued. The response welcomes the installation on site of air scrubbing units fitted to each of the two new buildings and one added to the existing poultry unit adjacent to the new build site. (To consume, treat and process ammonia released from birds within the buildings, before it escapes into the atmosphere). The response also refers to a holding water tank shown for the existing building scrubber, which would be shared with one of the proposed new buildings. With regards to ranging areas, the ammonia and odour report have been amended to show ranging areas in accordance with where the pop holes are to be located. Ammonia emissions and nitrogen deposition upon sensitive sites has been assessed in a report on the Modelling of the Dispersion and Deposition of Ammonia from the existing and proposed free range egg laying chicken houses and the impact of proposed mitigation measures at Painsbrook Farm, by AS Modelling & Data, dated 27th July 2022 (submitted 23 January 2023). The following BAT measures are proposed: ammonia scrubber retro-fitted to the existing free range egg building at Painsbrook Farm, ammonia scrubbers fitted on the two proposed free range egg buildings at Painsbrook Farm. Landscaping includes additional native tree and species-rich native hedgerow planting which is welcomed. Recommendations contained within the EclA by Churton Ecology dated 9 May 2021 regarding the fencing of hedgerows (a priority UK habitat) are not shown on any plans and therefore the SC Ecology response recommends a condition to be attached to any approval notice subsequently issued in order to ensure appropriate fencing is erected in accordance to protect these necessary and important features. The response from

SC Ecology also recommends conditions to any approval notice with regards to installation operation and maintenance of the air scrubbers.

- 6.5.6 Following Stage 1 screening, Shropshire Council has concluded that the proposed development is likely to cause significant effects on the Midlands Meres and Mosses Phase 1 and 2 Ramsar through the listed pathways detailed in the Habitats Regulations Assessment,(HRA). Shropshire Council Ecology has carried out an appropriate assessment of the project, considering further information as received. The Assessment concludes that with the imposition of mitigation measures as detailed in this HRA, the proposed works under planning application reference 22/03828/EIA will not adversely affect the integrity of the Midlands Meres and Mosses Phase 1 or 2 Ramsar.
- 6.5.7 In consideration of the comments received from SC Ecology, detail in relation to ecology and biodiversity matters is considered acceptable as per the above - mentioned discussion with the inclusion of conditions to any approval notice issued, in relation to the air scrubbers and hedgerow fencing as discussed. It is noted that the SC Tree Manager raises no objections. As such the application is considered to comply with Policies CS6 and CS17 of the Shropshire Core Strategy, Policies MD2, MD7b and MD12 of the SAMDev and the NPPF in relation to biodiversity issues.
- 6.6 **Residential amenity and manure management**
- 6.6.1 The proposed development indicates the total number of additional birds as 64,000. This is above the threshold (40,000) for regulation of poultry farming under the Environmental Permitting, (EP), (England and Wales) Regulations (EPR) 2010 and as such the site will be subject to a permit issued and monitored by the Environment Agency. The usual statutory nuisance legislation in relation to these matters as applied by the Council's Regulatory Services is of course still relevant.
- 6.6.2 The applicants Environmental Statement in support of the application indicates that the nearest dwellings to the proposed two poultry sheds are 144 Painsbrook Lane at 330 metres, (owned by the applicants), Heath Farm, The Heath and The Granary, The Heath, both located some 350 metres from the proposed poultry sheds.
- 6.6.3 An odour report forms part of the applicants Environmental Statement and this was carried out in accordance with predicted maximum annual 98th percentile hourly mean odour concentrations at the discrete receptors and concluded that odour emission rates from the existing and proposed poultry houses have been assessed and quantified based upon an emissions model that takes into account the likely internal odour concentrations and ventilation rates. The odour emission rates so obtained have then been used as inputs to an atmospheric dispersion model which calculates odour exposure levels in the surrounding area. The modelling predicts that: at all residential receptors considered, odour levels would be below the Environment Agency's benchmark for moderately offensive odours.
- 6.6.4 Also accompanying the application is an updated noise assessment, this has been produced to update the original noise impact assessment based on updated information to the proposed scheme, in order to address comments raised by the Local Authority. As assessment has been undertaken based on the proposed noise

