



Committee and date  
Northern Planning Committee  
10<sup>th</sup> October 2023

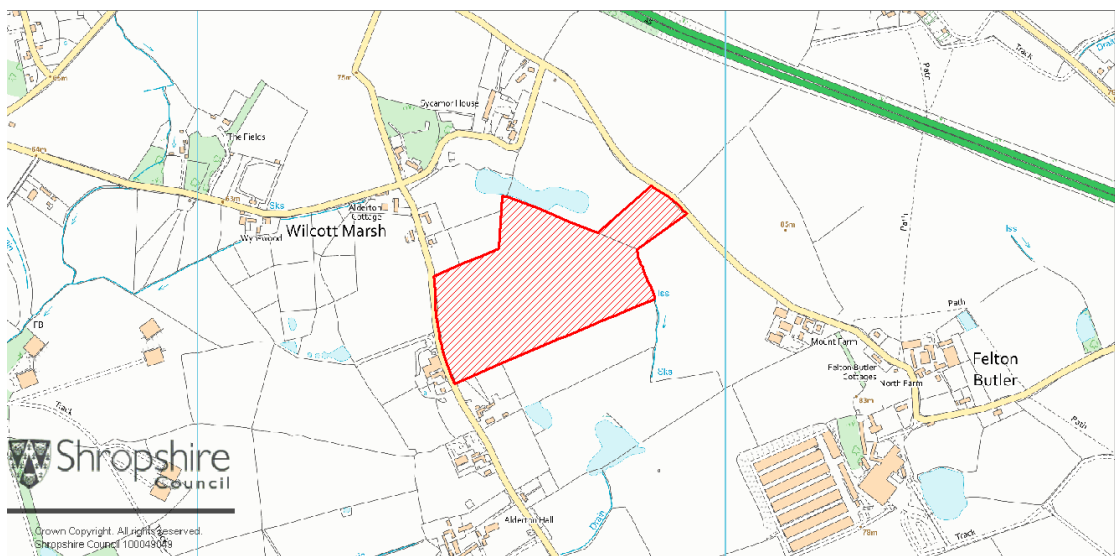
## Development Management Report

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

### Summary of Application

<b>Application Number:</b> 17/05151/EIA	<b>Parish:</b> Great Ness
<b>Proposal:</b> Erection of four poultry rearing buildings, eight feed bins, biomass store and amenity building including landscaping and tree planting	
<b>Site Address:</b> Proposed Poultry Units NW Of North Farm Felton Butler Montford Bridge Shropshire	
<b>Applicant:</b> L J Cooke & Son	
<b>Case Officer:</b> Kelvin Hall	<b>email:</b> kelvin.hall@shropshire.gov.uk

**Grid Ref:** 338761 - 317806



Recommendation: That subject to no significant additional material representations being received during the further consultation and publicity period (in the opinion of the Planning and Development Services Manager in consultation with the Chair of the Northern Planning Committee), planning permission be **refused** for the reasons set out below.

### **Recommended reasons for refusal**

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 from ammonia emissions and manure management. Insufficient information has been submitted to demonstrate that the proposed development would not be likely to have significant effects on the environment and in particular on ecological assets from ammonia emissions. The proposals put forward for the management of manure arising from the operation are insufficient and do not demonstrate to a satisfactory degree that this indirect effect of the development would not give rise to adverse environmental impacts on local amenity and in relation to pollution. The proposed development is therefore contrary to Core Strategy policies CS6, CS17 and CS18; SAMDev Plan policies MD2 and MD12; and NPPF paragraphs 174, 175 and 180.

2. Insufficient information has been submitted as part of the Environmental Statement to enable a full assessment of the likely highways impacts of the proposal, including the proposed export of manure from the site in order therefore to demonstrate that the traffic likely to be generated by the proposed development can be adequately accommodated on the local highway network. The proposed development is therefore contrary to Core Strategy policy CS6 and SAMDev Plan policy MD8.

3. Notwithstanding the landscape mitigation proposals put forward, the proposed development would result in adverse levels of impact on the local landscape character and on visual effects. Whilst the mitigation would help to reduce these in time, it is not considered that the proposal would provide sufficient benefits to outweigh these impacts. The proposed development is therefore contrary to Core Strategy policies CS6 and CS17 and SAMDev Plan policies MD2 and MD12.

4. It is acknowledged that the proposal would provide economic benefits, including from the investment in the creation of the 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 sufficient information has been submitted to enable an assessment to be made as to whether these benefits would outweigh potential harm that would arise from the proposed development. The proposed development is therefore contrary to Core Strategy policy CS5, SAMDev Plan policy MD7b(3), and contrary to the overarching purposes of the planning system to contribute to the achievement of sustainable development, as set out in the NPPF.

## REPORT

### 1.0 THE PROPOSAL

- 1.1 The application seeks planning permission for the erection of four poultry rearing buildings, eight feed bins, biomass store and amenity building including landscaping and tree planting on land at North Farm, Felton Butler. The poultry buildings would each measure approximately 109 metres x 27 metres x 2.7 metres to eaves and 5 metres to ridge. Each unit would have a fan canopy and baffle area at the rear. The control rooms for each unit would be at the front of the buildings. The buildings would be fitted with roof extraction and rear gable end extraction fans. They would include air scrubbers which would provide the majority of the ventilation. Back up ventilation would be provided by the high speed ridge fans. The buildings would be constructed of box profile metal sheeting to walls and roof. The feed bins would be 6.6 metres high with a diameter of 2.8 metres. The proposed biomass store would measure 30 metres x 12 metres x 5.4 metres to eaves and 6.5 metres to ridge. The amenity building would be single storey and measure 20 metres x 10 metres with a pitched roof 2.4 metres to eaves and approximately 3.3 metres to ridge. It is proposed that all of the buildings would be finished in a dark colour of a specification to be agreed with the planning authority.
- 1.2 There would be areas of hardstanding within and around the proposed poultry buildings, to facilitate vehicle manoeuvring and access to the units. External lighting to the buildings would be downward facing and only required during bird catching at night.
- 1.3 Production process: Prior to the crop cycle, fuel would be delivered to the site and the sheds would be pre-warmed to 31°C in preparation for the chick placement. Bedding litter (wood shavings) would then be delivered to the site and spread evenly on the floor using a 'litter spreader'; and feed added to the feed bins. Following completion of preparation works the chicks would be delivered from a hatchery and placed in the sheds. Starter pellets would be manually delivered to the birds at the start of the crop cycle, with the feed mix changing as the birds grow. Water would be provided via nipple drinkers which are designed to minimise spillage. Water use in each house is monitored daily by meters. During the crop cycle the heating would be gradually reduced and the ventilation rate increased. Any fallen birds would be removed each day and stored in sealed containers on site prior to being removed under the National Fallen Stock Scheme.
- 1.4 When the birds reach around five weeks old a 'thinning' would take place. This means that a proportion of the birds would be caught and transported to the processing companies. The thinning would take place over two days, during the day time (i.e. between 0700 and 2300 hours) and night time (i.e. between 2300 hours and 0700 hours of the following day). Thinning would not commence before 0200 hours and the number of movements in any hour during the night would not exceed two.

