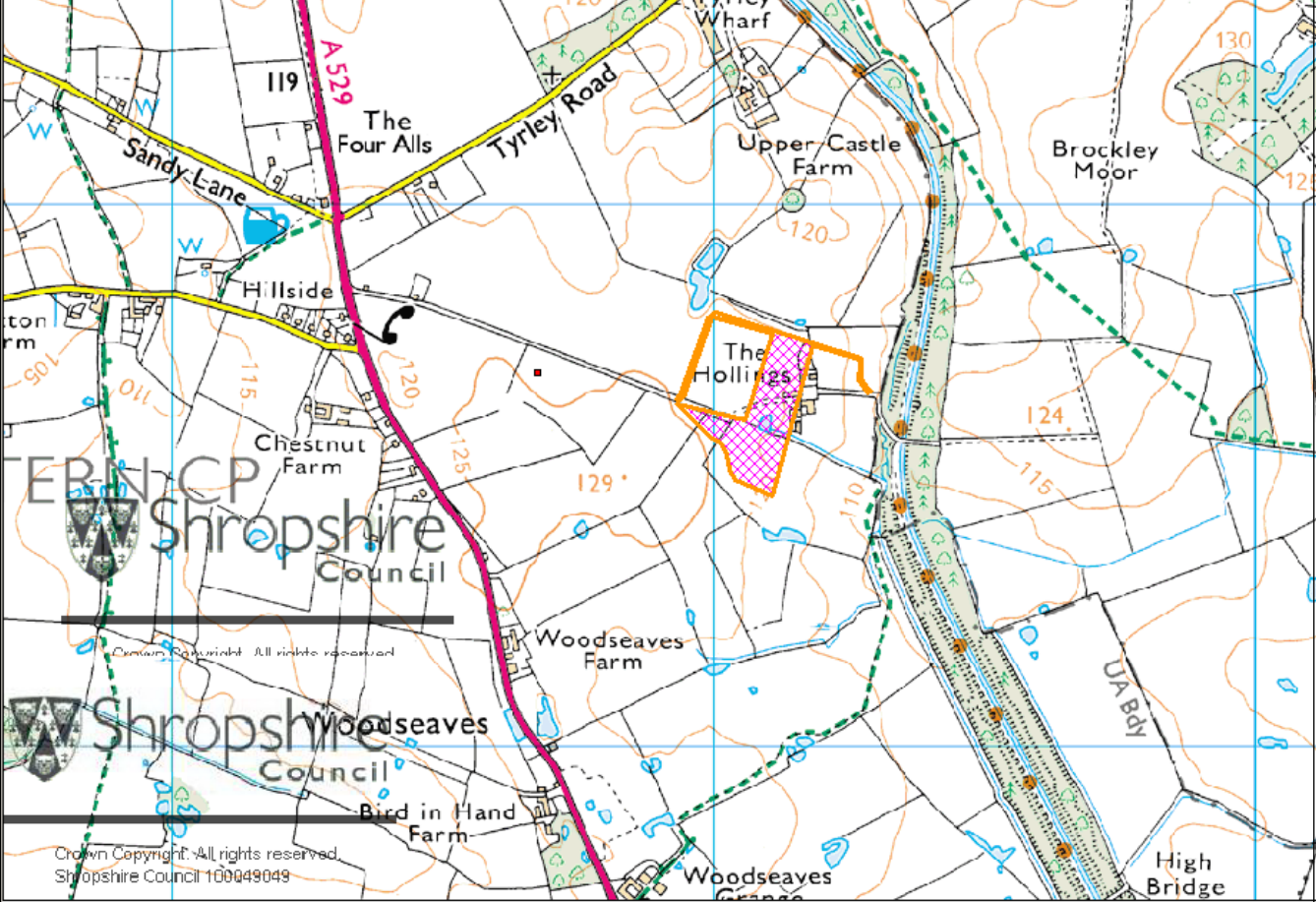


## Development Management Report

Responsible Officer: Tim Rogers  
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### Summary of Application

<b>Application Number:</b> 15/00924/EIA	<b>Parish:</b> Sutton Upon Tern
<b>Proposal:</b> Erection of two poultry sheds and feed bins, ancillary works including access track and associated landscaping works	
<b>Site Address:</b> Land South Of Hollins Lane Newport Road Woodseaves Market Drayton	
<b>Applicant:</b> HLW Farms Ltd	
<b>Case Officer:</b> Kelvin Hall	<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>
<b>Grid Ref:</b> 368674 - 331691	
	

**Recommendation: That Members delegate authority to the Planning Manager to grant planning permission for the proposed development subject to the conditions as set out in Appendix 1 and subject to satisfactory resolution of issues relating to the potential impact of the proposals on the environment from ammonia emissions.**