generating components, and this includes reference to the air scrubbers and their associated fans. The results of the assessment show, whilst considering the context of the assessment (as required by BS 4142:2014) it is deemed that the proposed development will not result in an adverse impact at the noise sensitive receptors. In terms of the increase in traffic movements due to the proposed development. An assessment of noise associated with the HGVs along Painsbrook Lane during the bird removal stage is not considered appropriate as bird removal happens over two nights every 14 months, so it is not a regular occurrence and already occurs for the existing shed. Based on the assessment, it is considered unlikely that the proposed development will result in an adverse noise impact. The applicants noise expert has further clarified that where internal LAFmax levels exceed 45dB more than 10 times a night this is likely to cause sleep disturbance is over-simplistic and if implemented by the Council would shut down the public roads network through much of Shropshire. The issue is much more complicated of course and for this reason the latest (2014) version of British Standard removed 45 dB LAMax as a guideline value for bedrooms at night. The reference to 10 times per night appears to come from the document ProPG which is a non-mandatory guidance document for assessing sites for new housing. This suggested that noise from individual events should not exceed 45 dB LAMax more than 10 times. But this was as a practical guideline for designing new housing where it reasonable to ensure that effects on sleep would be negligible. In planning terms it was set at the Lowest Observed Adverse Effect Level for new buildings. Note Effects on sleep at 45 dB LAMax does not necessarily mean people getting woken up or awakening. Merely that a change in sleep patterns can be observed for participants in lab studies. Generally much higher levels are required to cause awakenings. Furthermore the guideline would apply to regular events rather than one night which occur less than once a year as sleep deprivation is cumulative. The ProPG was not meant to assess the effect of vehicle movements on public roads. Further guidance on max noise levels and sleep was however provided in the Appendix A of the document which quotes from a variety of research papers. For example a study relating to heavy goods vehicles found that: The subjects were exposed to 4, 8, 16 and 64 heavy vehicle pass-bys at both 50 and 60 dB LAMax. The results for the higher (60 dB LAMax) noise level pass-bys showed decreases in the quality of sleep for both 16 and 64 events but there was only a marked deterioration in the reported quality of sleep when subjects were exposed to 64 of the lower noise events (50 dB LAMax). It is accepted that there could be some disturbance but this would be very infrequent and people living close to public roads will obviously be used to some traffic noise.

- 6.6.3 The Council's Regulatory Services in response to the application has indicated that the cumulative impact of the additional plant (air scrubbers) has been assessed and indicates that the plant noise associated with the proposal is not likely to have a significant noise impact on surrounding properties. Predicted LAMax levels associated with night time HGV movements passing residential properties on the access route, have not been provided in the technical note. In the absence of this it is fair to assume that the noise levels and the frequency of movements during bird

removal would be such that it is likely to cause sleep disturbance even with windows shut. Where internal LAFmax levels exceed 45dB more than 10 times a night this is likely to cause sleep disturbance. The existing sheds result in 6 HGV pass-bys each night during bird removal whereas the additional sheds will result in 18 HGV pass-bys each night. Therefore on the nights when the birds are being removed it is likely to result in sleep disturbance at the properties close to the access route, nonetheless, as the technical note highlights this will only occur on 2 nights every 14 months (assuming all sheds are in sync and cleared at the same time). Whilst the impact is infrequent it is something the planning officer should be aware of when considering any cumulative impacts and determining the application.