- 1.5 When the birds are around six weeks old the remainder would be caught and removed from the site. The bird removal takes place over two days. Bird removal takes place in the same way as for the thinning process described above. At the end of the growing period the used litter would be taken away from the site in covered vehicles and taken to AD plants. Wash down and disinfection would then take place ready for the next crop. The wash water would be collected in underground tanks before being spread to agricultural land.
- 1.6 Construction phase: It is anticipated that the construction period would last for approximately 6 months. This phase would include soil stripping, cut and fill operations to achieve the required finished levels; the connection of services including water and electricity supply; and drainage works. This would be followed by the construction of foundations and the above ground building works.
- 1.7 Modifications to planning application following original submission:  
Since the application was submitted the following additional information has been submitted:
- Proposed installation of air scrubber units to the buildings
  - Revised Manure Management Plan
  - Revised Odour Impact Assessments;
  - Revised Noise Impact Assessments;
  - Addendum to the Landscape and Visual Impact Assessment to include an assessment of cumulative impacts
  - Revised Ammonia Impact Assessments
  - Revised Ecological Impact Assessment.
- 1.8 In view of the additional information that has been submitted, and in particular the proposal to fit an air scrubber system to the poultry buildings, a re-consultation exercise is being carried out. Details of this, and the representations that have been received in relation to the original consultation and the current re-consultation, are set out in Section 4.

## **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The application site is located to the north-west of the settlement of Felton Butler. The area of the site is approximately 9 hectares, comprising an arable field forming part of North Farm. Surrounding land is in agricultural use. There are scattered residential properties in the vicinity of the site, the nearest of which are approximately 190 metres away from the proposed buildings, and to the south-west. There are two Grade II listed buildings to the south-east, approximately 500 metres from the proposed built development. There is an existing poultry farm at Manor Farm, approximately 400 metres to the south-east 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**

Consultation and publicity on the application was carried out when the planning application was first submitted. Since that time, a number of additional and revised documents have been submitted. These include those relating to the proposal to add air scrubber units to the proposed poultry buildings. Given the nature of the proposed amendments to the proposal, a re-consultation process is currently underway. This has included re-consultation with relevant consultees, including the parish councils, and the publication of a further press notice. The statutory period for comments and representations expires on 29<sup>th</sup> October 2023. The consultee comments set out below relate to the consultation on the application details as they were when first submitted, unless otherwise stated. Any further comments that are received in advance of the committing meeting will be reported separately to Members.

##### 4.1.1 **Great Ness and Little Ness Parish Council** Objects to this large scale application.

1) Highways - the proposal will have an adverse impact on constrained narrow local roads - safety issues, mud on the highway and potholes. The highways report makes a number of flawed assumptions - for example, it uses contradictory speed data and assumes someone will only visit site every few days but this is not realistic for a chicken farm as it needs to be manned daily. The HGV route proposed is unsuitable as you cannot turn left at Manor Farm - please refer to the restriction in regard to this placed on a nearby application - this has not been highlighted in the comments raised by the highways officer and this needs reviewing for consistency with other decisions made . The safety of school children catching buses in area with HGVs passing on narrow lanes is also a concern.

2) Amenity issues, noise and odour - the assessments are inadequate. These are key concerns given the nature and industrial scale of the proposed development

3) Ecological assessment inadequate - it should extend to a radius of 500 metres not 200 metres

4) Landscape issues and screening - the site will be viewable from The Cliffe and Nesscliffe Hills

5) The site will bring very limited employment benefits hence its adverse impacts outweighs any economic benefit to the community

6) The location is isolated from an existing farm business (unlike other chicken farms permitted) and is in open countryside, if the site, were located closer to the A5, the Parish Council may re-consider the proposal.

7) Adverse impact on Rights of Way network and associated tourism by spoiling character of the area

8) There are 5 chicken farms in the area and one in Montford Bridge therefore the cumulative impact of the grounds for objection raised is a significant material consideration

##### 4.1.2 **Montford Parish Council (adjacent parish approximately 330 metres to the south)**

No objections. Has carefully considered the eight reasons for the objection from Great Ness & Little Ness Parish Council. From their location not too far from the A5 these chicken units would seem to create no serious adverse impact on Montford Parish

roads - and in general chicken units of this kind can help some of the smaller and midsized local farms in Shropshire to remain viable and competitive by promoting sensible farm diversification which helps to support the local economy of the area and also helps to provide more home grown food for our country. This comment of no objection is also consistent with Montford Parish Council's previous comment of no objection to a very similar application two years ago for four chicken units at Ensdon Farm in Montford Parish.

#### 4.1.3 **Environment Agency** No objections.

Updated comments 26<sup>th</sup> September 2023

Environmental Permit: An environmental permit was originally twin tracked alongside the planning submission and was subsequently issued for the proposed broiler house units on the 24 August 2018. The permit allows for up to 230,000 broiler places and associated operation of 2 biomass boilers with an aggregated thermal rated input not exceeding 1.0 MWth, for site heating requirements, burning biomass fuel not comprising waste or animal carcasses. This permit required the use of high velocity roof fans to disperse ammonia emissions from the installation.

The more recent Ammonia Reports (Latest version Rev 9 dated 7th May 2023) describe the use of acid scrubbers to reduce ammonia emissions from the proposed installation. We would require the permit holders to apply for a variation to their permit should they be required to change the air ventilation system from roof fans to a gable end acid scrubber system.

We would expect to see (as part of the permit variation) a reduction of at least 70% ammonia based on the ammonia concentration of the inlet (untreated air) compared with the outlet (acid scrubber-treated air). It is likely that we would require (through the permit variation) the permit holder to carry out detailed ammonia monitoring over a 12 month period to demonstrate that the acid scrubber unit was removing at least 70% of ammonia from the air being treated. This is expected to be a betterment around ammonia compared to the roof vents detailed in the existing permit. We would not review in detail the ammonia reports as part of the planning process. A 2017 European Union agreed BAT Conclusions Document describes the minimum standards (best available techniques) which permitted intensive farms must comply with. (The document is available to view on the planning register).

Environmental Permit 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: Intensive farming: comply with your environmental permit - GOV.UK ([www.gov.uk](http://www.gov.uk))

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.

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

Bio-aerosols and dust: Intensive farming has the potential to generate bio-aerosols (airborne particles that contain living organisms) and dust. It can be a source of nuisance and may affect human health. Sources of dust particles from poultry may include feed delivery, storage, wastes, ventilation fans and vehicle movements. As part of the permit determination, we do not normally require the applicant to carry out dust or bio-aerosol emission modelling. We do require a 'risk assessment' be carried out and if there are relevant sensitive receptors within **100 metres** of the installation boundary, including the farmhouse or farm worker's houses, then a dust management plan is required.

A dust management plan (DMP) will be required similar to the odour and noise management plan process. This will secure details of control measures to manage the risks from dust and bio-aerosols. Tables 1 and 2 and checklist 1 and 2 in 'assessing dust control measures on intensive poultry installations' 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: <https://www.gov.uk/government/publications/rural-sustainable-drainage-systems>

Manure Management (storage/spreading): Manure disposal within the applicant's ownership (fields) is controlled through the Environmental Permit. As part of the permit determination, we do not require a Manure Management Plan. However, EP holders are required to operate under a Manure Management 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 applicant's land ownership. It is used to reduce the risk of the manure leaching or washing into groundwater or surface water. The permitted farm would be required to 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.

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/pollutionprevention-for-businesses>

Flood Risk: The site is located in Flood Zone 1 (low probability) based on our indicative Flood Zone Map. Whilst development may be appropriate in Flood Zone 1 a Flood Risk Assessment (FRA) is required for ‘development proposals on sites comprising one hectare or above where there is the potential to increase flood risk elsewhere through the addition of hard surfaces and the effect of the new development



on surface water run-off.

Under the Flood and Water Management Act (2010) the Lead Local Flood Authority (LLFA) should be consulted on the proposals and act as the lead for surface water drainage matters in this instance.

4.1.5 **Natural England** Insufficient information. [note that the comments below were provided prior to the modification of the application to include air scrubbers].

