

## Development Management Report

Responsible Officer: Tim Rogers

Email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b><u>Application Number:</u></b> 15/01938/EIA	<b><u>Parish:</u></b>	Myddle And Broughton
<b><u>Proposal:</u></b> Erection of a poultry building, an expansion of the existing poultry business on site.		
<b><u>Site Address:</u></b> Meadowland Sleaf Harmer Hill Shrewsbury Shropshire		
<b><u>Applicant:</u></b> Mr D Grocott		
<b><u>Case Officer:</u></b> Karen Townend	<b><u>email:</u></b> <a href="mailto:planningdmne@shropshire.gov.uk">planningdmne@shropshire.gov.uk</a>	

**Grid Ref:** 349125 - 326124



**Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.**

**REPORT**

## **1.0 THE PROPOSAL**

- 1.1 This application is one of three applications for new poultry sheds at Meadowlands, Sleaf, as an extension to the three previously approved poultry sheds adjacent to the application site. Each of the three poultry sheds now proposed will be the same as the approved buildings, and will measure 108m x 24.7m. Eaves heights are 2.76m and with a low pitched roof the ridge height is 4.9m. The design and access statement submitted with the application advises that the buildings will be constructed of a steel frame, the roofs and side walls will be clad with box profile polyester coated steel sheet with high level double glazed windows to provide natural light to match the existing buildings. The three sheds are intended for a maximum of 150,000 broiler chickens at any one time, which would increase the capacity at the site as a whole to 300,000.
- 1.2 In addition the scheme proposes the erection of six feed bins which are proposed to be 7.5m high with a diameter of 2.8m and 30 tonne capacity. The previous applications on the site also included the erection of a control room, biomass boiler building and agricultural workers dwelling. However, the boiler building has not been erected and instead each poultry shed has a small boiler and wood chip store room at the end, off the hard surfaced access road. The new buildings will also connect to the existing services and facilities including the drainage system.
- 1.3 The scheme has been submitted in three separate applications by the agent and on this occasion this method of applying for permission appear to be acceptable. However, to ensure that the development is considered as a whole all three applications need to be considered alongside each other. The separating of the composite parts can allow the authority to grant parts and refuse parts if not all of the overall scheme is acceptable and as such each application will also need to be considered on its own merits.
- 1.4 EIA requirements  
The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 requires that for certain types of development an EIA must be undertaken. The proposed poultry development as a whole falls within the criteria in Schedule 1 of the Regulations (as it will accommodate in excess of 85,000 broiler chickens) and an EIA was therefore a mandatory requirement of the application submission.
- 1.5 The EIA procedure is a means of drawing together, in a systematic way, an assessment of a project's likely significant effects on the environment. The Regulations at Schedule 4, Parts 1 and 2, stipulate the information to be included in an Environmental Statement (ES). An ES should identify, describe and assess the likely significant impacts of the development on the environment.
- 1.6 The application has been submitted with an ES non-technical summary as required by the regulations and the contents of this document will be considered in the relevant sections of the report below.

## **2.0 SITE LOCATION/ DESCRIPTION**

- 2.1 The site is located at Meadowlands, a 46 acres (18.6 hectares) farm which currently contains three modern poultry buildings. The applicant is purchasing the adjacent 21.9 acres in order to expand the business. The three existing buildings

have been in place since October 2014 the agent has advised that the buildings have operated three cycles of birds. Prior to the construction of the modern buildings the site was used for poultry farming and housed two free range sheds which were used most recently to provide shelter and housing for sheep grazed on the surrounding land. The site sits in an area of countryside for planning purposes as it is outside any of the development boundaries set within the saved North Shropshire Local Plan or the SAMDev. Sleaf is located to the south of Wem and is made up of sporadic houses and farms, the private airfield operated by Sleaf Aero Club and a small number of other businesses.

- 2.2 Access to the site is proposed to be via the minor road known as Burma Road which is accessed off the B5476 Shrewsbury to Wem road. Wem, Clive and Myddle are all approximately 3km from the site and Loppington is 3.75km away. There are a small number of houses and farms in Sleaf, it is not an identified settlement in the North Shropshire Local Plan but is recognisable on an OS map. The site is therefore considered to be countryside in planning terms with the main use being the airfield which is still in active use by small aircraft.

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

- 3.1 The proposed development is Schedule 1 development under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 which under the Councils adopted scheme of delegation requires determination by Committee.

### **4.0 COMMUNITY REPRESENTATIONS**

#### **4.1 Consultee Comments**

- 4.1.1 **Myddle and Broughton Parish Council** – Members have considered it in detail and visited the site and have raised no objections. They are content for the Planning Committee to make the decision.

#### **4.1.2 Environment Agency – No objection.**

##### Environmental Permitting Regulations:

Intensive pig and poultry sites are regulated by us under the Environmental Permitting (England and Wales) Regulations (EPR) 2010. Farms that exceed capacity thresholds >40,000 birds require an Environmental Permit (EP) to operate. The site holds an intensive poultry permit issued by the Environment Agency in July 2012 for 350,000 bird places and associated biomass boilers. The site has three existing sheds (total of 150,000 bird places). To date, no complaints have been received by us and two inspections at the site have not revealed any non compliance with the permit.

The proposed development of three extra sheds would increase the overall operations on site to 300,000 birds, which is under the maximum bird places permitted. However there is an amendment to the location of the proposed sheds compared to the existing EP. The planning application details confirm that the three new sheds will be sited on land to the south east of the existing sheds rather than to the north of the existing sheds as detailed in the existing EP. I can confirm that the operators of the site have applied to vary the existing EP to reflect the revised location of the three proposed new sheds, which will site the development further away from the nearest residential properties and designated conservation

sites to the north. The EP installation boundary would be amended as part of the variation application to reflect the current proposals.

Under the EPR the EP and any future variations cover the following key areas of potential harm:

- Management – including general management, accident management, energy efficiency, efficient use of raw materials, waste recovery and security;
- Operations – including permitted activities and operating techniques (including the use of poultry feed, housing design and management, slurry spreading and manure management planning);
- Emissions – to water, air and land including to groundwater and diffuse emissions, transfers off site, odour, noise and vibration, monitoring; and
- Information – including records, reporting and notifications.

#### Development Proposals:

Key environmental issues that are covered in the EP include odour, noise, ammonia, bio-aerosols and dust. These relate to any emissions that are generated from within the EP installation boundary.

Based on our current position, we would not make detailed comments on these emissions as part of the planning application process.

As part of the EP application it is 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 an EP we will take action in-line with our published Enforcement and Sanctions guidance.

For the avoidance of doubt we would not control any issues arising from activities outside of the EP installation boundary. Your Council's Public Protection team may advise you further on these matters.

#### Water Management:

The Water Framework Directive (WFD) waterbody in closest proximity to the proposed development site is the 'Sleaf Brook - source to confluence with unnamed tributary' (Waterbody Reference GB109054049170), which is currently 'not assessed'.

Clean surface water can be collected for re-use, disposed of via soakaway or discharged directly to controlled waters. Dirty Water e.g. derived from shed washings, is normally collected in dirty water tanks via impermeable surfaces, as proposed. 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.