- 6.6.4 Based on information submitted by the applicants, the Council's Regulatory Services consider odour on site as acceptable and noise generated by the proposed air scrubbers to be to an acceptable level and therefore these will have no detrimental impact on residential amenity. Whilst there will potentially be an impact from road noise and in particular during the bird removal stage, it is noted this only occurs over two nights every 14 months as outlined in paragraph 6.6.3 above. Feed deliveries can also be potentially a noisy activity whilst the feed is being transferred from the feed lorry into the feed silo. This aspect of the development it is recommended is conditioned so as feed deliveries are only delivered to the site during day time hours.
- 6.6.5 Manure disposal and spreading can also have impacts on amenity. Pre-application advice given by the Council in relation to this proposal referred to the need for adequate consideration to manure management
- 6.6.6 Chapter 9 of the Environmental Statement indicates that manure produced on site will be exported to local arable farms. The manure that will be produced on site is a by-product of the proposed operation and any environmental impacts of its storage, management and spreading are an indirect effect which will need to be assessed as part of the EIA. The applicant will require the recipient to ensure they comply with relevant storage and spreading codes of Good Practise. The farm has a manure store with concrete floor which can be used if necessary to hold manure before it is exported. DEFRA NVZ regulations allow some types of solid manure (including poultry manure) to be stored in temporary field heaps. Temporary storage sites will be compliant with the Codes of Good Agricultural Practice for the Protection of Air, Soil and Water. Records will be kept with details of dates and quantities of manure removed and its destination/recipient.
- 6.6.7 Further information in support of the application indicates that manure generated on site will be transferred to Gamber Logistics Ltd who have agreed to purchase the additional poultry manure from the proposed new development. Detail indicates that Gamber Logistics Ltd handles in excess of 80,000 tonnes of poultry manure each year, covering poultry sites throughout Wales, Central and Southern England. Litter that they handle is sold to farms as a replacement for artificial fertiliser, as a feedstock to anaerobic digesters, processed as part of the mushroom compost production business and that they are also involved in doing trial work with a company, investigating it's use as a fuel for biomass burners producing electricity. The litter is sold by FACTS qualified advisors who are

authorised to give nutrient management advice as well as ensuring that all compliance issues associated with organic manures, including, but not limited to CoGAP for Soil, Water and Air are met. Gamber Logistics maintain a full electronic audit trail, which includes details of poultry sites, customers, dates and tonnages. This information is forwarded to poultry site owners/managers for their auditing requirements and is then held on record by Gamber Ltd. They also have a website, www.gamber.co.uk which will provide more details of the service.

- 6.6.8 The Case Officer has informed the applicants via their agent that as the manure is a by-product of the proposed operation and any environmental impacts of its storage, management and spreading would be an indirect effect which will need to be assessed as part of the EIA. Whilst it is acknowledged that poultry manure can be a valuable organic fertilizer, its direct and in-direct impacts need to be assessed, and whilst the ES refers to a 'manure management' chapter, it is considered to lack substantial detail, as what is needed is a meaningful assessment of the environmental effects of the storage and spreading of manure, in particular in relation to **odour, ammonia** and **dust**. There are likely environmental effects arising from this aspect of the proposal, so these need to be assessed irrespective of whether the manure is to be spread within the application site locality or not, with clarification on how it will be processed, whether as part of an AD plant process or in its raw form directly spread to farmland. A request to the applicants agent confirming all the manure being processed at an AD plant received no response. The EIA is considered deficient without this.
- 6.6.9 To date, despite Officer requests no further sufficient information has been forthcoming on this matter. As such the application and the Environmental Statement in support of it is considered deficient on this matter and therefore the application is considered not to comply with Policies CS6 of the Shropshire Core Strategy, Policies MD2 and MD7b of the SAMDev, the NPPF and the Town and County Planning (Environmental Impact Assessment), Regulations 2017 which indicates in Paragraph 25 that further information must be requested if an Environmental Statement is considered incomplete on which basis to reach a reasoned conclusion on the likely significant effects of the development described in the application.
- 6.6.10 Paragraph 5.13 in the applicants Environmental Statement indicates that low energy bulbs are used to reduce electricity usage. External lighting for the proposed buildings shall be designed and positioned to be pointing downwards only and cowed. A very low output dim light will be used above the personnel door of each building for health and safety reasons. To assist and provide safety for vehicle movements, a sensor light will be fitted to the corner of the buildings closest to the feed bins to prevent collision of vehicles into the buildings. The light will be fitted with a time control to remain lit for only 10 minutes, long enough for lorries to fill feed bins.
- 6.6.11 Whilst detail in relation to external lighting in support of the application is considered vague, given the location, this is not considered a significant concern. However it is recommended that a condition with regards to external lighting is attached to any