There is insufficient information to enable Natural England to provide a substantive response to this consultation as required under the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Natural England is not able to assess this case as there is insufficient information provided in relation to air quality impacts. Manure stores, slurry lagoons and livestock sheds are a major source of emissions of ammonia which is directly toxic to vegetation and especially to lower plants (mosses, liverworts and lichens). Ammonia is also a major contributor to the deposition of nitrogen, which reduces habitat biodiversity by promoting the growth of a relatively small number of the more vigorous plant species which then out-compete the other species present.

Our Impact Risk Zones have identified that interest features of the following designated sites:

- Shrawardine Pool SSSI
- Lin Can Moss SSSI
- Fenemere SSSI

may be sensitive to impacts from aerial pollutants, such as those emitted from this proposed development. The consultation documents provided do not include any assessment of air quality impacts. In order for us to advise on this case an initial screening for air quality impacts should be completed. Simple screening tools are available via the internet; such as the Simple Calculation of Atmospheric Impact Limits (SCAIL) model: <http://www.scail.ceh.ac.uk/>. The results of this screening should inform the need for any further, more detailed assessment which may be required to fully assess the impacts of the proposal. Where screening results indicate a more detailed assessment is necessary this should be carried out and completed prior to reconsulting Natural England.

Natural England has not considered any other matters at this stage. We will provide advice on all relevant matters upon receipt of this information.

Should the developer wish to explore options for avoiding or mitigating effects on the natural environment with Natural England, we recommend that they use our Discretionary Advice Service.

4.1.6 **SC Ecology** Further information required. In the absence of this information it is

recommended that the application is refused as it is not possible to determine if the proposal will or will not have significant effects on ecological assets.

Comments 18/9/23: The submitted information is the same ammonia modelling report version as previously submitted and which the ecology team commented upon in June 2023 (i.e. Revision 9) so the team's comments of then still stand.

There is no commentary with regards the submitted fertiliser application information and so it is not possible to understand them or take them into account. Basically, the submitted information contains many discrepancies and contradictions and it is unclear what ammonia mitigation is being proposed to support the development. For it to be deemed to be 'nutrient neutral' (in terms of ammonia emissions and therefore nitrogen deposition too) robust and up-to-date scientifically accurate information needs to be submitted and be demonstrated to support any conclusion of nutrient neutrality.

Comments 9/6/23 Further information required. In the absence of this information it is recommended that the application is refused as it is not possible to determine if the proposal will or will not have significant effects on ecological assets.

A new revision (9) to the ammonia report has been submitted for consideration and the following matters need to be clarified:

1) What mitigation is actually being proposed? It is unclear as in the latest ammonia report at section 1 (page 3) it is stated:  
'There are approximately 78 ha of arable land at North Farm, this land is currently fertilized exclusively using organic manures and/or slurries. Under the proposal, fertilization using organic manures and/or slurries would cease and any fertilization requirement would be provided by inorganic fertilizers (excluding urea based fertilizers).'

However, in section 3.5.2 of the report it is stated:

'Under the proposed scenario the usage of some of all of the land currently under arable production would change:

- 3 ha of woodland would be planted on what is currently arable farmland around the pond to the north of the site of the proposed poultry unit. These woodlands would have a species mix that is designed to maximise ammonia capture and would be managed for nature (Hatched green in Figure 2).
- There would be no fertilisation of the land that would be occupied by the poultry unit (approximately 2.5 ha).'

It is assumed that scrubbers are a proposed mitigation measure, however, what is not clear is whether the scheme is proposing as mitigation that fertilization using organic manures and/or slurries would cease on all of the land in the landholding and that any fertilization requirement would be provided by inorganic fertilisers (excluding urea based fertilizers).

2) How have ammonia emissions from the arable land been calculated? It appears that

the information submitted regarding fertiliser application rates for the farm for the preceding five years have not been used. These were shown in submitted reports 'Ammonia Mitigation Scheme' and 'Ammonia mitigation-5 year fertiliser rates' which showed the use of both organic and inorganic fertilisers on the farm, calling into question the use as mitigation of a switch from organic to non-organic on the wider holding as inorganic fertilisers already appear to be being used. Assumptions used in the report with regards to fertiliser application rates are presented in section 3.5.2 which do not use the five year on-farm information. Rather it is stated:

'All calculations are based upon the assumption that current nitrogen application rates are:

- 150 kg-N/ha/y for arable land.
- 40% of nitrogen in organic manures and slurries is lost as ammonia'.

The five-year on farm data should be used to inform ammonia emission rates.

3) The report is confusing and contradictory. At section 5.2 it is stated:

'The predicted process contribution to maximum annual mean ground level ammonia concentrations and nitrogen deposition rate at the discrete receptors from the proposed poultry houses (with Inno+ scrubbers) minus the existing contribution from the arable land on the site of the poultry houses and the arable land that would be planted with trees (approximately 5.5 ha in total) are shown in Table 4b'.

However, the title for Table 4b is:

'Predicted change in maximum annual mean ammonia concentration and nitrogen deposition rate at the discrete receptors - process contribution from the proposed poultry houses (with Inno+ scrubbers) plus process contribution from proposed arable farming minus process contribution from existing arable farming of the site of the poultry houses and the woodland planting (~5.5 ha)'.

Note therefore that it is unclear whether this table does or does not include 'mitigation' through the (perhaps (unsound)-see comment numbered 2 above) switch from organic to inorganic fertiliser on the whole landholding. Which is correct? What is table 4b actually showing and what data has been used to inform the Process Contributions in Table 4b? This should all be clarified.

#### Comments 27/5/22:

- The submitted information showing relevant ecological sites does not include Fenemere SSSI/Ramsar or Hencott Pool SSSI/Ramsar
- In their absence it is assumed there is potential for a likely significant effect on both of those sites
- The submitted information which identifies critical levels and critical loads states that these will be more than 1% at all of those sites shown, in the absence of mitigation, and therefore there is potential for likely significant effects on the designated sites and an Appropriate Assessment is therefore required for the internationally designated sites
- With the addition of ammonia scrubbers, critical levels and critical loads would be less than 1%, other than on the Nesscliffe Ancient Woodland, and therefore

- ammonia emissions are unlikely to have significant effects on those sites
- Regarding Nesscliffe AW, an assessment is required as to whether the development will significantly impact the ancient woodland; mitigation should be considered
  - Further information is required as to what mitigation measures are proposed, and this may need to propose additional mitigation over and above the ammonia scrubbers

Other ecology matters: An update ecological survey of the site, to check that the status of species and habitats remains as was recorded in 2017, has been undertaken and an Ecological Impact Assessment (Churton Ecology, dated February 2022) has been submitted. The survey effort and conclusions reached are satisfactory. Conditions to secure mitigation measures as detailed in section E5 of the EclA would need to be imposed should permission be granted.

4.1.7 **Historic England** (Comments received on 27/9/23 following re-consultation) Do not wish to offer any specific comments.

4.1.8 **SC Conservation** Recommends conditions.

In considering this proposal for new poultry sheds and related buildings and feed bins north west of North Farm, near Felton Butler, due regard to the following local and national policies, guidance and legislation 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 the Planning Practice Guidance.

A Heritage Impact Assessment has been prepared by Trysor heritage specialists and covers both built heritage and archaeological assets as supporting material with this application. I have reviewed this Report and would acknowledge its findings and conclusions. The findings of the report are also summarized in the Environmental Statement accompanying the application. A separate Landscape and Visual Impact Assessment has also been prepared by Allan Moss Associates Ltd, which is noted.

In order to minimise and mitigate visual impact conditions are recommended to agree material and colour finishes of this development, as well as surface materials for the access lane to the development as part of the landscape plan proposed.