## REPORT

### 1.0 THE PROPOSAL

- 1.1 The planning application seeks permission for the erection of four poultry sheds on land to the east of Hollins Lane, Woodseaves, Market Drayton. Each shed would measure 116 metres x 24 metres, with an eaves height of 3 metres and a ridge height of 5.6 metres. Fans would extend above the ridge to a height of 6.4 metres. The sheds would be aligned in two parallel rows, with each pair connected by a central cover access, giving the impression of two parallel long sheds. The sheds would be of standard construction comprising portal steel-framed buildings with box profile sheet cladding to the sides and roof. The application proposes that the sheds are finished in Juniper Green colour.
- 1.2 In addition to the sheds, 12no. feed bins would be erected at the outer ends of the four sheds, in four sets of three. These would each measure 6.6 metres in height and 2.8 metres in diameter. Other development would include the provision of concrete hardstanding around the sheds for vehicle manoeuvring purposes, and a new length of hard core track to link the site to Hollins Lane and to an existing track leading east across the Shropshire Union Canal.
- 1.3 The buildings would be ventilated by a computer controlled mechanical system, with roof mounted variable speed fans. The buildings would be heated using biomass boilers fuelled by the solid element of the digestate produced by the anaerobic digester being proposed on adjacent land. Each shed would have a low wattage, low intensity light above the openings to allow safe working during normal working hours during the winter. Additional lighting may be required during the removal of birds but this would be low intensity lighting to avoid unnecessary stress to the birds.
- 1.4 Summary of production cycle: Each shed would house approximately 65,000 birds. The broilers would be brought to the site as day old chicks, and would enter the pre-warmed sheds. At the end of the 35-36 day growth cycle the chickens would be collected and transported to a processing plant. The buildings would be cleaned and this would involve dry cleaning to remove organic material, wash down and disinfecting. The sheds would be empty for an average of ten days before being re-stocked. There would be on average around seven crop cycles per year.
- 1.5 The application accompanies a separate application for an anaerobic digester (AD) plant on adjacent land to the west (ref. 15/01108/MAW).

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is located approximately 2.5km to the south-east of Market Drayton, and approximately 500 metres to the east of Woodseaves. The application site (3.5 hectares) and surrounding land is currently in agricultural use, the land being used for the growing of miscanthus grass. Access to the site would be gained via Hollins Lane, a private access road approximately 620 metres in length that connects to the A529 to the

west. The nearest properties are those at Tyrley Farm, approximately 400 metres to the north. Other residential properties in the area include those along the A529 to the west, the nearest being 450 metres to the south-west; a property along Hollins Lane (owned by the applicant) approximately 530 metres to the west; and properties along Tyrley Road approximately 600 metres to the north-west.

2.2 A number of ponds are located in the surrounding area, the nearest being approximately 45 metres to the north. The Shropshire Union Canal runs in a generally north-south orientation approximately 175 metres to the east. This section of the canal is designated as a Conservation Area. Public rights of way in the area include a footpath to the south-east, approximately 165 metres to the south-east, and a footpath along the towpath of the canal to the east. The nearest Listed Building a Grade II Listed canal bridge, approximately 185 metres to the east. Further afield, there is a Grade II Listed direction post adjacent to the canal, approximately 470 metres to the north-east. The Tyrley Cutting SSSI, designated for geological interest, is located approximately 520 metres to the south-east. Tyrley Spoil Banks, a Local Wildlife Site designated by the Staffordshire Wildlife Trust, is located approximately 155 metres to the east.

2.3 The application site lies close to the Shropshire – Staffordshire border, approximately 120 metres to the east.

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

3.1 The proposals comprise Schedule 1 EIA development so a committee decision is mandatory under the Council's Scheme of Delegation.

### **4.0 COMMUNITY REPRESENTATIONS**

#### **4.1 Consultee Comments**

4.1.1 **Sutton upon Tern Parish Council** Objects, on the following grounds:

1) Proposed location of units: Councillors queried why the units are being sited 2.5 miles away from Old Springs Farm. Personnel will require to be on site, adjacent to the units, and the current proposed location does not allow for this.

2) Close proximity to a number of sensitive receptors: Councillors agreed a more suitable location could be found on the applicant's land;

3) Highways concerns - Increase in volume of traffic;

4) Close proximity to listed buildings;

5) Neighbouring properties share a borehole for their water supply: local residents are extremely concerned about contamination of their water supply which has already registered a high level of nitrates and possible over-use by the proposed businesses which may result in a long term problem for resident users;

6) Close proximity to an SSSI - the canal area;

7) Loss of residential amenity for neighbouring properties;

- 8) Concerns over air quality pollution due to emissions from the units
- Siting the complex so close to residents gives rise to serious health concerns due to the significant levels of bio aerosol/particulate emissions;

9) Health/noise/smell issues -The proximity will exacerbate the nuisance caused by the noise and clamour for the duration of night time harvesting every 6/7 week cycle and the dust and odour created during the cleaning cycle over the same duration and frequency. The proximity of the site magnifies the nuisance caused by dust, odours, flies and vermin. The associated storage and potential spreading of waste is a combination factor in assessing the residential amenity impact. The cycle cleaning of the broiler houses (2/3 days) and faecal litter removal will result in dust clouds and odour, untenable to residents. ( Refs: CS5.4.72, 4.74, CS6 Environmental/Health);

- More suitable sites available
- Proposal is contrary to CS6, CS5 and CS17

ix: Strength of local objections; Human Rights Protocol Article 8 gives the right to respect for private and family life and 1st Protocol Article 1 allows for peaceful enjoyment of possessions: First protocol Article 1 stipulates that the desires of the landowners must be balanced against the impact on residents.

4.1.2 **Loggerheads Parish Council (adjacent Parish Council, in Staffordshire)** Strongly objects to this application on the following grounds:

- 1) Highways concerns - Increase in volume of traffic on narrow country lanes which already have conditions imposed;
- 2) Close proximity to listed buildings - inappropriate in the proposed location;
- 3) Neighbouring properties share a borehole for their water supply which is located close to the proposed development : local residents are extremely concerned about contamination of their water supply which has already registered a high level of nitrates and possible over-use by the proposed businesses which may result in a long term problem for resident users;
- 4) Close proximity to an SSSI - Tyrley canal/locks;
- 5) Loss of residential amenity for neighbouring properties;
- 6) Strength of local objections;
- 7) The close proximity of the proposed site to sensitive receptors magnifies the nuisance caused by dust, odours, flies and vermin.

4.1.3 **Environment Agency** No objections.