approval notice issued in order to ensure satisfactory external lighting on site with minimal light pollution onto the surrounding environment. It is noted that reference is made to feed deliveries on site during hours of darkness. It is considered necessary that this activity is also controlled so as deliveries of feeding stuffs are made during day time hours only, owing to the potentially noisy operation, the need for external lighting on site if delivered during darkness as well as impacts on residential amenity owing to traffic movements.

6.612 In relation to residential and amenity issues the application is considered insufficient in detail and thus not in accordance with Policy CS6 of the Shropshire Core Strategy, Policy MD2 of the SAMDev, the National Planning Policy Framework and the Town and County Planning (Environmental Impact Assessment), Regulations 2017 on this matter.

6.7 **Other matters.**

6.7.1 Defence Infrastructure Organisation, (MOD), have responded to the application indicating no objections and this is noted.

6.7.2 It is acknowledged that the application site is classified as Grade 2 agricultural land, (the more productive and versatile agricultural land), however the site is located alongside an existing egg laying unit forming part of the farming enterprise concerned which has diversified its farming business in recent years from dairying to arable, beef production and egg laying. Overall in relation to amount of land concerned forming part of the holding concerned as well as cumulative impacts use of this land for the proposal on balance considered acceptable.

7.0 **CONCLUSION**

7.1 The proposal is for the erection of two free range poultry houses with feed bins and ancillary equipment for the housing of up to 64,000 egg laying birds on site. It is on the basis of this number of birds that this application has been considered. The development is considered significant in scale and will have a significant impact on the local landscape and clearly meets the thresholds of EIA schedule 1 development.

7.2 It is considered that the application lacks sufficient detail on which basis to make a positive recommendation as it is considered the application lacks sufficient detail on potential impacts as a result of manure generated on site. Further clarification is also required in relation to drainage matters. Otherwise on other matters such as visual impact, public highway access and transportation, ecological and scale the application is considered acceptable.

7.3 As such the recommendation is one of refusal as the application falls short of EIA Regulations 2017 and does not comply with Policies CS5, CS6, CS17 and CS18 of the Shropshire Core Strategy, Policies MD2 and MD7b of the SAMDev, the National Planning Policy Framework and the Town and County Planning (Environmental Impact Assessment), Regulations 2017.

8.0 **Risk Assessment and Opportunities Appraisal**

8.1 Risk Management

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS1 - Strategic Approach

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS13 - Economic Development, Enterprise and Employment

Economic Development, Enterprise and Employment

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD1 - Scale and Distribution of Development

MD2 - Sustainable Design

MD7B - General Management of Development in the Countryside

MD12 - Natural Environment

MD13 - Historic Environment

National Planning Policy Framework

SPD Sustainable Design Part 1

RELEVANT PLANNING HISTORY:

NS/03/01020/FUL Change of use of agricultural building to business for retail of saddlery, equestrian and animal equipment with associated parking provision WDN 6th November 2003

NS/03/01149/FUL Change of use of building to retail of saddlery, equestrian and animal equipment to include car parking area CONAPP 30th January 2004

NS/07/00474/FUL Proposed erection of agricultural building CONAPP 11th June 2007

NS/08/01541/FUL Proposed erection of a agricultural building for the housing of cattle CONAPP 13th October 2008

NS/84/00360/FUL Erection of an extension 30' x 45' to existing building for the storage of fertilizer. GRANT