Shed roofs that have roof ventilation extraction fans present may result in the build up of dust which is washed off from rainfall, forming lightly contaminated water. The EP will normally require the treatment of roof water, via swales or created wetland from units with roof mounted ventilation, to minimise risk of pollution and

enhance water quality. For information we have produced a Rural Sustainable Drainage System Guidance Document, which can be accessed via:  
<http://publications.environment-agency.gov.uk/PDF/SCHO0612BUWH-E-E.pdf>

Flood Risk (Surface Water):

Based on our 'indicative' Flood Map for Planning (Rivers and Sea), the proposed site is located within Flood Zone 1 which comprises of land assessed as having a less than 1 in 1000 annual probability of river flooding (<0.1%). In considering surface water run-off, the Environmental Impact Assessment (EIA) includes a Section on flooding and surface water run-off (section 7.3 of the Environmental Statement). For applications subject to EIA we wish to provide 'strategic' surface water comments. We would recommend that your Flood and Water Management team are consulted on the detail of the surface water drainage proposals, as the Lead Local Flood Authority (LLFA). We acknowledge the proposals recommend SuDS (sustainable drainage systems) in the form of a swale prior to discharge to the Sleaf Brook, limited to greenfield run-off rate in line with the National Planning Practice Guidance for events up to a 1 in 100 year plus climate change (20% allowance) design standard.

For further information please refer to our LPA Process Note 'Operational Development (1ha) within Flood Zone 1'.

Manure Management (storage/spreading):

Under the EPR the applicant will be required to submit a Manure Management Plan, which consists of a risk assessment of the fields on which the manure will be stored and spread, so long as this is done so within the applicants 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 analyse the manure twice a year and the field soil (once every five years) to ensure that the amount of manure which will be applied does not exceed the specific crop requirements i.e. as an operational consideration. Any Plan submitted would be required to accord with the Code of Good Agricultural Policy (COGAP) and the Nitrate Vulnerable Zones (NVZ) Action Programme where applicable.

The manure/litter is classed as a by-product of the poultry farm and is a valuable crop fertiliser on arable fields.

Separate to the above EP consideration, we also regulate the application of organic manures and fertilisers to fields under the Nitrate Pollution Prevention Regulations. We can confirm that the proposed site (as shown on the site plan submitted) is located within a NVZ.

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/government/collections/pollution-prevention-guidance-ppg>

The construction phase in particular has the potential to cause pollution. Site

operators should ensure that measures are in place so that there is no possibility of contaminated water entering and polluting surface or ground waters. No building material or rubbish must find its way into the watercourse. No rainwater contaminated with silt/soil from disturbed ground during construction should drain to the surface water sewer or watercourse without sufficient settlement. Any fuels and/or chemicals used on site should be stored on hardstanding in bunded tanks.

#### 4.1.3 **Natural England – No objection**

The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the West Midlands Mosses Special Area of Conservation (SAC) which is a European site. The site is also in close proximity to a number of sites which are listed as parts of the Midlands Meres and Mosses Phase 1 and Midlands Meres and Mosses Phase 2 Ramsar sites. There are also a number of nationally designated Sites of Special Scientific Interest (SSSIs) that may be affected by the proposed development namely:

Clarepool Moss  
Fenemere  
Brown Moss  
Sweat Mere & Crose Mere  
Hencott Pool  
Colemere  
White Mere  
Fenn's, Whixall, Bettisfield, Cadney & Wem Mosses  
Grinshill Quarry  
Ruewood Pastures  
Brownheath Moss.

Please see subsequent sections of this letter for Natural England's comments on SSSI interest features.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

#### Habitats Regulations Assessment required

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

In advising your authority on the requirements relating to Habitats Regulations Assessment, it is Natural England's advice that the proposal is not necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site,

proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out.

The effect pathways between the development and the international sites are likely to be through increased air pollution and the related deposition and through the water environment. We have not been provided any air pollution reports in support of the application but the Environmental Statement refers to a permit to operate from the Environment Agency. You may be able to undertake your HRA based on the details of this permit.

#### Nationally designated sites

As stated previously, this application is in close proximity to a number of Sites of Special Scientific Interest (SSSIs). The Environmental Statement report refers to an Environmental Permit for 350,000 broilers however the development only proposes increasing the numbers of birds from 150,000 to 300,000. We have not seen the permit or the modelling which informed it however it is reasonable to assume that the Environment Agency's assessment will demonstrate that the proposal will not lead to deposition on designated sites outside of the thresholds which they consider significant.

We therefore advise your authority that these SSSIs do not represent a constraint in determining this application. Should you disagree or the details of this application change, Natural England draws your attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

local sites (biodiversity and geodiversity)

local landscape character

local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document) in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at Wildlife and Countryside link.

#### Protected Species

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed

development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted. If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk)

#### Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*. Section 40(3) of the same Act also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'*.

- 4.1.4 **Council Conservation Officer** – no comments to make on this application with respect to archaeological matters.
- 4.1.5 **Council Public Protection Officer** – odour is related under the EA permit. As the permit is already in place for the increased number of birds the controls specified are likely to be sufficient to control odour. All complaints regarding odour should have been directed to the EA as the regulating body.

Having looked at the distances involved does not consider it likely that there will be a significant detrimental impact on the amenity of the area through the proposals made.

- 4.1.6 **Council Highway Officer** – Whilst 3 separately submitted applications, they relate to three 50,000 bird individual poultry units but collectively, in effect, represent a development of 3 additional poultry sheds to the 3 which currently operate from the site. The site as a whole would therefore increase the bird production on the site from 150,000 to 300,000 birds per cycle. As I understand it whilst these 2 sites could operate separately in terms of the timing of the birds cycles, the intention is that they would operate under the same bird cycle. That however would ultimately be a matter for the operator/applicant.

As with the previous planning consent for the existing 3 active poultry units, the current proposal is supported by a highway report which sets out the level of HGV traffic generated. In reality however, there is likely to be a doubling of the HGV movements rather than any saved movements.

From the highway perspective, the highway authority have some concerns regarding the road infrastructure and in particular the impact of increased HGV movements on the approach road leading to the site from the Class II road. Some



localised improvements were carried out as part of the previous consent for the 3 existing poultry sheds. It is considered however that further improvements, funded by the applicant, should be sought in connection with the current application proposals having regard to the increased HGV movements.

The highway authority is satisfied that the above matter can be dealt with by way of planning condition and/or legal agreement.

- 4.1.7 **Council Rights of Way Officer** – There are no legally recorded public rights of way at any status which cross or abut the site identified.
- 4.1.8 **Council Ecologist** – Has read the above application and the supporting documents including the Environmental Statement provided by Peter Richards & Co Ltd (2015), Email from Kevin Heede (6<sup>th</sup> June 2015), Ecological Assessment conducted by Star Ecology (10<sup>th</sup> June 2015 & 2012). Recommends the conditions and informatives on the decision notice, that the Planning Officer includes the Habitat Regulation Assessment (HRA) matrix within their site report and that formal comments should be received from Natural England prior to a planning decision being granted.

#### Bats

5 mature trees have been identified as having bat roost potential. These trees are to be retained and protected during and post construction (as shown on the site plan). SC Tree team should be able to provide the planning case officer with appropriate planning conditions. To enhance the site for bats a condition is recommended to provide 2 bat boxes, a condition to require the details of the external lighting and an informative.