4.1.9 **SC Archaeology** Recommends a condition.

At present, there are no records within the Historic Environment Record relating to archaeological features or finds either on the site itself or in close proximity to it.

We note and concur with the comments provided by the Conservation Officer. The following advice therefore relates solely to archaeological matters.

An Historic Environment Desk Based Assessment by Trysor has been included at Appendix 16 of the Environmental Statement. It is considered that this provides sufficient information regarding to archaeological interest of the proposed development site, in relation to the requirements of Paragraph 128 of the NPPF and Policy MD13 of the Local Plan. We also note and agree with the Assessment's conclusion at paragraph 12.3 that the archaeological potential of the proposed development site is low.

On the basis of the sites low archaeological potential the Assessment recommends that no further archaeological mitigation is required. Strictly speaking, however, the ground conditions on the proposed development site remain untested and some potential for previously unrecorded archaeological features and deposits therefore remains. In view of this and the otherwise limited archaeological potential of the proposed development site, it is therefore recommended in relation to Policy MD13 of the Local Plan that an archaeological inspection of the soil stripping operations be made a condition of any planning permission for the proposed development. This would provide us with an opportunity to check the ground conditions on the site.

#### 4.1.10 **ESP – landscape consultant**

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. On the basis of the robust methodology set out in the LVIA, the consistent application of that methodology and the evidence presented in support of the judgements made, that the findings of the LVIA in relation to landscape and visual effects are reliable. The addendum report satisfactorily addresses the concerns that we raised in our December 2017 review of the LVIA, and we are satisfied that its significance ratings remain unchanged.

#### 4.1.11 **SC Public Protection** Recommends conditions.

Comments provided on 26/11/20 following modification of application to incorporate air scrubbers:

Odour: The new proposal including scrubbing technology will significantly reduce odour. The impact of the proposed sheds on existing conditions is, which include a poultry installation in the vicinity, an increase in cumulative odour of less than 1 odour unit in all receptors modelled. Human detection of odour is expected to pick up odour starting at around 1 odour unit, it may be more depending on the individual. As such any increase around or below this value would not be expected to be readily perceived. In turn any increase in this level of odour would not be anticipated to impact significantly on amenity. The odour assessment notes that no residential receptor will have odour levels increased to over 3 odour units, a threshold generally considered to be the point at which odour could start to become a concern. No receptors which currently are predicted to be exposed to odour levels more than 3 units for 98% of the year have the 98th percentile increased by the addition of the proposed installation. This again suggests a low to negligible impact from this development.

Further points were made regarding averaged data and odour being worse in warmer weather. The data is an average however it is an average which is expected to be exceeded for only a very short amount of the year (2% of the year). As such when odour is above the modelled parameters it would not be expected for a significant part of the year. Due to the short duration of the year where odour above the levels predicted occurs the impact of this odour is considered to be low overall although for short periods it may be perceived above this assessment level. In respect to greater odour in warm weather this is a valid point. More odour is likely when weather is above the threshold causing additional ventilation to be brought on line. The modelling takes into consideration weather over several past years when forming its 98th percentile odour unit prediction. As such this aspect has been captured in the model and comments previously made remain unchanged. It may be the case that more of the occasions when odour is found over the 2% of the year benchmark provided in assessment occur in warmer times when people are using external areas or have windows open. Again given the short duration over any given year the impact of the development is considered to be low.

The comments also consider footpath locations. These locations in all cases are predicted to have very small increases in odour of less than 1 odour unit for 98% of the time. The impact on those using these footpaths is therefore considered to be low.

Noise: An assessment has been made of the proposed installation. Previous noise assessment modelled the impact of ridge mounted and gable fans. It considered transport impact from movements on site and biomass boiler noise and provided a cumulative impact of biomass and fan noise. This assessment concluded a low to negligible impact of noise at any location when considering the rating level or the absolute noise level in certain scenarios. Absolute noise level is considered appropriate given the low noise levels reported. The assessment concludes that electric forklifts should be used on site to ensure that night time depopulation movement noise is as low as possible. It is recommended that a condition could be imposed to require this.

A noise assessment is now provided following the inclusion of scrubbing technology. This concluded when scrubbers or emergency ventilation is used noise levels would be lower than previously modelled. Comments have been made on the application noting that the in combination effect of these two operations has not been modelled. This is indeed the case. If the systems could work together and noting the noise levels provided I can conclude that in combination noise levels would be less than previously noted. As such the scrubbing technology provides a betterment in predicted noise levels even on occasions when both ventilation systems are in operation.

The noise assessment is comparing predicted noise levels to a background noise level of still conditions with no rainfall. When windy and/or rainy conditions are found noise from the proposed installation will be masked and less impact perceivable at receptors.

Overall the impact of the proposal is considered likely to have a low impact.

#### 4.1.12 **Highways England**

Comments received 2/10/23.

No objections. Having reviewed the documentation published in support of this planning application re-consultation, we consider that the development is unlikely to have a significant impact upon the SRN (A5). The site is located a considerable distance away from the SRN and the access road described joins the local road network with onward links to the A5 at Felton Butler. In view of the above, National Highways offers no objection to this planning application.

#### 4.1.13 **SC Highways Development Control**

Comments received 29/9/23 following re-consultation.

Further information required. The previous comments from the Council's highways consultant WSP have been reviewed by the Council's highways team, and further comments added to reflect the modifications that have been made to the application. The recommendation from WSP was that no objection was raised subject to the imposition of 2 highway related planning conditions. The Highways team have given further consideration to the issue raised by WSP regarding two poultry operators operating on the same highway network.

As a matter of principle the Highways team are not in disagreement with the assumption that HGV traffic would route to the site via Felton Butler and access onto the A5. That is by far and away the logical route to the A5. That said it is expected that this would need to be dealt with under a Section 106 Routing Agreement, which have been used elsewhere on poultry/mineral applications.

Formalised passing places are required having regard to the limited carriageway widths between the site access to the A5. It is not considered that this issue has been properly considered either by the applicant/agent or by WSP. Whilst WSP cover off this point by way of imposing a negatively worded planning condition, it essentially puts the issue off for another day to resolve, but it is considered that this is a more fundamental matter for this application by virtue of the narrow approach road to the site from the A5 with informal passing places, given the fact that there is an adjacent poultry operator routing by the same road to the A5 and the risk that the bird cycles of both units coincide with one another and the impact that could potentially have on HGV traffic movements meeting one another. This issue would be heightened during those peak HGV movements when the bird depletion takes place and then the removal of manure. In reality the respective poultry operators would be likely to work together but it is not considered that any planning condition or Section 106 agreement clause could control two separate poultry operators, in a way that would meet the planning tests.

In addition to the above there has been no assessment carried out of the background traffic movements on the local highway network in order to better understand the cumulative impacts of the agricultural movements and car movements routing to the

A5. This would in turn would better inform the requirement for passing places. This is an important consideration from the highway authority's perspective since the lack of adequate passing places can have a significant impact upon verge damage and increased maintenance costs.

The application does not also deal with the Manure Management and simply states that bird manure would be taken to Wykey Farm at Ruyton XI Towns. No assessment is provided of the suitability or otherwise of the routing to Wykey Farm. This along with routing between the site and the A5 is material consideration and should be dealt with before planning consent should be granted.

4.1.14 **SC Drainage** No objections. The proposed drainage details, plan and calculations should be conditioned if planning permission were to be granted.

1. The proposed surface water drainage strategy in the FRA is acceptable in principle. SuDS Applicability for the site is Infiltration. The use of soakaways should be investigated in the first instance for surface water disposal. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 25% for climate change. Full details, calculations, dimensions and location plan of the percolation tests and the proposed soakaways should be submitted for approval.

Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.

Should soakaways not be feasible, drainage calculations should limit the discharge rate from the site equivalent to a greenfield runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 25% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity. Reason: To ensure that the proposed surface water drainage systems for the site are fully compliant with regulations and are of robust design.

2. Details and plan on how the contaminated water in the yard from spillages or cleaning of poultry units will be managed/ isolated from the main surface water system should be submitted for approval. Reason: To ensure that polluted water does not enter the water table or watercourse.

4.1.15 **SC Trees** No objection in principle. There are a number of existing trees and hedgerows on the site and these must be retained and protected. along with protection of soil resource in areas on proposed new planting. If planning permission is granted a condition should be imposed to require tree protection measures are implemented including the submission of a Tree Protection Plan and Arboricultural Impact Assessment for approval.

4.1.16 **Shropshire Wildlife Trust** Objects. Has serious concerns relating to this application.



We note a number of objectors, including a chartered ecologist, have expressed concerns relating to the potential impact on wildlife in the area. There will be a range of professional opinion relating to what the most appropriate level of survey effort is. Given the identification of protected species in the area and the size of the development we would recommend a precautionary approach and the more rigorous levels of survey.

A 10m buffer around watercourses is inadequate and virtually impossible to monitor. We would therefore recommend that a larger buffer distance is provided and that this is dedicated to habitat creation. This would benefit the local wildlife, including protected species, and go some way to providing the biodiversity enhancements required by the NPPF.

The number and scale of poultry units in Shropshire is an increasing concern especially when considering in-combination effects and given the high background levels of ammonia concentration and nitrogen deposition. This individual application is a significant development falling under Schedule One of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, the same category as a new airport or a nuclear power plant!

We would therefore recommend that the planning authority assess the in-combination effects, to ensure compliance with the Habitats Directive. Should the planning authority be minded to approve the scheme every practical method of reducing emissions should be employed.

4.1.17 **Fire and Rescue Service** 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: <http://www.shropshirefire.gov.uk/planning-applications>

## 4.2 **Public comments**

4.2.1 The application has been advertised by site notice and in the local press. In addition residential properties in the vicinity of the site were directly notified. Objections have been received from 23 households and one letter of support has been received. In addition notification was received of an online petition of objection with a link to this. Details of this are below. The representations made are available on the planning register online, and are summarised below:

### 4.2.2 Objections:

- increased traffic and impact on local lanes making them unsafe; traffic volumes have been understated; disruption to other road users such as school buses
- damage to verges from HGV use
- impact on use of lanes for horseriders and cyclists
- lack of need for additional chicken sheds
- too close to other chicken sheds; cumulative impact
- landscape impact

- loss of hedgerows
- odour impact and cumulative odour impact; odour reports are unreliable
- inconsistencies in reports about shed clearance
- noise impact and cumulative impact
- pollution risk
- unclear where biomass would be stored
- cruelty to animals
- will sever great crested newt breeding pond connectivity
- insufficient ecological survey for great crested newt, badgers, bats, slow worms and birds
- impact on pond levels and quality
- impact on wildlife
- will need a EPS licence
- no badger mitigation strategy
- insufficient great crested newt mitigation
- impact from illumination of hedgerow
- hedgerow management unclear
- impact on visitors and residents
- environmental impact from spraying waste onto surrounding fields or being exported
- risk of pathogens and disease
- impact on nitrate vulnerable zones
- increase in flies
- impact on drainage channels
- insufficient details as to manure management
- proximity to AONB
- contrary to planning policy
- better siting options elsewhere
- appeal decision in relation to another poultry proposal near Bridgnorth, which was dismissed, raised issues over the methodology of the odour assessment, and that it had failed to consider peak odour concentrations at the end of the growing cycle and during the clearing out process; inspector considered that the assessment could not be relied upon
- inspector considered that although the air scrubbers would reduce ammonia to levels deemed acceptable to the EA, the pollutant levels would be unacceptable; and that where benchmark levels have already been exceeded, this was not justification to make an undesirable situation even worse with adverse impact on ancient woodland

4.2.3 In addition to the above, notice was given to the planning authority in 2020 of an online petition of objection, and a weblink was provided of the details of this. The petition states:

“North Farm in Felton Butler, near Shrewsbury have submitted plans to erect four poultry sheds, to house over 200,000 and ancillary buildings on a greenfield site over 1km down a single lane country road. This impact on road safety, on an already dangerous road; used by children walking to meet school buses, walkers, cyclists,

horses and locals to get to their homes. The proposals will see a major increase in traffic, with up to 10 HGVs on some days and 30 tractor trailer hauling chicken waste. There are currently four other Chicken Farm sites within a two mile radius, with the nearest being only 380m from the proposed site. Please visit [cluckoff.org](http://cluckoff.org) for more info and to raise your objection to the council to get them to refuse planning permission”.

The website states that the petition had 1,309 supporters. Officers requested that the petition organiser provided a copy of the petition so that it could be added to the online public register however no response was received. Details of the addresses of the supporters have not been provided. Members should note that in planning terms it is not the number of objections that count but the substance of what these say.

4.2.4 In addition to the above **Nesscliffe Hills & District Bridleway Association** has objected on the following grounds:

- impact on visual enjoyment and health and safety of horse riders, and other non-motorised users, of the adjacent narrow country lane
- lane, from Felton Butler to Wilcott Marsh, forms an important part of the 46 mile Humphrey Kynaston Way Long distance Bridleway route for walkers, cyclists, and horse riders
- impact on other public rights of way from additional HGV traffic
- visual impact from development and from higher hedgerows
- impact on rural economy from flies, odours, noise and traffic
- impact on local tourism and leisure use which could diminish jobs
- impact on roadside verges which would be eroded by HGVs
- additional traffic from export of manure
- impact on unique character and tranquillity, visual heritage and recreational value

4.2.5 One letter of support has been received, with the following comments:

- Would like to see small farming family businesses be allowed to grow in the current climate of farming; large part of the farm was lost to the Nesscliffe bypass and farm now has land on both sides of it; will help future generations of young farmers

## 5.0 THE MAIN ISSUES

- 5.1
- Environmental Impact Assessment
  - Planning policy context; principle of development
  - Siting, scale and design; impact upon landscape character
  - Historic environment considerations
  - Highways access and traffic considerations
  - Ecological considerations
  - Impact on water resources
  - Residential and local amenity 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 mandatory for proposed development involving the intensive rearing of poultry where the number of birds is 85,000 or more. The proposed development proposes 200,000 birds at the site and as such it is 'EIA development'.

- 6.1.2 The planning application is accompanied by an Environmental Statement, as required by the 2017 Regulations. This includes a suite of technical assessments prepared by specialist consultants, and include the following: Noise Assessment; Odour Impact Assessment; Historic Environment Desk-based Assessment; Landscape and Visual Impact Assessment; Ecological Impact Assessment; Woodland Assessment; Ammonia modelling report; Access Assessment; and a Flood Risk Assessment. Since the application was originally submitted, further information has been provided as outlined in paragraph 1.7. The Environmental Statement including relevant assessments therein have been updated to reflect the modifications to the proposal.

## **6.2 Planning policy context; principle of development**

- 6.2.1 Planning applications are required to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan includes the Core Strategy and the SAMDev Plan. The proposed development is located in an area of countryside, and 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). 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.
- 6.2.2 The National Planning Policy Framework (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).
- 6.2.3 The application states that the proposal would result in additional labour requirements relating to poultry catchers, shed cleaners and manure removal contractors, and that this would amount to the equivalent of approximately four additional full-time workers. Other employment would include feed delivery drivers, poultry collection drivers,

poultry processors, construction workers, cleaning teams, manure removal teams, maintenance plumbers, maintenance electricians, ground workers, landscape contractors etc. The proposed development constitutes a diversification of the existing agricultural business which is an arable farm, and would result in economic benefits in terms of construction activity, employment of labour both during construction and the ongoing operation of the poultry business; and the related investment in buildings and infrastructure. The proposal can be supported in principle in relation to policies relating to rural economic development and agriculture. However planning 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. 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 are sited so that it is functionally and physically closely related to existing farm buildings.