NS/84/00361/FUL Erection of a beef rearing building (30' x 60') . GRANT

NS/87/00536/FUL Erection of cattle building (60' x 90'). GRANT

15/01323/FUL Change of use of agricultural land to a non permanent track for remote controlled cars (for specific events and club use); to include temporary car parking GRANT 3rd June 2015

15/01590/PMBPA Application for Prior Approval under Part3, Class MB of the Town & Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014 for the Change of Use from Agricultural Use to Residential REN 24th June 2015

16/01380/PMBPA Application for prior approval under Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 for the change of use from agricultural to residential use PAR 2nd June 2016

16/03456/FUL Erection of stable block and construction of manege to include change of use of land to equestrian use GRANT 25th November 2016

16/03606/FUL Erection of an extension to existing Cattle Shed GRANT 26th September 2016

16/05685/PMBPA Application for prior approval under Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 for the change of use from agricultural to residential use PPPMBZ 13th March 2017

17/02125/FUL Erection of agricultural building GRANT 29th June 2017

17/03365/DIS Discharge of Conditions 3 (Ecology), 4 (Highways), 5 (Surface water drainage) relating to Planning Permission 16/03456/FUL for the erection of Stable Block and Construction of Manege to include change of use of land to equestrian use. DISAPP 8th November 2018

17/03366/DIS Discharge of Conditions 3 (Landscaping), 4 (External roofing materials) and 5 (Surface water drainage) relating to Planning Permission 17/02125/FUL for the erection of Agricultural Building DISPAR 3rd October 2017

PREAPP/17/00591 Construction of a 32,000 bird free range layer shed, feed bins, ancillary equipment and alterations to access PREAIP 18th December 2017

18/02972/FUL Change of use of agricultural land to a track for remote controlled cars (for specific events and club use) to include car parking GRANT 17th August 2018

18/04465/FUL Erection of free range poultry laying unit (32,000 birds) with 3No. feed bins and ancillary equipment; alterations to existing access GRANT 18th March 2019

19/01978/DIS Discharge of Condition 3 (Landscaping) and 4 (Passing places) relating to Planning Permission 18/04465/FUL DISAPP 24th June 2019

PREAPP/20/00130 Proposed 2no. 24,000 free range bird poultry units PREAIP 21st May 2020

20/05194/FUL Application under Section 73A of the Town and Country Planning Act 1990 for the installation of two 75kW biomass boilers GRANT 9th February 2021

21/03061/FUL Erection of two free range poultry houses with feed bins and ancillary equipment WDN 22nd September 2021

21/05985/EIA Construction of two free range poultry houses with feed bins and ancillary equipment REFUSE 1st April 2022

22/03828/EIA Construction of two free range poultry houses with feed bins and ancillary equipment PDE

NS/02/00709/MIN Use of two existing portal frame buildings for cardboard waste recycling enterprise NOBJ 3rd September 2002

NS/93/00242/PN PRIOR NOTIFICATION FOR THE ERECTION OF A BARN FOR THE STORAGE OF HAY AND STRAW (23.07 M X 15.38M X 6.76M HIGH) PDDEV 26th March 1993

NS/95/00254/FUL ERECTION OF A SILAGE BUILDING APPROXIMATELY 36.57M X 24.38M X 8.38M HIGH CONAPP 27th February 1995

NS/97/00259/FUL ERECTION OF A STABLE BLOCK (15.240 M X 4.725 M X 3.500 M HIGH) CONAPP 15th July 1997

NS/97/00260/FUL ERECTION OF A CONSERVATORY ON REAR ELEVATION OF EXISTING DWELLING CONAPP 21st April 1997

NS/97/00261/FUL ERECTION OF AN EXTENSION TO EXISTING CATTLE BUILDING CONAPP 15th July 1997

Appeal

15/02302/REF Application for Prior Approval under Part3, Class MB of the Town & Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014 for the Change of Use from Agricultural Use to Residential DISMIS 23rd November 2015

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RGVJG7TDID100>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) - Councillor Richard Marshall

Local Member

Cllr Simon Jones

Appendices