#### Great Crested Newts

Following on from gcn survey work conducted in 2012 water samples from four ponds within 250m of the proposed development have been analysed by the Fera eDNA testing service. The results of the eDNA analysis indicate that great crested newt are not present within the ponds (May 2015). Due to a gcn record within 500m and the lack of survey information from p5-21, all over 200m from the site, Star Ecology has proposed development risk avoidance measures for great crested newts and a condition and informative should be on the decision notice.

#### Nesting Wild Birds

There is potential for nesting wild birds on the site and as such recommends a condition requiring 4 artificial nests and an informative.

#### Badgers

No evidence of badger was recorded within 100m of the site. Star Ecology concludes that there is potential for badgers to traverse/forage on the site and has therefore provided Reasonable Avoidance Measures for Badgers. The method statement should be conditioned.

#### Landscape Planting

A suitable landscape plan condition should be on the decision notice.

#### Habitat Regulation Assessment

This application must be considered under the Habitat Regulation Assessment process in order to satisfy the Local Authority duty to adhere to the Conservation of Species & Habitats Regulations 2010 (known as the Habitats Regulations).

A Habitat Regulation Assessment matrix is attached with this response. The HRA matrix must be included in the Planning Officer's report for the application and must be discussed and minuted at any committee at which the planning application is presented. Natural England must be formally consulted on these 3 planning applications and their response should be taken into account prior to a decision being granted. Planning permission can only legally be granted where it can be concluded that the application will not have any likely significant effects on the integrity of any European Designated site.

- 4.1.9 **Council Drainage Engineer** – The drainage details, plan and calculations could be conditioned if planning permission were to be granted.

The application form states that surface water drainage from the proposed development is to be disposed of via a sustainable drainage system (SuDS). The Environmental Statement suggests that surface water will enter the watercourse via a swale with attenuation. Full details, plan and calculations of the proposed SuDS and attenuation should be submitted for approval together with the treatment for dirty water. As part of the SuDS, the applicant should consider employing measures such as the following:

Surface water soakaways (Designed in accordance with BRE Digest 365)

Swales

Infiltration basins

Attenuation ponds

Water Butts

Rainwater harvesting system

Permeable paving on any new driveway/paved area

Attenuation

Greywater recycling system

Green roofs

Confirmation is required that the design has fulfilled the requirements of Shropshire Councils Surface Water Management: Interim Guidance for Developers paragraphs 7.10 to 7.12, where exceedance flows up to the 1 in 100 years plus climate change should not result in the surface water flooding of more vulnerable areas within the development site or contribute to surface water flooding of any area outside of the development site.

If non permeable surfacing is used on the drive and/or the drive slopes towards the highway, the applicant should submit for approval a drainage system to intercept water prior to flowing on to the public highway.

## 4.2 **Public Comments**

- 4.2.1 A site notice has been erected; press notice published and the 3 nearest neighbouring properties were directly consulted. 1 letter of representation has been received as a result raising the following concerns:

- Access road already over used
- Smell is dreadful

- Size already large enough and a negative impact
- Risk of other industrial uses if poultry meat market slumps

## 5.0 THE MAIN ISSUES

- Policy & principle of development
- Proposed operations
- Layout, scale and design of proposed structures
- Landscape and visual impact
- Impact on heritage assets
- Impact on residential amenities and local businesses
- Traffic and highway implications
- Trees and ecology
- Drainage
- Other matters

## 6.0 OFFICER APPRAISAL

### 6.1 Policy & principle of development

6.1.1 This proposal is for an expansion of a recently created agricultural enterprise for the production of poultry meat for human consumption which is a traditional agricultural function and whilst farming methods and intensity of production may have changed, its purpose has not. The Town and Country Planning Act contains a definition of agriculture, which includes the breeding and keeping of livestock, including any creature kept for the production of food. The proposed operation is therefore considered to be agricultural, although large scale, it can still be expected to be located in the countryside.

6.1.2 The nature of the current proposal and the methods used for meat production are likened by some to an industrial rather than an agricultural process. Were that argument to be accepted then the correct location for enterprises such as that proposed would be within commercial and industrial estates, usually within or on the edge of urban centres. Nationally this is not where such facilities are being located. They are generally being sited within the countryside in typically traditional agricultural locations, with a general agreement that this is acceptable in principle subject to all other material considerations.

6.1.3 On this application only one letter of representation has been received raising concern about the impact the proposal could have on their local environment and quality of life and using the existing, recently built, units as an example of the impact. The Local Planning Authority has a duty to remain objective and to ensure that the proposal is considered against the policies of the Development Plan, and that the proposal is determined in accordance with those policies unless other material planning considerations indicate otherwise. National and local policies require the LPA to use its judgement in determining whether a proposal is sufficiently harmful to interests of acknowledged importance to justify it being refused in the public interest. Of key importance in weighing the merits of a planning application and reaching that judgement are the views of statutory consultees who provide advice within their fields of expertise.

6.1.4 The National Planning Policy Framework has at its heart a presumption in favour

of sustainable development. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions. The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

6.1.5 Policy CS5 of the Shropshire Core Strategy states:-

New development will be strictly controlled in accordance with national planning policies protecting the countryside and Green Belt. Subject to the further controls over development that apply to the Green Belt, 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 inter alia:- Agricultural/ horticultural/ forestry/ mineral related development. Although proposals for large scale new development will be required to demonstrate that there are no unacceptable adverse environmental impacts.

6.1.6 As such the principle of new agricultural development in this location is acceptable. The key issues are whether the proposed development would have an unacceptable adverse impact and these are considered below.

6.2 **Proposed operations**

6.2.1 The current three applications submitted propose a poultry installation with the capacity to house 150,000 birds per cycle, 50,000 birds per shed, and produce approximately 2,366 tonnes of poultry meat per annum. These three sheds would double the number of birds and production from the site from the current 150,000 birds to 300,000 birds per cycle. There will be a maximum of 7.6 cycles per year with 6 days clearing out in between each cycle. The site will operate 24 hours per day, 7 days per week. The chickens will be grown as “Standards”, i.e. they will be purchased as one day old chicks, the males are removed after 36 days and the females after 42 days. Mortalities are removed from the sheds each day and the numbers recorded, they are stored in freezers until they are removed by an approved contractor. After all the birds are removed the manure is loaded onto tractor and trailer and taken off site for spreading on farm land outside of the applicants control. The sheds are then cleaned with compressed air and water before drying and re-stocking. The wash down water will also be taken off site. The D&A advises that the applicant will not undertake this work on bank holidays.

6.2.2 Within the D&A the agent also details that the development will employ a further full time member of staff, two part time workers and additional short term employment during clearing out, cleaning and re-stocking which will be over and above the existing employment generated from the site. The previously approved agricultural workers dwelling provides a permanent member of staff on site and other staff employed as required for bird welfare and production to meet the standards set by the buyers. If bird welfare is not maintained and the birds become ill or dead stock is not removed this has the potential to affect the whole

flock and therefore it is not in the applicant's commercial interest to let this happen.