6.3.2 Site design and context: A Landscape and Visual Impact Assessment (LVIA) has been undertaken in support of the Environmental Statement by a chartered landscape architect. An Addendum to this has been submitted which includes an assessment of cumulative impacts.

6.3.3 The site occupies a low lying part of a larger gently undulating arable field, with the difference in levels across the site of approximately 4 metres. There are no public rights of way directly affecting the site, although there are footpaths and bridleways in the surrounding area with potential views of the site. The LVIA sets out the visual receptors. It assesses the landscape of the area and concludes that none of the local countryside should be treated as having high landscape value. Notwithstanding their significant size in area terms, the buildings would be relatively low structures, and would be partially cut into the existing ground. They would be finished in a dark colour which would help to minimise their visual impact. There would be some hedgerow removal required to accommodate the site access, visibility splays and track, of approximately 130 metres. Significant landscape mitigation is proposed, as detailed below.

6.3.4 Landscaping mitigation: Landscaping works would include maintaining the existing hedgerows through appropriate management, the planting of new hedgerow and woodland, and the provision of rough grassland. It is proposed that landscaping would be completed during the first planting season following occupation of the proposed

buildings.

6.3.5 Landscape mitigation and enhancement would include:

- A 1.6m high partial bund/cut to reduce the visual impact of the proposed structures. The ground modelling is proposed to have a gentle outer face married into the existing undulating topography so that it can be farmed as part of the adjacent arable field, which would reduce the visual impact of the mitigation measures themselves and reduce direct landscape effects;
- New native hedgerows along the northern and western boundaries to delineate the site from the adjacent fields which, once established, will be managed at a height of 3m+ to provide partial screening to the development. Native hedgerow trees (Oak and Field Maple) will be planted in these hedgerows to enhance the softening effect;
- Further hedgerows would be planted behind the visibility splays at the site entrance;
- Existing hedgerows along the southern and eastern boundaries and those to the north would also be managed at a height of 3m+ to improve screening;
- New native hedgerow trees would also be planted adjacent to these hedgerows;
- Additional native woodland planting would be carried out to the east in the area between the development and the site boundary;
- The internal open areas within the site would be seeded with a wildflower seed mix and managed as rough grassland to enhance habitat diversity;
- Further off-site tree planting would be carried out around the existing wetland area to the north.

6.3.6 The proposed landscaping would result in an increase of approximately 830 metres of new hedgerow planting and 48 new trees, together with 3400m<sup>2</sup> of new native woodland planting to the east of the buildings. Taking into account the sensitivity of landscape receptors and the magnitude of effects, the LVIA considers that the proposal would not result in significant adverse landscape effects.

6.3.7 The LVIA also assesses the effects on visual receptors, such as the public highways, public rights of way, and private dwellings which are located to the north, west, south-west and south-east. It states that existing trees and hedgerows would help to soften the appearance of the development, and hedgerow management along with additional tree and hedgerow planting would provide mitigation. Tree planting around the wetland area to the north of the site would help to mitigate the effects on residential properties to the north. In their objection, Great Ness and Little Ness Parish Council refer to concerns that the site would be viewable from The Cliffe and Nesscliffe Hills. The LVIA notes that there would be minor distant glimpse views through the tree canopy from Nesscliffe Hill (a country park), which lies approximately 1.2km to the north. It considers that the development would have a negligible adverse visual effect on receptors using Nesscliffe Hill. The Cliffe, a hill to the north which rises to 157 metres, is approximately 2.7km away and officers do not consider that the proposed development would be a significant element in any views from this area. In relation to all visual receptors, the LVIA considers that the proposed development would have adverse impacts ranging from negligible to moderate adverse. Landscape proposals

have been designed to mitigate adverse impacts, and visual effects would reduce as planting establishes. The LVIA concludes that the significance of visual effects would be 'not significant', and that no significant adverse visual effects have been identified.

6.3.8 Cumulative effects: The addendum to the LVIA proposes that the only other poultry development with the potential to give rise to cumulative effects is the existing poultry farm at Felton Butler which lies approximately 370 metres to the south-east. It proposes that this development should be treated as part of the baseline rather than as a contributor to cumulative effects. The assessment concludes that, whilst the scale of visual effect has increased in some receptor locations as a result of the cumulative effects, these changes do not raise any issues of more than local level importance. As a result, the significance ratings of the LVIA remain unchanged.

6.3.9 The Council's landscape consultants have reviewed the LVIA and consider that its findings are reliable and provide a comprehensive assessment of the landscape and visual effects of the proposed development. They consider that the mitigation proposals are appropriately designed and specified. They are of the view that the methodology set out in the LVIA is robust and has been consistently applied. The comments of the Council's landscape consultants are acknowledged. Given that there would be adverse impacts associated with the development these will be considered in the planning balance and conclusion below.

#### 6.4 **Historic environment considerations**

6.4.1 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. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard has to be given to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which it possesses.

6.4.2 A Heritage Impact Assessment has been submitted as part of the Environmental Statement. It has assessment impacts on statutory and non-designated heritage assets in the area. It considers that there would be no impact on the setting of any of the listed buildings within a 1.2km radius of the proposed development. The scheduled monument of Nesscliffe Hill Camp on Nesscliffe Hill lies approximately 1.8km to the north of the site and is therefore outside of the area covered by the HIA. Nevertheless officers consider that, as the monument is situated on the northern side of the hill, and given the thick tree cover and the distance between it and the site, the proposal would not adversely affect the setting of this designated heritage asset. The findings are supported by the Council's Conservation Officer. In line with the recommendation of the Council's Archaeology Officer, should planning permission be granted, a condition can be added to require that access is afforded to officers during construction works to monitor ground works and to record any archaeological evidence. In addition a condition could be included to require details of the external appearance of the

buildings to be agreed.

## 6.5 **Traffic and access considerations**

6.5.1 Core Strategy policy CS6 requires that all development is designed to be safe and accessible. Policy CS16 seeks to deliver sustainable tourism, and promotes connections between visitors and Shropshire's natural, cultural and historic environment. SAMDev Plan policy MD8 states that development should only take place where there is sufficient existing infrastructure capacity. The NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

6.5.2 The application proposes that HGVs would get to and from the site via the A5(T) to the south east, via the Felton Butler roundabout. It states that HGVs would be prevented from approaching from and leaving to the north by access design.

6.5.3 When the planning application was originally submitted it proposed that manure arising from the operation would be dealt with by a combination of spreading onto farmland and being exported off site to anaerobic digester (AD) plants and other local farms. It is understood that the submitted Traffic Assessment (TA) was undertaken on that basis. The TA states that manure removal would take place on day 44 of the crop cycle and involve 30 tractor and trailer movements. Subsequently a revised manure management plan was submitted and this states that all manure would be exported to an AD plant at Wykey by tractor and trailer and, if this is not possible, then it would be exported by Gamber Logistics Limited. The Traffic Assessment has not been updated to reflect this change to the proposed arrangements for manure management as part of its export to Wykey which is approximately 8 miles from the site, or as part of its export by Gamber Logistics Limited. The original and the revised Design and Access Statement states that manure removal would take place in a short period between bird removal and chick placement, and that the direction of the movements would vary. Insufficient information has been submitted to identify the number and frequency of traffic movements associated with the manure export now that the proposed arrangement for this has changed, and the routes that would be taken. In addition the Council's highways team have advised that passing places would be required along the local lane given the restricted width of this. They have advised that further highways information is required to inform the specific details of these. It is therefore not considered that insufficient information has been submitted to enable the full highways impacts of the proposal to be assessed.