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. For completeness, the total number of bird places proposed (260,000 broilers) would exceed the capacity thresholds and require an EP to operate. We have

not yet received an EP application for this proposal. We normally recommend the ‘twin tracking’ of the EP application alongside the planning application. The ‘twin tracking’ of applications allows for a more comprehensive submission. A cross reference with the permit requirements (those affecting land use decisions) would help demonstrate “the development itself is an acceptable use of the land” (NPPF, paragraph 120).

For information, we have recently provided the applicant with an initial ammonia screening assessment as part of a pre-permit application consultation. The report identifies the need for ammonia modelling prior to any EP application due to the close proximity of the proposed development to a Local Wildlife Site (LWS). We have advised the applicant to contact Shropshire Wildlife Trust to find out why the site was designated and whether there are any species which may be impacted by aerial ammonia emissions.

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 ‘Coal Brook - source to confluence of River Tern’ (Waterbody Reference GB109054055110), which is classified as a ‘good’ waterbody. Any development should not cause deterioration in the WFD water quality classification.

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 'Flood Risk and Drainage Assessment' by Woodsyde Developments Ltd (Appendix 9 and Chapter 13 of the ES). 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 incorporate SuDS (sustainable drainage systems) in the form of trench soakaways and an attenuation pond limited to greenfield run-off rate for events up to a 1 in 100 year plus climate change (20% allowance) design standard.

We note that Appendix 9 and Chapter 13 of the ES make reference to a low risk of groundwater flooding; we would leave the detail of this for consideration by the LLFA.

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.

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.

#### 4.1.4 **Natural England** No specific concerns raised.

The application does not appear to fall within the scope of the consultations that Natural England would routinely comment on. The lack of specific comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated sites, landscapes. It is for the local authority to determine whether or not this application is consistent with national or local policies on biodiversity and landscape in consultation with other bodies and individuals.

Protected species: We have not assessed this application and associated documents for impacts on protected species. Standing advice should be referred to.

Local sites: If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Impact Risk Zones for Sites of Special Scientific Interest: Further advice offered in relation to Impact Risk Zones (IRZs) for Sites of Special Scientific Interest (SSSIs).

#### 4.1.5 **Historic England** No specific comments. The application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.

#### 4.1.6 **Canal and River Trust** No objections, subject to conditions.

Drainage: We note that surface water from the development is proposed to discharge into an attenuation pond, and from there into an existing watercourse to the east of the site. Outfall to the watercourse is to be restricted to greenfield rates. This watercourse runs close to the top of Woodseaves Cutting, a deep cutting alongside the Shropshire Union Canal.

There are already stability issues with this cutting as a consequence of groundwater drainage, and therefore it is essential that the rate and amount of water discharging to the watercourse is not increased, as this could create a risk of further instability in the cutting. As you are aware, land stability is a material planning consideration and is referred to in paragraphs 120-121 of the NPPF and is the subject of more detailed discussion in the NPPG. We therefore consider that it is important that planning conditions are imposed to secure the provision of appropriate arrangements to ensure that discharges to the watercourse are restricted to greenfield rates.

We also note that a sewage treatment plant is also to be installed and that final effluent from this will also go to this watercourse. We would suggest that further details about the

arrangements for this discharge, including both the volume and rate of discharge, are needed. We would also comment that it would not be appropriate for any discharge pipe to be located above the water level in the watercourse. We would suggest that this matter could be readily controlled via a planning condition to secure the detailed arrangements (see condition in Appendix 1).

We note that it is suggested that residual dirty water collected from washing down will be spread on the applicant's land, although it is not specified where. We would ask that details of these arrangements are also secured by condition so that the potential impact of the amount of water and the location it is to be spread over can be assessed, in the interests of minimising the risk of pollution of the local water environment (see condition in Appendix 1).

We would also comment that it is essential that the water supply from the Tyrley Borehole is not adversely affected. We would ask that the Local Planning Authority considers the potential impact of the proposal on this borehole and either ensures that this issue is addressed prior to determination of the application, or if appropriate, imposes planning conditions to secure adequate protection measures for the borehole if planning permission is granted.

Odour/Noise: We note that the noise assessment submitted with the application does not appear to have considered the canal and its users as being a noise sensitive receptor, nor does the potential impact of odour on canal users appear to have been assessed. We would ask that the Local Planning Authority considers these matters and whether the submitted Environmental Statement provides sufficient information on these matters to be sure that the canal and its users will not be adversely affected by noise or odour, or that adequate mitigation of any adverse impacts can be achieved. Should you consider that further information is necessary, we would ask that we are consulted again on any details as may be submitted.

- 4.1.7 **SC Highways** No objections, subject to conditions. Additional information from the applicant's agent seeks to clarify the position of the current two applications under consideration and in relation to the previous planning consent 11/04052/FUL for a building in connection with miscanthus pelleting operations.

It is noted also that both application site red lined areas have been amended to now include the access road to the A529. The access road leading to the site has in part been constructed in accordance with the 11/04052/FUL planning permission and subsequent discharge of conditions application 13/04495/DIS. Those approved access details could have been included as part of the two current applications to provide clarity to the current applications.

It is understood that the applicant currently farms 2000 acres of land of which 1,500 is owned and 500 acres is rented. No information is provided regarding the current crop of miscanthus being grown although the AD Plant application submission indicates that 500 acres of the applicant's landholding would be required to produce the feedstock into the AD Plant together with the poultry manure produced by the broiler units. On the basis that the miscanthus building has not been developed but that miscanthus is being grown on the applicant's landholding, it is being harvested and taken away and no different therefore to any other crop grown on the land.