### 6.3 **Layout, scale and design of proposed structures**

- 6.3.1 Policy CS6 of the Shropshire Core Strategy requires all developments to be designed to a high quality using sustainable principles, respecting and enhancing local distinctiveness and to protect, restore, conserve and enhance natural, built and historic environments by being appropriate in scale, density, pattern and design. As detailed more in the following section the application site lies in an area classed as countryside for planning purposes as it is outside of any of the identified development boundaries. However, as previously noted agricultural developments are generally acceptable in principle in the countryside. The scale, density, pattern and design of the development still needs to be appropriate and reflect the local context.
- 6.3.2 The footprint of the whole of the proposed development, for which the current application seeks consent for part, covers approximately 9,998sqm (of a 3.291 hectare field). The application proposes to use the existing access off Burma Road which was modified under the previous application. The existing access track within the site leads between the new dwelling on the north and an area of paddocks on the south. An existing brick building, thought to be a military building, has been retained and used for storage, opposite this is the three recently completed poultry sheds and hard standing for vehicle manoeuvring and a turning area. The current application is one of three for three new sheds and six new feed bins to the south of the recently completed sheds. If approved these three new sheds would then be in line with the existing three with their gable ends and entrances facing onto an extended area of hard standing, parallel with each other and the biomass & brick buildings. The sheds are set back from Burma Road. The access track within the site will lead past the sheds and into the land being retained as grazing land where the previous consent also proposed additional planting and a replacement pond and swale.
- 6.3.3 As noted above the three sheds are to be identical in size measuring 108m x 24.7m. Eaves heights are 2.76m and with a low pitched roof the ridge height is 4.9m. The materials proposed for the buildings as detailed in the design and access statement suggest the use of Goosewing grey cladding, Goosewing grey profile sheeting to the roof and matching coloured doors. However, the existing sheds on site are not grey as officers advice to members previously was that the use of grey was not appropriate for this area where the buildings will sit within a wooded and hedgerow landscape. At the time of the previous applications a condition was imposed requiring details of the colour to be submitted and a green finish was approved. It is therefore recommended that a condition is imposed on this application and the other two to require the materials to match the existing buildings.
- 6.3.4 The feed bins will also be the same as the previously approved and erected feed bins in terms of design, size, colour, capacity and position in relation to the sheds. Each shed will have an attached control room, boiler room and store and water storage tanks. A new office and staff facility will also be provided within the footprint of the proposed buildings.

- 6.3.5 Reference is made by the agent and by the Environment Agency to an amendment to the EA Permit. The Environment Agency have confirmed that the applicant has a permit for 350,000 birds on site but that the permit is for additional buildings to the north. The agent has submitted the current three applications as it is considered that this southern site would be less visually intrusive, accessible from the existing track and also provide easier management of the site as the sheds would be all together in one group. These are relevant points and are all positive in favour of the application site. Furthermore the development of the southern site would take the new sheds further away from the nearest neighbouring property, which lies to the north, than the scheme shown in the EA Permit.
- 6.3.6 Overall officers consider that the proposed layout, scale and design are appropriate and meet the requirements of policy CS6. The layout of the development will provide three new poultry sheds in a layout and scale that are the same as the recently completed buildings. The issue of the impact on wider area is considered in the following section, however officers recommend that the proposed scheme is well designed.
- 6.4 **Landscape and visual impact**
- 6.4.1 The application proposes an expansion of an existing, recently developed, modern poultry farming business which is surrounded by existing native hedges interspersed with trees and is adjacent to mature woodland. As such the key issue to consider is whether the current proposal would result in landscape and visual impacts that are significantly greater and more harmful than the existing development. In addition to retaining and maintaining this existing landscaping the applicant has previously provided new landscaping to the rear of the proposed sheds and a buffer to the nearest neighbour, within the land retained for grazing. Officers consider that the existing landscaping and the position of the site in the wider area will minimise the visual impact of the development. Additional planting is proposed along the eastern boundary of the site, to the rear of the sheds which will help to screen the new buildings. This current proposal is also sited adjacent to the recently built buildings, but on the opposite side of the buildings from the nearest neighbour. As such the visual impact from the neighbouring property will not be significantly altered.
- 6.4.2 The Shropshire Landscape Typology for the application and surrounding area is Estate Farmland which is defined as mixed farming with clustered settlements, planned woodland character and gently rolling lowland. This landscape covers large areas of Shropshire and officers consider that the area surrounding the application site is a good example of Estate Farmland. However, this does not preclude development. What needs to be determined is whether the proposal would have a detrimental impact on the landscape and the wider area. In assessing this matter the case officer visited the application site, the immediate surrounding area and potential view points in the wider area. The conclusion of this was that the development will be visible from Burma Road but only near to the site and the neighbouring property. In the wider landscape the buildings will be viewed amongst other agricultural buildings and with the backdrop of the woodland and field hedges and trees.
- 6.4.3 There are no rights of way across the site with the nearest right of way identified

by the applicant being 460m from the site and also screened by the woodland. The Council Rights of Way Officer has advised that the development will not have an impact on any right of way. Overall officers consider that, although the buildings will be visible from the immediate surroundings, this is not resulting in an unacceptable harm to the landscape of the area and the provision of additional landscaping will further assist in reducing the visual impact of the development.

## 6.5 **Impact on heritage assets**

6.5.1 Sleaf airfield and the surrounding area was used by the military during the 2<sup>nd</sup> World War and there is still evidence of military uses and buildings in the area, including what remains of the airfield and the brick building within the application site. As such Sleaf could be considered to have some historic merit though this includes built form and has not been preserved in its historic form as other newer buildings have been developed on and around the airfield. In the wider area there are four listed buildings within 2km of the site. However, on considering the previous applications, for the recently built poultry sheds, the Conservation Officer confirmed that, in her opinion, the proposed development will not adversely affect the setting of any designated or non-designated heritage assets. As with the impact on the landscape the proposed buildings will be read amongst other agricultural developments and will be broken up by existing and proposed landscaping.

## 6.6 **Impact on residential amenities and local businesses**

6.6.1 Policy CS6 requires all developments to safeguard residential and local amenity and policy CS5, although supportive of agricultural developments requires large scale developments to ensure that they do not have an unacceptable detrimental impact on the environment. It is acknowledged that poultry sites can be an issue with the potential for noise, odour, dust, flies and vermin. One objection has been received raising these concerns and commenting that there have been problems from the recently completed sheds. These concerns are summarised in section 4.2 of the report.

6.6.2 The submitted Environmental Statement suggests that other than the dwelling proposed on the application site the nearest dwelling is New House Farm which is over 600m from the application site with Sleaf Gorse in between. The case officer noted on a site visit that the dwelling can be viewed from the agricultural land between the existing poultry sheds and visa versa. However, the current application proposes three new sheds on the opposite side of the recently completed sheds which themselves were considered to be acceptable and not harmful to the amenities of this neighbouring residential property. The issue is whether the current proposal would result in greater impact. It is acknowledged that the three applications currently being considered would double the number of birds at the site and therefore there is a risk of an increase in the impact and the odour, noise and other environmental harms.