## 6.6 **Ecological consideration**

6.6.1 Core Strategy policies CS6 and 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.

6.6.2 Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the nature and local environment by protecting and enhancing sites of biodiversity. Paragraph 180 states that if significant harm to biodiversity cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. 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.

6.6.3 Assessment of direct ecological impacts: An Ecological Impact Assessment was submitted with the original application and this was updated in 2022 and is sufficiently up to date. The Council's ecologist has confirmed that the survey effort is satisfactory and has raised no concerns over the conclusions reached. Should planning permission be granted it would be necessary to impose conditions to secure mitigation and enhancement measures as recommended in the Ecological Impact Assessment. These include the use of Reasonable Avoidance Measures to avoid any impacts on Great Crested Newt, the provision of a 30 metres buffer to a badger sett; management of existing hedgerow; and the planting of additional native hedgerow and woodland.

6.6.4 Assessment of indirect ecological impacts: Poultry rearing operations and any spreading of the manure arising from them results in the release of ammonia emissions and these can have a significant impact on ecology over a wide area, either directly or through nitrogen deposition. There are a number of designated ecological sites within influencing distance of the site. These include two areas designated as ancient woodland and/or local wildlife sites within 2km of the site; four further ancient woodlands within 5km; three Sites of Special Scientific Interest (SSSI) within 5km; a further five SSSIs within 10km of the site, two of which are designated Ramsar sites. Concerns were raised by the Council's ecology team in relation to the application as originally submitted, on the basis that this did not provide sufficient assessment of the impact that the proposed development would have on ecological receptors due to ammonia emissions.

6.6.5 The application now proposes that air scrubbing equipment would be fitted to the poultry houses. An Ammonia Impact Assessment has been submitted and this estimates the emissions from the poultry buildings based upon the use of the scrubbers. It also seeks to estimate ammonia emissions from the existing manure spreading. It is proposed that this spreading would cease and that the farmholding would use non-organic mineral fertiliser instead. The assessment seeks to calculate the impacts from this. The Ammonia Impact Assessment has been revised a number of times to seek to address the continued concerns of the Council's ecologist. The current version, revision 9, proposes the following as mitigation for ammonia impacts:

- existing fertilisation of the 78 hectares of arable land at North Farm using

- organic manures and/or slurries would cease;
- any fertilisation requirement would be provided by inorganic fertilisers;
- three hectares of land which is currently arable would be planted with trees and would not be fertilised;
- approximately 2.5 hectares of land which is currently arable would be taken up by the poultry unit, and therefore would not be fertilised.

6.6.6 The Council's ecologist has raised further queries in relation to these mitigation measures. These include queries over the records of previous fertiliser inputs to the farmland that have been provided; and contradictory statements within the Ammonia Impact Assessment. The ecologist has advised that it is not clear what data has been used to inform some of the data provided within the report. In response to earlier concerns raised, the applicant submitted further information in September 2023 however this did not include an updated Ammonia Impact Assessment. On the basis of the information submitted to date, officers consider that it is not possible to determine whether or not the proposal would have significant effects on ecological assets. The proposal is therefore in conflict with Core Strategy policies CS6 and CS17; SAMDev Plan policies MD2 and MD12; and NPPF paragraphs 174, 175 and 180.

## 6.7 **Impact on water resources**

6.7.1 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. A Flood Risk Assessment and Drainage Strategy report has been submitted as part of the Environmental Statement. The site is located within Flood Zone 1, which denotes an area of low risk of flooding. The proposed development would introduce impermeable drainage area in the form of buildings and access roads. In order to ensure that the increase in surface water runoff does not exacerbate flood risk elsewhere, the proposed development would incorporate flow control and attenuation. The drainage report identifies options which include the use of an existing pond for attenuation purposes or alternatively through the use of a below ground tank. In terms of foul water from the shed wash-down, this would be directed to a dirty water tank located beneath the proposed yard area and emptied at frequent intervals by a tanker.

6.7.2 The Council's drainage team have confirmed that these outline proposals are acceptable. Detailed matters could be dealt with by way of a planning condition to require approval of final designs, should planning permission be granted.

## 6.8 **Residential and local amenity considerations**

6.8.1 Core Strategy policy CS5 requires that proposals for large scale new agricultural development demonstrate that there are no unacceptable adverse environmental impacts. 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. One of the core planning principles of the NPPF is that planning should always seek a good standard of amenity for all existing and future occupants of land and buildings.

- 6.8.2 Relationship between planning and permitting processes: The Environment Agency has advised that they have issued an Environmental Permit (EP) for the proposed poultry operation, under the Environmental Permitting regulations. They have confirmed that this EP would need to be varied to change the air ventilation system from roof fans to a gable end scrubber system. This EP would regulate the day to day general management of the operation, including any pollution incidents, and noise and odour issues. Paragraph 188 of the 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.
- 6.8.3 Noise: A Noise Impact Assessment was submitted as part of the original application. This has been revised to assess the likely overall noise implications of the proposal following the introduction of the air scrubber units. The noise report assesses the impact on relevant receptors which include those dwellings in the vicinity of the site. The report concludes that there would be a significant reduction in extract fan noise emissions compared to the previous proposed scheme. It states that noise impact of the air scrubber system during the day and evening would be very low to negligible; and for the emergency roof fans it would be low to very low. In addition, during the night-time period, noise ingress via an open window would be inaudible and therefore negligible.
- 6.8.4 The Council's Regulatory Services officer has reviewed the submitted assessment. The officer has noted that the noise from the operation of the scrubbers and the emergency ventilation together has not been modelled but nevertheless has raised no concerns regarding the likely noise impact. A previous report recommended the use of an electric forklift to reduce noise impacts during the night time during bird catching operations. A planning condition could be imposed to this effect should planning permission be granted. The Regulatory Services officer considers that overall the proposal is likely to have a low impact in terms of noise.
- 6.8.5 Odour: Decomposing waste products such as manure, dust and bedding causes odours in poultry units. This can be affected by ventilation rates and temperature in the buildings. An Odour Impact Assessment was submitted as part of the original application and a number of revisions to this have been submitted based upon comments raised through the planning process and also the proposed introduction of the air scrubber units.
- 6.8.6 In relation to the clearing out of the poultry buildings the odour report states that this would occur once at the completion of each flock cycle (every 42 days) and that the time taken to complete the task would normally be less than four hours per house. It states that any elevated odour emissions during that process would be transitory and

relatively infrequent. It notes that no manure would be stored on site. The odour consultant states that little factual information exists on the magnitude of odour emission rates during clearing out, and because of the short term duration of these activities it is not feasible to model them and relate the results to accepted odour impact standards. The report states that the emissions would be transitory and infrequent in nature, and therefore the output of modelling could not be assessed against conventional 98th percentile impact benchmarks and guidance. For these reasons, it concludes that it is not feasible to model odour emissions during the cleaning out of poultry houses. The author considers that that approach is supported by planning appeals, in particular the Mapleton Farm appeal (at Horsington in Lincolnshire), where the Planning Inspector considered that modelling emissions during cleaning out was not appropriate. The report goes on to say that the authors have seen no guidance or scientific evidence that suggests that the planning and assessment criteria have changed since this planning appeal decision.