It has now been clarified that the proposed AD Plant building sits on the land formerly proposed to site the miscanthus production building. In effect therefore one would supersede the other, although the likelihood is that as the AD Plant and poultry unit compliment one another, as has happened on other sites around the County, the highway authority would not contest the comments set out by Berrys in the latest supporting information which indicates the applicants intentions to pursue the AD Plant and not the miscanthus building. The fact is that the AD Plant building and permitted miscanthus building cannot coexist on the same site and should the applicant wish to pursue both, this would require a further planning application and assessment of the cumulative impact in traffic terms.

Having considered the traffic movements in connection with the current 2 applications for the AD Plant and poultry units, the highway authority consider that the traffic generated can be accommodated on the local highway network. Moreover, the highway authority advise that a highway objection to these proposals is not defensible.

The highway authority therefore raise no objection to the granting of consent to both applications subject to conditions (see Appendix 1).

- 4.1.8 **SC Drainage** The drainage report and FRA are acceptable in principle, however, no drainage calculations have been provided. Details of proposed drainage can be dealt with by planning condition if permission is granted (see condition in Appendix 1).
- 4.1.9 **SC Public Protection** No objections. It is not considered that noise or odour are likely to have a significant detrimental impact on the amenity of the area. No further comment on these issues as a permit will cover noise and odour. The permitting regime must be presumed to be effective and therefore the planning system must allow full control under this regime for pollutants to air, land and water including odour and noise.

Additional comments made in response to comments of the Environmental Health team of Newcastle under Lyme Borough Council:

As the units are for producing chickens for meat each crop will take around 35 days to reach maturity upon which the shed is cleaned down prior to a new stock of day old chicks being brought on site. The bedding inside the unit is around 2cm of dry miscanthus brought in at the start of the cycle. Moisture is required in order to allow fly eggs and larvae to successfully develop. Moisture is introduced through the drinkers, for which a nipple fed system is proposed in this instance which reduces spillage, and chicken droppings. It is not considered that it is likely that the environment will be conducive to supporting fly eggs and larvae. Further to this there is no deep pit system and therefore the chickens are likely to feed upon any fly larvae that may be present ensuring that there is adequate control of flies inside the poultry units.

With regards to manure storage the manure will be stored close to the poultry buildings and anaerobic digester and will be fed into the anaerobic digester as feed stock. Having visited anaerobic digesters with poultry manure stockpiled for feed stock into the renewable energy process instances where flies were in sufficient numbers to cause an issue have not been encountered, and manure with any significant numbers of fly larvae within them has not been seen. Further to this stockpiles of manure in the open form a crust when left uncovered which stops flies being able to deposit eggs into the medium. When stockpiles are covered temperatures are increased to levels which prohibit the development of the fly larvae and eggs.

There are a significant number of poultry units within the Local Planning Authority area of Shropshire Council. Occasional fly nuisance complaints have been raised in the past which have typically related to deep pit systems or large manure stockpiles left in fields until required for spreading. As neither of these conditions would occur it is concluded that there is no need for any condition to be placed in relation to the control of flies. Furthermore should any fly issues arise powers are available to address these upon investigation of a statutory nuisance.

In relation to lighting, it is considered that an informative is added in preference to a condition, to inform the applicant of the considerations that are required when looking to install external lighting (see Appendix 1).

Light can be addressed through statutory nuisance powers should the need arise ensuring protection should any issues arise however the Public Protection team is not aware of poultry units causing light nuisance issues within Shropshire and therefore it is not considered necessary to recommend a condition regarding lighting.

#### 4.1.10 **SC Archaeology** Recommends a condition.

The proposed development comprises a poultry farm comprising two broiler sheds and feed bins, together with associated ancillary works including access track and landscaping. It will be sited immediately to the east and serviced by a proposed 800kW agricultural anaerobic digester plant and associated infrastructure (application ref. 15/01108/MAW). The poultry units will also be constructed on the site of a former farmstead – The Hollings – which on present evidence is understood to date from the 18th century and to have been demolished in the later 20th century. As a consequence archaeological remains associated with this farmstead may be present on the proposed development site and the archaeological potential is therefore considered to be low-moderate.

A Heritage Impact Assessment by Richard K Morriss & Associates has been submitted with the application to satisfy the requirements set out in Paragraph 128 of the NPPF. In their consultation response of 24 March 2015 English Heritage raises no objection to the proposed development. In view of the recommendations contained in the Heritage Impact Assessment, and in line with Paragraph 141 of the NPPF, it is advised that a programme of archaeological work be made a condition of any planning permission for this part of the proposed development. This would comprise an archaeological watching brief during all ground works (see condition in Appendix 1).

#### 4.1.11 **SC Ecologist** Initial comments have been received. Further information is requested regarding ammonia.

Great crested newts: Greenscape have assessed the suitability of six ponds, none of which were found to be suitable for great crested newt breeding. No further survey is recommended. An informative is recommended (see Appendix 1).

Bats: The proposals indicate around 150m between the riparian woodland to the east and the sheds. However the development will be close to the tree line to the north and therefore it is recommended that lighting is controlled towards tree lines/hedgerows/woodland. Conditions are recommended to require approval of any

external lighting and the provision of bat boxes (see Appendix 1).

Nesting birds: An informative is recommended (see Appendix 1).