6.6.3 The development would be required to operate under an Environmental Permit (EP) issued and monitored by the Environment Agency. As noted at 4.1.2 the permit has been granted for a larger scale development than that which was previously approved and built. Although the permit is for more sheds and a greater number of birds this does not pre-determine this current planning. The ES and EP both note that the site is proposed to be run in accordance with “Best

Available Techniques”. A formal definition of this is provided in a European Directive as “the most effective and advanced stage in the development of activities and their methods of operation which indicate the practical suitability of particular techniques for providing the basis for emission limit values designed to prevent and, where that is not practicable, generally reduce emissions and the impact on the environment as a whole”.

- 6.6.4 The Environmental Statement (ES) submitted with the application has assessed all of the potential impacts on the surrounding area and the following section considers the information provided and the advice from the Environment Agency (EA) who have also considered the potential impacts in assessing the Environmental Permit (EP) application. It is worth noting at this stage that the EA have advised that they have not received any complaints about the existing three sheds on site and that during their visits to the premises no non-compliance was recorded.
- 6.6.5 Noise – mitigation measures have been implemented on the previous consent and could also be implemented for this application. These include regular maintenance; limiting hours for feed deliveries to normal working hours; and checks and repairs to plant and equipment. The ES has noted that there is existing background noise from traffic and from the aircraft at Sleaf, though acknowledges that this is mainly in the summer months and during daylight hours and as such has considered the impact of the proposed development on a typical rural area, discounting the existing noise sources. In conclusion the ES suggests that the traffic movements will not affect any properties there are not any directly facing Burma Road before the site entrance and noise from the birds and the fans will be minimised by the use of baffles.
- 6.6.6 The proposed baffles at the end of the building will direct odour in an upwards direction during operation. The main impact of odour and dust will be during the cleaning out process. Management processes are proposed within the EP to seek to reduce the impact of the cleaning out by keeping the cleaning period as short as possible; seeking to avoid weekends and bank holidays unless absolutely necessary; and loading waste onto trailers adjacent to the entrance to each shed.
- 6.6.7 The EA response advises that the approved EP includes conditions to control odour/noise through the requirements of the permit, including further assessment where required and for the operator to produce both an odour and noise management plan to recognise any potential sources and to have actions in place to prevent nuisance occurring. Records are required to be kept by the operator so that, through site inspections, the EA can check that the operation of the units is compliant with the EP. As such officers consider that the risk of unacceptable noise levels emitting from the operations of the site would be low and would not warrant refusal of the application.
- 6.6.8 Odour – The ES notes that the nearest neighbour is 600m from the proposed development and that there is no history of complaints relating to odour (or noise). As such the agent considers that a detailed assessment is not required. The Public Protection Officer has confirmed that no complaints have been made to the Council and furthermore it is noted that these matters are also dealt with by the EA through conditions on the Environmental Permit which would manage the



odour levels at the site and would not result in unacceptable harm. As noted previously the EP already covers more birds than are currently being proposed and as such the conditions and assessment of the EP have considered the potential impact of the scale of the development now proposed as not unacceptable.

- 6.6.9 Dust – The main sources of dust identified in the ES are the birds, feed and floor coverings. In order to reduce the effect of dust the development proposes the installation of dust baffles which will reduce the amount of dust which will leave the sheds and any dust which does pass through the baffles is likely to be small particles which will disperse in the atmosphere. Any larger particles will not travel the distance to the nearest neighbouring properties. As such officers consider that dust from the operation of the site is not expected to cause any major problems in the area.
- 6.6.10 Flies and Vermin – The ES has identified that flies can be attracted to storage of feed and manure. Providing the feed is stored appropriately and that the feed bins are regularly checked the storage of feed should not cause a fly infestation or attract vermin. The issue of manure storage is considered later in the report, however with regard to fly infestations the ES advises that the covering of manure heaps with appropriate material would raise the temperature of the manure sufficiently to kill off any flies or larvae and this can be done as the manure would be regularly inspected for evidence of flies.
- 6.6.11 Feed is proposed to be delivered direct to site and stored in the feed bins between the poultry sheds. Each delivery vehicle will fill one feed bin and as such there will be no need to move the vehicle between off-loading. Spillages will be cleared away immediately and regular checks will be made to deal with any damage or leaks to the storage bins.
- 6.6.12 As advised under the section on the operation of the site the applicant has acknowledged that there will be instances of dead birds as with any similar operation. The proposal is to store dead birds in freezers and that these will be collected by approved contractors. The overall management of the site in terms of dead birds and feed should also ensure that the potential for rodents and flies is minimised.
- 6.6.13 It is acknowledged that an increase in flies could result in an increase in feeding birds which has the potential to cause problems for the use of the airfield the potential for flies and vermin is, as with noise and odour, reduced at a well managed modern site. Flies are more associated with older sites with deep litter systems and greater moisture content in the manure. Furthermore any larvae which hatch inside the sheds are eaten by the birds and as the proposal is to transport the manure off site, as detailed in the next section, the potential for flies on stored manure is reduced.
- 6.6.14 Manure – The ES details the process undertaken at the end of each cycle to clean down the building and remove the manure. The ES advises that the manure is kept dry to prevent fly infestation and is collected from site on clean down and stored in field piles until such time as it is suitable to be applied as fertilizer. The proposal is to sell all of the manure for disposal on other farmers land and the ES

advises that this will be done in accordance with best practice to ensure that there is no increase risk of pollution. The application site is within a Nitrate Vulnerable Zone and as such Defra guidance sets out limits for the levels of nitrogen which can be applied to the land, sets distances from sensitive receptors such as watercourses and boreholes and guidance on land types and geography that it is not appropriate to spread manure on. It is likely that any farms which take the manure will also be within the NVZ and also have to comply with the guidance.

- 6.6.15 The details in the ES also advise of the processes to minimise the risk of flies and the farm waste management plan required for each farm taking manure from the site. Following the granting of the previous consent the ES also includes the requirement to remove manure in trailers covered with a tarpaulin sheet and this meets with the suggestion previously made by the EA. The final spreading of the manure on agricultural land does not require planning permission or approval through the EP regime as it is an agricultural process.
- 6.6.16 Waste water from washing down the buildings between cycles will be treated in the same way. Washed down to storage tanks on site and then tankered off site for spreading on fields. This will also be done under best practice and the vehicle movements for this have been included in the calculation of the overall end of cycle movements.
- 6.6.17 Lighting – The lighting of the site is proposed to be low wattage lights on the gable ends of the poultry sheds where the doors are located to match the lighting on the existing buildings. The lights will be directed downwards to not create any light spillage beyond the area immediately adjacent to the buildings. Low lighting is also required during cleaning out times. The proposal does not include any other lighting and as such officers consider that the lighting would not have an impact outside of the site.
- 6.6.18 It is considered that all of the potential impacts on the local amenity, including the operation of the airfield, have been assessed within the ES and the approved EP. The site will operate under the conditions imposed on the EP and to Best Available Techniques. As such the day to day operations of the site should not be noticeable beyond the application site and the nearest neighbouring residential property is approximately 600 metres away from the proposed poultry sheds. As such officers consider that the development will comply with the requirements of policy CS5 and not result in an unacceptable adverse environmental impact.
- 6.7 Traffic and highway implications**
- 6.7.1 To support the application a Traffic and Highway Statement has been submitted. The assessment details the traffic movements as existing and proposed and the route proposed for the traffic to access the main road network. There is an existing access to the site off the Burma Road which leads to the B5476, Wem to Shrewsbury road which is being used to serve the existing business. This access was improved as part of the previous consent. In addition an extra passing place was provided on the Burma Road and, following a request by the Highway Officer during the consideration of the previous application, improvements were made to the junction of Burma Road with the B5476.
- 6.7.2 The report predicts traffic movements to be the same as the existing three sheds

as follows:

- Bedding – 2 HGVs per cycle
- Chick delivery – 6 HGVs per cycle
- Feed – 42 HGV's per cycle (maximum of 2 per day)
- Mortality collection – 8 HGV's per cycle
- LPG delivery – 2 HGV's per cycle
- Poultry collection – 44 HGV's per cycle (up to a maximum of 34 in one 24 hour period in the cycle)
- Manure collection – 34 HGV's per cycle (maximum 22 in one 24 hour period in the cycle)
- Vets, engineers, inspectors, cleaning and catching contractors – 10 small vehicles per cycle

As such this would double the vehicle movements from the existing movements. The report notes that the business will operate 24 hours a day but that deliveries will mainly be between 7am and 8pm and that bird collection occurs over night due to bird welfare and factory hours.

- 6.7.3 In order to assess the potential impact of the development traffic the Highway consultant for the applicant has assessed the current highway conditions, traffic conditions (through traffic counts) and accident records. The accident records show no personal injury accidents within the last 5 years for either Burma Road or the B5476. The traffic counts and observations show that the highway network operates well with peak traffic movements between 08:00 and 15:00 westbound and 11:00 and 17:00 eastbound and a significant drop in traffic levels between 20:00 and 06:00. The consultant has concluded that the cumulative impact of HGV and tractor and trailer movements on the Burma Road is not significant. On 44 out of 48 days of the cycle there will be, on average, less than one additional vehicle movement on the road and the majority of increase during collection and cleaning will be during the night when existing traffic levels are low.
- 6.7.4 The previous consent required improvements to the access to the site to widen the first 20m to 6m wide to enable two HGV's, or two tractor and trailers, to pass in the access. In addition a passing place has been provided on Burma Road which has improved the ability of two HGV's to pass on the Burma Road and works have been undertaken to the junction of Burma Road to the B road to widen the splay at the junction improving entrance and exit paths for large vehicles by reducing the angle of the corner to turn.
- 6.7.5 The proposal also includes a 14m wide concrete apron in front of the poultry sheds to provide a service area for delivery and collection of birds, delivery of feed and removal of manure. This will enable vehicles to enter and leave the site in a forward gear and also allow for the hard standings to be washed down after delivery, bird collection, manure collection and cleaning. It is recommended that the hard standing wash down also pass through an oil interceptor to ensure that any vehicle leakages do not enter the waste water, which is to be spread on fields.
- 6.7.6 The Council Highway Officer has assessed the information submitted, the proposed improvements and the predicted traffic movements and has not raised an objection to the principle of the development. However, the Highway Officer has advised that the proposed three units would increase HGV movements on the

approach road leading to the site from the class II road and that this would have an adverse impact. The Highway Officer has recommended that further improvements should be carried out to this road and that this can be dealt with by a condition or a legal agreement. The precise wording of the condition will be provided to members at the meeting, the condition would require the developer to construct the improvements to the road. If a legal agreement is to be used this would require the applicant to pay a financial contribution to the Council to undertake the improvement works. Either procedure will provide improvements which are considered to be required due to the impact of the increase in HGV movements.

## 6.8 **Trees and ecology**

- 6.8.1 Policy CS17 seeks to protect, enhance, expand and connect Shropshire's environmental assets which include landscape and ecology. The proposal is to retain the existing landscaping and the additional landscaping and ecology areas previously provided. Additional landscaping is also proposed on the eastern boundary of the site. As such the current proposal is not considered to have a negative impact on trees and will increase tree planting and enhance the existing landscaping.
- 6.8.2 An Ecological Assessment has been submitted with the application which advises that the current site is intensively managed arable land bounded by species poor hedgerows and mature trees. The ecologist has identified the potential for bats and nesting birds but no evidence of Great Crested Newts. However, the assessment does suggest mitigation for CGN, badgers and hedgehogs, in addition to bats and nesting birds, to deal with the potential that the site is used by these species.
- 6.8.3 The Council Ecologist's advice is provided in full under section 4 above. Overall the Ecologist has no objection to the proposal and has recommended conditions relating to bats, GCN, nesting birds, badgers and landscaping all of which are provided in the appendix below.
- 6.8.4 In assessing the permit the EA previously advised that they had also assessed the potential impact on the SSSI's in the wider area and predicted that the ammonia emissions at Brownheath Moss, the closest SSSI, would be just over 4% and that this would not have an adverse impact. The advice of Natural England is also provided in section 4 above and notes that the SSSI's are not constraints to the proposed development and as such, subject to the recommended conditions it is considered that the development meets the requirements of policy CS17 with respect to ecology.
- 6.8.5 This application must be considered under the Habitat Regulation Assessment process in order to satisfy the Local Authority duty to adhere to the Conservation of Species & Habitats Regulations 2010 (known as the Habitats Regulations). A Habitat Regulation Assessment matrix is attached to this report for members observation and comment if considered necessary.
- ## 6.9 **Drainage**
- 6.9.1 The site for the proposed buildings is within flood zone 1 and as such is not at high risk of flooding. The application proposes the use of Sustainable Drainage

System (SuDS) for all of the surface water from the buildings. The water from the hard standings and washing out of the insides of the buildings will need to be collected and disposed of off site as this will be similar to the collected manure. The collection tanks should be fitted with level indicators to identify when they need emptying. The SuDS proposes that the surface water is collected and taken to a swale prior to discharging to Sleaf brook approximately 250m from the site which in turn joins the River Roden at Wem. The swale will have both infiltration and attenuation capabilities and hold the surface water close to source, releasing it slowly over time to not exceed green field run off rate. Both the EA and the Council Drainage Engineer have advised that this method of dealing with surface water is acceptable in principle.

## **7.0 CONCLUSION**

7.1 To conclude, there will inevitably be various impacts arising from a development of the scale currently proposed in a rural setting. It is the scale of these impacts which need to be considered and assessed against the presumption in favour of sustainable development as set out in the NPPF and the requirements of adopted Policies CS5, CS6 and CS13 of the Shropshire Core Strategy.

7.2 The potential impacts arising from the proposed development have been identified and considered within the main body of the report. These have been informed by the Environmental Statement submitted with the application and the responses of the consultation exercise undertaken. It is acknowledged that these developments are locally sensitive and there have been differing views and judgements provided in relation to the scale and significance of the various impacts. It is the role of members as the decision maker to assess these views, together with local and national planning policy and guidance, to make an informed but balanced judgement on whether the proposed development is acceptable or not.

7.3 It is officers advice that, on the basis of the information supplied with the application, and the assessments and judgements provided by relevant professionals, the proposed development will not result in significant harm. This would include the visual impact of the proposed development; the impact on the character of the local area; the impact on local residents and businesses in terms of noise, smell and air emissions; and the potential impact on users of the local highway network. Therefore officers recommendation is that the application be approved subject to the conditions as set out below.