- 6.8.7 The report was produced in 2020 and since then an appeal decision has been received in relation to a proposal for four poultry buildings elsewhere in the county where the proposal was dismissed on grounds of odour and ammonia impacts (APP/L3245/W/21/3289216). In this decision the inspector acknowledged that odour dispersal modelling is not an exact science and is based upon a number of variables. In relation to the submitted odour assessment the inspector was not satisfied that this properly considered the odour effects of the proposed development. The inspector was concerned that the assessment failed to consider peak odour concentrations at the end of the growing cycle and during the clearing out of the poultry buildings. Also of concern was that there was limited explanation provided for the input data selected and the methodology adopted. These factors combined with the absence of empirical evidence to support the assessment and conclusions led the inspector to determine that the odour assessment for that proposal did not adequately model the impact resulting from the proposed development; and that in his judgement the conclusions reached in the assessment could not be relied upon.
- 6.8.8 The odour assessment in relation to the current application was undertaken by a different consultant to that in the appeal referred to above. The Council's Regulatory Services team have been re-consulted following the appeal decision. At the time of writing this report no further comments had been received, and any comments that are made in advance of the committee meeting will be reported to Members. The odour report puts forward recommended mitigation measures to ensure that odour arising from the clearing out process is minimised. Notwithstanding the responsibilities of the Environment Agency in relation to odour management matters, it is considered that a condition could be imposed on any planning permission granted to require that these mitigation recommendations are adhered to.
- 6.8.9 The Odour Impact Assessment (OIA) considers that the air scrubbers would reduce odour emissions by 30%. The OIA has modelled cumulative odour emissions which include those from an existing poultry unit to the south. The modelling predicts that the five-year mean annual 98th percentile hourly mean odour concentrations are below the suggested benchmark range of 3.0 to 5.0 oue/m<sup>3</sup> at all occupied receptors. In addition,

it predicts that odour exposures would also be below the more rigorous 1.5 ouE/m<sup>3</sup> benchmark at all occupied receptors. It states that odour impacts at public rights of way, which are less sensitive receptors, would also be below the benchmark range of 3.0 to 5.0 ouE/m<sup>3</sup> apart from at one footpath receptor location, where the predicted impact would be 3.12 ouE/m<sup>3</sup>. It concludes that it is predicted that there would be 'negligible' impacts at all receptor locations when taking account of sensitivity.

- 6.8.10 In terms of cumulative impacts, the OIA reports that odour emissions in the area would be dominated by those from the existing, large poultry unit to the south-east., and that the proposed development would only contribute a small proportion of the combined odour impact at most receptors. It states that with the inclusion of acid scrubber abatement and with roof-mounted "boost" fans for hot weather ventilation, the cumulative odour impacts of the proposed North Farm poultry unit in combination with the existing unit at Felton Butler are reduced to below the 3.0 ouE/m<sup>3</sup> benchmark at those locations where there is any potential for cumulative impacts. At other sites where there is exceedance of the 3.0 or 5.0 ouE/m<sup>3</sup> benchmarks as a result of emissions from the existing unit in Felton Butler, the odour impact contribution of the proposed development would be insignificant. The OIA therefore concludes that the proposed poultry unit would have no material significant impact on local residential amenity with respect to odour both in isolation and in combination with the existing, larger poultry unit at Felton Butler.
- 6.8.11 The Council's Regulatory Services Officer acknowledges that the scrubbing technology would significantly reduce odour. The officer considers that any increase of odour around the 1 odour unit level would not be expected to be readily perceived, and that the OIA suggests that there would be a low to negligible impact from the proposal. In relation to the potential for elevated levels of odour during clearing out operations officers consider that notwithstanding the inherent difficulties in assessing the impact of this part of the process, this would occur infrequently and for a short duration during each cycle. It is not considered that the impacts of this in the local area would be at a level that would warrant refusal of the proposal on odour grounds.
- 6.8.12 Manure management: The spreading of poultry manure on farmland raises implications in terms of potential amenity and environmental impacts. Following concerns raised by officers on this the applicant has submitted a Manure Management Plan (MMP). This states that the applicant currently buys in fertiliser to spread on the land together with some poultry manure. It states that it is proposed that all manure produced from the proposed broiler units would be exported to an Anaerobic Digester plant at Wykey. The MMP includes a letter from the operator of this plant confirming that they are willing to remove and store the manure as soon as the birds are taken from the sheds, and that the manure would be used as feedstock for the anaerobic digester, which utilises this to generate heat and electricity. The MMP states that in the event that AD facility is not available the manure would be exported by Gamber Logistics Ltd. It is not clear what would then happen to the manure once it has been exported by this company. It is understood that Gamber Logistics Ltd. is a company that specialises in cleaning services; litter trading; and potato supply chain management and trading.

6.8.13 It is considered that the export of the manure arising from the proposed operation and its use in an anaerobic digester would be acceptable in principle in preference to it being spread directly onto farmland. The application proposes that the manure would be exported to a specific AD plant. However it is not considered that the application proposes an acceptable contingency arrangement for the management of poultry litter should the specified anaerobic digester option not be available. There is no mechanism put forward for ensuring that, in the event of an alternative option being required, such as may be necessary if the Wykey AD operator no longer wishes to accept the waste, all manure produced would be satisfactorily managed and that its use would not raise potentially significant impacts. The application is therefore deficient in relation to this and it is not possible to conclude that the use of the manure would not give rise to adverse environmental impacts on local amenity and in relation to pollution. The proposal is therefore in conflict with Core Strategy policies CS6 and CS18.

## **7.0 PLANNING BALANCE AND CONCLUSION**

7.1 The proposal for a new poultry rearing operation at North Farm, Felton Butler would constitute a diversification of the existing agricultural business and would result in economic benefits in terms of construction activity, employment of labour both during construction and the ongoing operation of the poultry business; and the related investment in buildings and infrastructure. It is considered that the assessments submitted in relation to noise and odour impacts have satisfactorily demonstrated that the operation can be undertaken at this site without adversely affecting local amenity to an unacceptable degree, either in isolation or cumulatively with other activities in the area.

7.2 However the submitted information does not provide a satisfactory level of assessment in relation to potential ecological impacts from ammonia emissions. It is therefore not possible to determine whether or not the proposal would have significant effects on ecological assets, which include ancient woodland and SSSIs. In addition, the proposals put forward for the management of manure arising from the operation are insufficient and do not demonstrate to a satisfactory degree that this indirect effect of the development would not give rise to adverse environmental impacts on local amenity and in relation to pollution. Additionally, insufficient information has been submitted as part of the Environmental Statement to enable an assessment of the likely highways impacts of the proposal, particularly in relation to the proposed export of manure from the site. Notwithstanding the landscape mitigation proposals put forward, the proposed development would result in adverse levels of impact on the local landscape character and on visual effects. Whilst the mitigation would help to reduce these in time, it is not considered that the proposal would provide sufficient benefits to outweigh these impacts. The proposed development is therefore contrary to Core Strategy policies CS6, CS17 and CS18; SAMDev Plan policies MD2, MD7b and MD12; and NPPF paragraphs 174, 175 and 180.

## **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 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 1990.

## **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:  
National Planning Policy Framework

Core Strategy and Saved Policies:

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS7 - Communications and Transport

CS13 - Economic Development, Enterprise and Employment

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

### RELEVANT PLANNING HISTORY: \_

None.

## 11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OYAFPITDHDA00>

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 Chris Schofield
Local Member
Cllr Ed Potter
Appendices



Northern Planning 10<sup>th</sup> October 2023

Proposed Poultry Units NW Of  
North Farm

APPENDIX 1 - None

Northern Planning 10<sup>th</sup> October 2023

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North Farm