Designated sites: Further information is required in order to enable Shropshire Council, as the competent authority, to undertake an assessment of air pollution impacts under the Habitats Regulations to demonstrate that the proposed development would not have a negative impact upon designated sites. The site is in close proximity to a site known as Tyrley Spoil Banks, which has been designated as a Local Wildlife Site by Staffordshire Wildlife Trust. It is noted that the Environment Agency has issued a Permit for the proposed poultry units. Shropshire Council, under Regulation 61 in the Habitats Regulations, can rely on the 'evidence and reasoning' of another competent authority. Shropshire Council can therefore use the EA modelling from the Permit to complete the assessment of air pollution impacts but only if Shropshire Council has seen the detailed modelling outputs, understands them and agrees with them.

A copy of the Ammonia Screening Tool (AST) assessment sheet should be provided (this may be an excel sheet or a pdf). The AST assessment sheet should contain the full modelling for all designated sites (European designated sites within 10km, SSSI in 5km and local sites in 2km. Note that SC Ecology only has access to designated sites in Shropshire not Staffordshire). The AST assessment sheet should show the critical load/level of each designated site and the process contribution from the application as a % of the critical load/level.

Landscape: A landscaping condition should be imposed (see Appendix 1).

Protected sites: The site is around 12km from Aqualate Mere SSSI, part of the Midlands Meres and Mosses Ramsar site. Tyrley Canal Cutting SSSI, designated only for geological interest, is around 700m away and it is and over 10km to the next nearest SSSI.

Local Sites within 2km:

Tyrley Spoil Banks, Shropshire Union Canal LWS (Staffordshire)

Unnamed Ancient & Semi Natural Woodland 1.3km distant

The Sydnall LWS (ponds and wood in Shropshire) 1.2km distant

The proposed poultry units fall just outside of the Natural England Impact Risk Zones and on consultation NE have provided no comments regarding protected sites.

- 4.1.12 **SC Conservation** Concur with the findings of the submitted heritage assessment that any perceived harm to heritage assets (both designated and non-designated) is gauged as being neutral.
- 4.1.13 **Shropshire Fire 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". It will be necessary to provide adequate access for emergency fire vehicles. Further advice has been offered and is set out in the Informatives in Appendix 1.
- 4.1.14 **Newcastle-under-Lyme Borough Council (adjacent authority, within Staffordshire**

Planning Authority:

The Planning Committee has resolved that they did not wish to object to the proposed development but requested that the routing of HGVs and other large vehicles be controlled through the use of condition or planning obligation.

Environmental Health team:

The nearest receptors to this location within Newcastle under Lyme are dwellings at Tyrley Wharf and the British Waterways Leisure Moorings which can be occupied on a short term basis. These are located approximately 600 metres away.

Noise: It is noted that the effects on the nearest noise sensitive premises within Shropshire at Tyrley Farm are predicted to be below the LA90 +5Db criteria advised by Shropshire Council for assessment purposes. On this basis it is considered that the impact on residential amenity for properties within the Borough would be “negligible”. Accordingly there are no objections on noise grounds.

Air Quality: It is noted that the application is not accompanied by an air quality impact assessment. A small number of local authorities have identified exceedances of the statutory PM10 objectives associated with emissions from poultry farms. Based upon the advice contained within Local Air Quality Management Technical Guidance / TG09 Table C4 there is no requirement to proceed to a detailed for PM10 for the receptors within Newcastle-under-Lyme. Accordingly there are no objections on air quality grounds.

Odour Impact Assessment: It is noted that the odour impact assessment has identified Tyrley Farm as being the most affected location in terms of odour impact. The nearest odour sensitive receptor within the Borough to this location is Tyrley Wharf.

The results of the assessment indicate that the highest average predicted impact from the facility is 1.6 ouE/m<sup>3</sup>, at property R28 (Tyrley Farm) which would be considered to be a ‘negligible’ effect and this impact is also well below the EA limit criteria for new facilities.

Occasional odour will be perceived at a number of these locations however this will not be at a level which would be considered problematic. These impacts would be regarded as acceptable given the impact criteria applied. The premises will be regulated by the Environment Agency under an Environmental Permit and this requires that the site demonstrates that Best Available Techniques are utilised to reduce emissions. Odour is one of the emissions that would be controlled under the permit. In this regard it is considered that odour will not have an adverse impact on Borough on the nearest odour sensitive properties within the Borough and accordingly there are no objections on odour grounds.

Light: It is considered that artificial light has the potential to impact upon the local area. It is recommended that the installation of artificial lighting is controlled by a planning condition in order to safeguard amenity, requiring a lighting scheme to be submitted for approval.

Insects: Poultry rearing sheds have the potential to be a significant source of insect nuisance primarily from flies, the effects of which can be experienced over an area approaching 2km from the source. Insects nuisance can have an adverse impact on residential amenity. It is understood that the control of insects is not covered by the Environmental Permit issued by the Environment Agency accordingly it is requested that a conditions is imposed on any eventual permission concerning this, requiring the

submission of an insect management and control scheme for approval.

## 4.2 **Public comments**

4.2.1 The application has been advertised by site notice and in the local press. In addition, 50 residential and other properties in the local area have been individually notified. 13 objections have been received. The objection reasons are summarised below.