## **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 - written representations, a hearing or inquiry.

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

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

## 8.2 **Human Rights**

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

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

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

## 8.3 **Equalities**

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

## 9.0 **FINANCIAL IMPLICATIONS**

9.1 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.

Central Government Guidance:

National Planning Policy Framework - The relevant sections of the NPPF are sections :-

Section 1 - Building a strong, competitive economy

Section 3 - Supporting a prosperous rural economy

Section 11 - Conserving and enhancing the natural environment

Section 13 - Conserving and enhancing the historic environment

Shropshire and Telford and Wrekin Joint Structure Plan was adopted in November 2002 and contains the following relevant policy which GOWM has notified can be saved.

P16: Air Quality

Core Strategy:

Policy CS5: Countryside and Green Belt

Policy CS6: Sustainable Design and Development Principles

Policy CS7: Communications and Transport

Policy CS13: Economic Development, Enterprise and Employment

Policy CS17: Environmental Networks

Policy CS18: Sustainable Water Management



## Habitat Regulation Assessment (HRA) Screening Matrix & *Appropriate Assessment Statement*

Application name and reference number:

Meadowland, Sleaf, Harmer Hill, Shrewsbury Shropshire SY4 3HE

15/01937/EIA - Erection of a poultry building, an expansion of the existing poultry business on site.

15/01938/EIA - Erection of a poultry building, an expansion of the existing poultry business on site.

15/01921/EIA - Erection of a poultry building, an expansion of the existing poultry business on site

Date of completion for the HRA screening matrix:

8<sup>th</sup> June 2015

HRA screening matrix completed by:

Nicola Stone  
Assistant Biodiversity Officer  
01743-252556

### Table 1: Details of project or plan

Name of plan or project	<p>Meadowland, Sleaf, Harmer Hill, Shrewsbury</p> <p>15/01937/EIA - Erection of a poultry building, an expansion of the existing poultry business on site.</p> <p>15/01938/EIA - Erection of a poultry building, an expansion of the existing poultry business on site.</p> <p>15/01921/EIA - Erection of a poultry building, an expansion of the existing poultry business on site</p>
Name and description of Natura 2000 site	<p>In 10km: Fenn`s, Whixall, Bettisfield, Wem and Cadney Mosses SAC and Midland Meres and Mosses Ramsar Phase 2 (949.2ha) together form an outstanding example of lowland raised mire. The site as a</p>



whole supports a wide range of characteristic acid peat bog vegetation.

Annex I Habitats that are a primary reason for selection of site:

- ☐ Active raised bog.

Annex I Habitats present as a qualifying feature but not a primary reason for selection of site:

- ☐ Degraded raised bogs still capable of natural regeneration

Clarepool Moss Midland Meres & Mosses Ramsar Phase 1 and West Midland Mosses (184.18ha) is a collection of sites which between them represent nationally important dystrophic water bodies, transition mires and quaking bogs.

Annex I Habitats that are a primary reason for selection of site:

- ☐ Natural dystrophic lakes and ponds
- ☐ Transition mires and quaking bogs

Fenemere Midland meres and Mosses Ramsar Phase 1 (16.34ha) is a particularly rich and interesting mere with eutrophic water.

Fenemere is also important for its rich aquatic invertebrate fauna. It is designated for its open water, swamp, fen, wet pasture and Carr habitats with the species *Cicuta virosa* and *Thelypteris palustris*

White Mere Midland Meres and Mosses Ramsar Phase 1 (31.97ha) is one of the richest of the North Shropshire meres for aquatic plants. Designated for its open water and carr habitats with the plant species *Carex elongata* and *Eleocharis acicularis*

Brownheath Moss Midland Meres and Mosses Ramsar Phase 2 (31.32ha) differs from the other North Shropshire Mosses in consisting of a series of pools set in an area of heathland and woodland, rather than an expanse of peat. It is designated for its fen and carr habitats with the species *Carex elongata*.

Cole Mere Midland Meres and Mosses Ramsar Phase 2 is one of the largest of the Shropshire meres, with an almost complete fringe of woodland. There is a comparatively rich flora of aquatic macrophytes and the aquatic invertebrate fauna of Cole Mere is particularly diverse and is designated for its Open water, Wet pasture and Carr habitats with the species *Carex elongata*

Most of Hencott Pool Midland Meres and Mosses Ramsar Phase 2 (11.5ha) is swamp carr on very wet peat dominated by alder *Alnus glutinosa* and common sallow *Salix cinerea* with frequent crack willow *Salix fragilis*. Although there are considerable areas of bare peat beneath the trees, there is a rich flora of fen plants. It is designated for its Carr habitat and the species *Carex elongata* and *Cicuta virosa*

Sweat Mere and Crose Mere Midland Meres and Mosses Ramsar Phase 2 (38.58ha) are two dissimilar meres constituting a site of

	<p>exceptional importance. The meres and their surrounds form a complex of open water, reedswamp, fen and woodland habitats unrivalled in Shropshire for the variety of natural features of special scientific interest. It is designated for its Open water, Swamp, Fen, Wet pasture and Carr habitats with the species <i>Carex elongata</i> and <i>Thelypteris palustris</i></p> <p>In 5km: Ruewood Pastures SSSI Grinshill Quarries SSSI</p> <p>In 2km: Ruewood Pastures Reserve Local Wildlife Site Ruewood Pools Local Wildlife Site</p>
Description of the plan or project	<p>15/01937/EIA - Erection of a poultry building, an expansion of the existing poultry business on site.</p> <p>15/01938/EIA - Erection of a poultry building, an expansion of the existing poultry business on site.</p> <p>15/01921/EIA - Erection of a poultry building, an expansion of the existing poultry business on site</p> <p><b>(Site total, with current approved 2012 schemes, 300,000 broiler places).</b></p>
Is the project or plan directly connected with or necessary to the management of the site (provide details)?	No
Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?	<p>No</p> <p>Environment Agency confirm in the emissions modelling carried out for Environmental Permit reference EPR/SP3737FF/A001 (based on 350,000 broiler places) that all European Designated Sites can be screened out as no likely significant effect except for Brownheath Moss Midland meres and Mosses Ramsar Phase 2 where there is a process contribution of 4.2% of the critical level for ammonia. However there are no other permitted intensive farming units within 10km of the European Designated site at Brownheath Moss Midland meres and Mosses Ramsar Phase 2 and the process contribution is below the 20% threshold used by Environment Agency and Natural England.</p>

### Appropriate Assessment Statement

The current application is for 3 broiler units. Meadowland's currently has permission for 150,000 broiler places. The site total will reach 300,000 broiler places.

The Environmental permit reference EPR/SP3737FF/A001 covers a total of 350,000 birds on the site.

Brownheath Moss Midland meres and Mosses Ramsar Phase 2 is the closest European Designated Site at 4.8km. Brownheath Moss has a Critical Level for ammonia of  $1\mu\text{g}/\text{m}^3$  since lichen interest is deemed to be an important interest feature of the site. The process contribution for ammonia from the permitted activities is 4.2% of the Critical Level according to modelling carried out by Environment Agency in 2012. This is above the threshold used by Environment Agency as an assessment of significance (for European Sites 4%) and so further detailed consideration was required.