### Traffic and access

- Potential impact of heavy goods farm vehicle traffic
- Noise impact of additional traffic
- Disturbance due to hours of operation of arrivals and departures
- Concern over additional traffic delivering waste to boost electricity production
- Vehicle routing agreement required
- Additional traffic through Hinstock and Market Drayton
- If permitted, plans could be modified to result in huge amounts of increased traffic on local lanes already overburdened with heavy farm and HGV traffic

### Visual and siting

- Adverse impact on Shropshire Union Canal
- Remoteness of unmanned site
- Scale of AD plant too large; will require additional animal and vegetable waste to power it
- Query where water supply will come from
- Old Springs Farm is a viable alternative location for both plants as heavy goods traffic would not be increased, and plants could be manned around the clock, and fewer residents around

### Pollution

- Risk of groundwater contamination to private water supplies within 400 metres of the development
- Tyrley borehole feeds around 9 residential properties; already has elevated nitrates and other contaminants above safe levels
- Advice is that drinking water with nitrates above certain levels can cause Methaemoglobinaemia (blue baby syndrome); bacterial contamination can also increase this risk
- EA has only looked for boreholes within 250 metres
- Manure management plan is required
- Spreading activity is a high risk and should be the subject of a proper EIA
- Groundwater is 4.5 metres deep and excavations will approach nearer to the aquifer resulting in domestic and environmental risks
- Insufficient evidence provided regarding the known depth of the aquifer
- Additional hydrogeological investigations required
- Queries over source of water supply
- Unacceptable levels of odour, noise pollution, dust, flies and light pollution
- Enhanced risk of H1N viruses from intensive farming, increasing danger of avian flu and related health issues
- Excessive noise, vibration and dust from increase of chopping of miscanthus grass
- Potential for gas explosion
- Proximity to pond
- Waste would be spread on fields causing odour nuisance and fly infestations in a nitrate sensitive area

### Principle

- perpetuation of factory farming that is stuck in an outdated "quantitative" mindset, focusing on economic and performance data alone instead of animal welfare, nutritional quality and environmental impact.
- Purely about profit generation and adds nothing to local amenity
- Unnecessary diversification

### Welfare issues

- Broiler sheds are generally bare except for water and food points, with no natural light
- litter on the floor to absorb droppings which is not usually cleared until the chickens are gathered for slaughter
- The air can become highly polluted with ammonia from the droppings. This can damage the chickens eyes and respiratory systems and can cause painful burns on their legs (called hock burns) and feet.
- Confined chickens not able to adjust their environment to avoid heat, cold or dirt as they would in natural conditions
- Concern over temperature in sheds; if ventilation fails, birds can die
- Under the EU Directive, each bird has less floor space than the size of an A4 sheet of paper.

## 5.0 THE MAIN ISSUES

- Environmental Impact Assessment
- Planning policy context; principle of development
- Relationship of current poultry unit proposed to associated AD proposal
- Siting, scale and design; impact upon landscape character
- Local amenity considerations
- Historic environment considerations
- Traffic and access considerations
- Drainage and pollution considerations
- Ecological considerations
- Impact on Tyrley Canal Cutting SSSI

## 6.0 OFFICER APPRAISAL

### 6.1 Environmental Impact Assessment

6.1.1 The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 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. As such the current proposal is EIA development. Shropshire Council provided a formal scoping opinion to the applicant in February 2015 (ref. 14/05167/SCO) setting out the matters that would need to be included in any EIA for the proposed development. The planning application is accompanied by an Environmental Statement, as required by the 2011 Regulations.

### 6.2 Planning policy context; principle of development

6.2.1 The National Planning Policy Framework (NPPF) advises that the purpose of the planning system is to contribute to achieving sustainable development (para. 6) and establishes a presumption in favour of sustainable development (para. 14). One of its core planning principles is to proactively drive and support sustainable economic development (para. 17). Sustainable development has three dimensions – social, environment, and

economic. In terms of the latter the NPPF states that significant weight should be placed on the need to support economic growth through the planning system (para. 19). The NPPF also promotes a strong and prosperous rural economy, supports the sustainable growth and expansion of all types of business and enterprise in rural areas, and promotes the development of agricultural businesses (para. 28). The NPPF states that the planning system should contribute to and enhance the natural and local environment (para. 109) and ensure that the effects (including cumulative effects) of pollution on health, the natural environment or general amenity should be taken into account (para. 120).

- 6.2.2 Core Strategy Policy CS5 states that development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to specified proposals including: agricultural related development. It states that proposals for large scale new development will be required to demonstrate that there are no unacceptable adverse environmental impacts. Whilst the Core Strategy aims to provide general support for the land based sector, it states that larger scale agricultural related development including poultry units, can have significant impacts and will not be appropriate in all rural locations (para. 4.74). Policy CS13 seeks the delivery of sustainable economic growth and prosperous communities. In rural areas it says that particular emphasis will be placed on recognising the continued importance of farming for food production and supporting rural enterprise and diversification of the economy, in particular areas of economic activity associated with industry such as agriculture.
- 6.2.3 The above policies indicate that there is strong national and local policy support for development of agricultural businesses which can provide employment to support the rural economy and improve the viability of the applicant's existing farming business. In principle therefore it is considered that the provision of a poultry unit development in this location can be supported. Objections to the proposal have been made on the grounds of welfare of birds however these matters are governed under separate legislation and it is not considered that they are relevant to the current planning application for poultry sheds. However policies also recognise that poultry units can have significant impacts, and seek to protect local amenity and environmental assets. These matters are assessed below.

### **6.3 Relationship of current poultry application to associated proposed anaerobic digester (AD) facility**

- 6.3.1 In addition to the current application for poultry units, the applicant has submitted a planning application for an anaerobic digester (AD) plant on adjacent land (ref. 15/01108/MAW). The two applications are inter-related in that it is proposed that the AD plant would use poultry manure from the poultry unit as a feedstock, and that the digestate from the AD plant would provide fuel which can be used in biomass boilers in the poultry development. Nevertheless the current proposal for poultry units should be considered as a stand alone proposal.

### **6.4 Siting, scale and design; impact on landscape character**

- 6.4.1 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. It is noted that the site is not located within an area designated for landscape value.