Shropshire Council has not identified any other new permitted intensive farming units within 10km of Brownheath Moss Midland meres and Mosses Ramsar Phase 2 since applications reference; 12/04574/EIA, 12/04580/EIA, 12/04581/EIA had been granted permission. In-line with Natural England's and the Environment Agencies comments for the previous applications the process contribution will still be below 20%. Shropshire Council has therefore concluded that there is no likely significant effect and no likely effect on the integrity of the European Designated site at Brownheath Moss Midland meres and Mosses Ramsar Phase 2.

All the other European Designated Sites within 10km are at a greater distance from the installation and many have a Critical Level of  $3\mu\text{g}/\text{m}^3$ . Environment Agency had concluded no likely significant effect on any of the other European Designated Sites within 10km on this basis.

There are 2 SSSI's within 5km: Grinshill Quarries SSSI and Ruewood Pastures SSSI. Environment Agency modelling shows that the process contribution at these sites was below 20% and so there is no likely significant effect.

There are 2 Local Wildlife Sites within 2km of the proposed installation: Ruewood Pools Local Wildlife Site and Ruewood Pastures Local Wildlife Sites. Environment Agency modelling shows that the process contribution at these sites was below 50% and so there is no likely significant effect.

Shropshire Council is relying on the evidence and reasoning of Environment Agency and Natural England under Regulation 65 of the Habitats Regulations in completing this Habitat Regulation Assessment and Appropriate Assessment. This is based on the agencies comments from the 2012 planning applications and the assumption that no further intensive poultry applications have been granted permits during this time lapse.

### **The Significance test**

There is no likely significant effect alone, or in-combination, from development proposed under planning application references 15/01937/EIA, 15/01938/EIA, 15/01921/EIA for a total of 150,000 broiler bird places in 3 units at meadowlands, Sleep, Harmer Hill on any European Designated Site. (This will increase the total broiler places at the site to 300,000).

### **The Integrity test**

There is no likely effect on the integrity of any European Designated Site from planning application references 15/01937/EIA, 15/01938/EIA, 5/01921/EIA for a total of 150,000 for

a total of 150,000 broiler bird places in 3 units at meadowlands, Sleep, Harmer Hill. (This will increase the total broiler places at the site to 300,000).

## Conclusions

There is no legal barrier under the Habitat Regulation Assessment process to planning permission being granted in this case.  
EA's and NE's comments should be received and taken into consideration before planning permission is granted.

## Guidance on completing the HRA Screening Matrix

### The Habitat Regulation Assessment process

Essentially, there are two 'tests' incorporated into the procedures of Regulation 61 of the Habitats Regulations, one known as the 'significance test' and the other known as the 'integrity test' which must both be satisfied before a competent authority (such as a Local Planning Authority) may legally grant a permission.

The first test (the significance test) is addressed by Regulation 61, part 1:

61. (1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for a plan or project which –  
(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and  
(b) is not directly connected with or necessary to the management of that site,  
must make an appropriate assessment of the implications for that site in view of that site's conservation objectives.

The second test (the integrity test) is addressed by Regulation 61, part 5:

61. (5) In light of the conclusions of the assessment, and subject to regulation 62 (consideration of overriding public interest), the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).

In this context 'likely' means "probably", or "it well might happen", not merely that it is a fanciful possibility. 'Significant' means not trivial or inconsequential but an effect that is noteworthy – Natural England guidance on The Habitat Regulation Assessment of Local Development Documents (Revised Draft 2009).

### Habitat Regulation Assessment Outcomes

**A Local Planning Authority can only legally grant planning permission if it is established that the proposed plan or project will not adversely affect the integrity of the European Site.**

**If it is not possible to establish this beyond reasonable scientific doubt then planning permission cannot legally be granted.**

## Duty of the Local Planning Authority

It is the duty of the planning case officer, the committee considering the application and the Local Planning Authority as a whole to fully engage with the Habitats Regulation Assessment process, to have regard to the response of Natural England and to determine, beyond reasonable scientific doubt, the outcome of the 'significance' test and the 'integrity' test before making a planning decision.

### RELEVANT PLANNING HISTORY:

12/04574/EIA Construction of a broiler chicken building to house 50,000 birds (Phase 1 of a 5 Phase development) GRANT 7th March 2013

12/04580/EIA Construction of a broiler chicken building to house 50,000 birds (Phase 2 of a 5 Phase development) GRANT 7th March 2013

12/04581/EIA Construction of a broiler chicken building to house 50,000 birds (Phase 3 of a 5 Phase development) GRANT 7th March 2013

12/04582/FUL Construction of a building to house a biomass boiler and fuel store associated with a 150,000 broiler chicken unit (phase 4 of a 5 phase development) GRANT 7th March 2013

13/04582/VAR Variation of Condition No. 2 attached to Planning Permission

12/04582/FUL for the construction of a building to house a biomass boiler and fuel store associated with a 150,000 broiler chicken unit (phase 4 of a 5 phase development) to relocate the building to house the biomass boilers to a more central position GRANT 14th February 2014

14/03641/FUL Erection of a farm managers dwelling and residential garage/annex GRANT 12th February 2015

## 11. Additional Information

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)

Cllr M. Price

Local Member

Cllr Brian Williams

Appendices

APPENDIX 1 - Conditions

--

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

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

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

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

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

3. The external materials shall match in colour, form and texture those of the existing buildings.

Reason: To ensure that the works harmonise with the existing development.

4. Work shall be carried out strictly in accordance with the Ecological Assessment conducted by Star Ecology (10th June 2015) attached as an appendix to this planning permission.

Reason: To ensure the protection of wildlife.

5. No construction and/or demolition work shall commence outside of the following hours: Monday to Friday 07:30 to 18:00, Saturday 08:00 to 13:00. No works shall take place on Sundays and bank holidays.

Reason: to protect the health and wellbeing of residents in the area.

**CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES**

6. Prior to the commencement of development on site a scheme of landscaping shall be submitted to and approved by Shropshire Council. The scheme shall include:
  - a) Means of enclosure, including all security and other fencing
  - b) Hard surfacing materials
  - c) Minor artefacts and structures (e.g. lighting)
  - d) Planting plans, including wildlife habitat and features (e.g. bird/bat box)
  - e) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment)
  - f) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate. Native species used to be of local provenance (Shropshire or surrounding counties).
  - g) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works

## h) Implementation timetables

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

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

7. A minimum of 4 woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be erected on the site prior to first occupation of the buildings hereby permitted.

Reason: To ensure the provision of nesting opportunities for wild birds

8. Prior to the erection of any external lighting on the site a lighting plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet Bats and Lighting in the UK

Reason: To minimise disturbance to bats, a European Protected Species.

9. A minimum of 2 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site prior to first use of the building hereby permitted. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained.

Reason: To ensure the provision of roosting opportunities for bats which are European Protected Species.

10. The proposed surface water drainage scheme shall be installed in accordance with the approved drainage details prior to the first use of the building hereby approved.

Reason: To ensure that the surface water drainage system is adequate and to minimise flood risk.

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

11. All manure moved off site will be done so in covered and sealed trailers.

Reason: In consideration of the amenity of the surrounding area.