- 6.4.2 The application site is located on slightly undulating ground which in general slopes down towards the canal to the east. The land to the west rises slightly up to the west before falling again towards the A529. To the north the land rises slightly before falling towards Tyrley Wharf. The landscape is characterised by fields with hedgerow boundary trees, in-field trees and ponds. The area of the application site is generally undeveloped however there is a concrete pad towards the northern side of the site which is used for the storage of bales. It should also be noted that the proposed site is located adjacent to land to the west for which planning permission was granted in 2013 for the construction of a miscanthus grass storage and pelleting building (ref. 11/04052/FUL) which has yet to be built. The permitted dimensions of this are 24 metres x 49 metres x 12.4 metres high, i.e. similar dimensions to the storage shed for the proposed AD facility.
- 6.4.3 A Landscape and Visual Impact Assessment (LVIA) has been undertaken in support of the application. This assesses the landscape value of the area as low to medium. It states that the nature of the views are relatively short distance, that the susceptibility to change (the ability of the landscape receptor to accommodate the proposed development) is medium to high, and the overall sensitivity of the landscape is considered to be low. Officers concur with this assessment.
- 6.4.4 The proposed development would be located within the primary area of the land owned by the applicant, which extends to 445 hectares. This primary area is accessible internally from the proposed site. The intention would be that the poultry manure would be fed into the proposed AD plant, along with energy crops grown on adjacent farmland. The resulting digestate would be used in the biomass boilers to provide heat for the poultry buildings, and also as an organic fertiliser on adjacent agricultural land. Biogas produced as part of the adjacent AD process would be captured and used as fuel for a Combined Heat and Power (CHP) engine which would produce electricity and heat. This would be utilised in the poultry buildings with any surplus electricity being exported to the National Grid. As such it is considered that in principle the proposed site for the poultry unit, together with the AD facility is well located in relation to sources of feedstock and receptors of digestate.
- 6.4.5 The proposed poultry sheds would be large structures in terms of their footprint. However it is proposed that they are sunk below the existing ground levels, thereby reducing their visibility in the landscape. Views into the site from surrounding public areas and private properties are generally limited. This is due to the distance between the site and such receptors, intervening vegetation and the topography of the land. Views of the proposed development from the towpath of the canal to the east would be restricted given that the canal is in a cutting, and also that there is a thick belt of woodland on the western side of the canal. Nevertheless the higher parts of the development would be visible from some surrounding viewpoints. In particular some views of the development would be likely to be gained from some residential properties to the north-west and south-west, particularly from upper floor windows.
- 6.4.6 It should be noted that these views would be from some distance: the nearest property that is likely to have a view of the development is located approximately 400 metres away. In relation to views from the public right of way to the south-east, these are likely to be from a distance of 165 metres at its closest point. The appearance of the proposed



development would be agricultural in appearance and would therefore not be incongruous in this rural landscape.

- 6.4.7 The landscaping scheme proposed for the development includes the provision of a 2.5 metres high earth bund along the western side of the site of the AD plant, with landscape planting to the north and south of the site. Existing hedges and trees in the area would be retained. In principle Officers consider that this landscaping proposal is appropriate in seeking to assimilate the development into the landscape, and reducing the visibility of the development from surrounding viewpoints. The detailed matters can be agreed as part of a landscaping planning condition.
- 6.4.8 Officers consider that the likely views of the development would not be significant given the distance and the proposed landscaping. In addition Officers consider that whilst the proposed development would have some impact upon the landscape character of the area, the proposal is of an acceptable design and incorporates satisfactory mitigation against visual impacts. As such the proposal can be accepted in relation to Core Strategy Policy CS6.

## **6.5 Local amenity considerations**

- 6.5.1 Noise: A Noise Impact Assessment report has been submitted as part of the planning application. This has identified the likely noise levels that would be generated by the proposed facility, including from fans and HGV movements, and assesses these against the criteria set out in the relevant BS4142. The report has also assessed cumulative noise impact to include noise from the associated AD unit. The report concludes that noise from the poultry unit and AD facility would be of no change/negligible significance or negligible/neutral significance at the majority of sensitive receptors around the site. The exception to this would be at a property the west of the site, where cumulative daytime noise would be considered of minor to moderate significance, but nonetheless in line with criteria highlighted by the Council's Public Protection team.
- 6.5.2 The Council's Public Protection Officer has confirmed that noise is unlikely to have a detrimental impact on the amenity of the area. On the basis of the distance of the site from sensitive receptors and the likely noise levels it is not considered that the proposed development would adversely affect residential amenity.
- 6.5.3 Odour and flies: An Odour Impact Assessment has been undertaken which has included dispersion modelling to assess likely odour concentrations. Peak odour emission rates would occur during the cleaning out of the buildings at the end of each cycle. The odour report notes that emissions from spent litter would be reduced if the manure is moved directly to the AD plant. The odour report states that occasional odour would be perceived at a number of locations around the site but that this would be at a level deemed acceptable.
- 6.5.4 The Council's Public Protection Officer considers that the proposed development is not likely to have a significant detrimental impact on the amenity of the area due to odour. The Officer considers that there would be adequate control of flies inside the poultry units. It is considered that the proposed development has been satisfactorily designed, including in relation to the separation distance to the nearest residential properties. It is noted that the Environment Agency has now issued an Environmental Permit for the poultry development and this will control detailed elements of the process, including noise and odour management. Overall it is considered that the proposal has been designed to

ensure that the facility can be operated without adversely affecting local amenity due to noise, odour or other impacts. In addition satisfactory safeguards would be provided as part of the Environmental Permitting process to address any specific issues. The proposal is therefore in line with Core Strategy Policy CS6.

## 6.6 **Historic environment considerations**

6.6.1 Core Strategy Policy CS17 requires that developments protect and enhance the diversity, high quality and local character of Shropshire's historic environment. Paragraph 134 of the NPPF requires that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In addition, 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 and preserving or enhancing the character or appearance of the Conservation area as required by section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6.6.2 A Heritage Impact Assessment has been undertaken as part of the planning application. This identifies that the nearest listed building is Hollings Bridge that runs across the canal cutting to the east of the site. The proposed development would not be visible from this bridge, or from that part of the canal that is designated as a linear Conservation Area. The Council's Conservation Officer concurs with the conclusions of the Heritage Impact Assessment that harm to heritage assets (both designated and non-designated) would be neutral. It is considered that the proposal is acceptable in relation to Core Strategy Policy CS17.

6.6.3 The County Archaeologist has recommended that a programme of archaeological work is undertaken and this can be secured through a planning condition, as detailed in Appendix 1 below.

## 6.7 **Traffic and access considerations**

6.7.1 The access to the site from the A529 would be via an access point that is currently being constructed under the implementation of a planning permission for a miscanthus grass storage and pelleting building. This access is acceptable for the current application.

6.7.2 The primary HGV movements using the public highway would be those relating to the collection of birds, the delivery of feed and the collection of manure. However it is acknowledged that, should permission for the AD facility be granted, manure would be used as a feedstock such that this element would not entail the use of vehicles on the public highway network. Other vehicle movements would include tractors and trailers, and employees vehicles. The submitted Highways Assessment estimates that there would be 22 HGV movements per crop cycle associated with the delivery of feed, and 34 HGV movements per crop cycle associated with bird removal. Bird removal would typically take place during two days per crop cycle. As such 17 HGVs would be associated with bird thinning (day 35 of the cycle) and 17 HGVs would be associated with the removal of the remaining birds (day 42 of the cycle). Bird collection would take place from 2am onwards at a rate of one collection per hour.

6.7.3 The Council's Highways Officer considers that the amount of traffic generated by both the proposed AD facility and the proposed poultry unit can be accommodated on the local highway network, and has raised no objections to the proposal. It is not considered that a refusal of the proposed development on highways grounds could be sustained. Given

the levels of traffic anticipated it is not considered that a HGV routing agreement is necessary. The conditions recommended by the Highways Officer can be imposed on any decision notice. Subject to this it is considered that the proposed development would not have an adverse impact upon highway safety in line with Core Strategy Policies CS6 and CS7.

## 6.8 **Drainage and pollution considerations**

6.8.1 Core Strategy Policy CS18 seeks to reduce flood risk and avoid adverse impact on water quality and quantity.

6.8.2 Surface water drainage: The site is located within Flood Zone 1 indicating that the risk of flooding is low. The submitted Drainage Report and Flood Risk Assessment states that the use of soakaways to deal with surface water drainage is highly unlikely to be appropriate due to limited ground porosity. The design of the surface water drainage system is based upon sustainable drainage principles. It is proposed that surface water drainage would be collected in stone filled trenches connected to an attenuation pond. It is proposed that this attenuation pond would have an outfall to a watercourse to the east.

6.8.3 The Canal and River Trust has noted that this watercourse runs close to the top of Woodseaves Cutting, a deep cutting alongside the Shropshire Union Canal, and that there are already stability issues with this cutting as a consequence of groundwater drainage. The Trust has advised that it is essential that the rate and amount of water discharging to the watercourse is not increased. The submitted drainage report states that flow rates from the attenuation pond would be restricted to greenfield runoff rates. This would ensure that the proposal would not have an adverse affect on the receiving downstream watercourse, and on the cutting.

6.8.4 The Council's Drainage Officer has confirmed that detailed matters relating to surface water drainage management can be dealt with by planning condition, and an appropriate condition is set out in Appendix 1.

6.8.5 Dirty water management: The concerns of the Parish Councils, the Canal and River Trust and some residents regarding the potential impact of the proposals on private water supplies are noted. All operations would take place either within the poultry sheds or on the hardstanding areas around the buildings. The floors of the buildings would be reinforced concrete thereby preventing seepage of manure effluent to groundwater. Dirty wash water from cleaning out the sheds would be directed to a dirty water tank, which would be fitted with level indicators to identify when they need emptying. A diverter valve would allow drainage to be diverted to either the sustainable drainage system or the dirty water tank depending upon the stage of the cycle.

Detailed matters relating to pollution prevention measures to be incorporated within the site design would be dealt with through the Environmental Permitting process. It is noted that an Environmental Permit for the operation has now been issued.

6.8.6

The area is designated as a Nitrate Vulnerable Zone, and the spreading of manure onto agricultural land (should the AD facility not go ahead) is controlled under separate regulations.

6.8.7

## 6.9 **Ecological consideration**

6.9.1 Core Strategy Policy CS17 seeks to protect and enhance the diversity, high quality and

local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. It is noted that the application site does not form part of any statutory or non-statutory designated site for nature conservation.

- 6.9.2 Protected species: The planning application is accompanied by a Phase 1 Environmental Survey report. A survey was undertaken to determine the presence of protected species and the potential for impact on habitats of ecological value. The report states that no protected species were found as part of the survey. The survey assessed six ponds in the area, and found that none were suitable for great crested newt breeding. The report states that the existing use of the land comprising the growing of energy crops is considered to be of low ecological value. Officers concur with this. The conditions recommended by the Council's Ecologist regarding lighting and landscaping can be imposed if permission is granted.
- 6.9.3 Potential impacts from emissions from the poultry units: Ammonia is released from intensive poultry sheds through the breakdown of uric acid which arises from bird excretion. Ammonia emissions from poultry units can potentially impact on nearby nature conservation sites, damage vegetation and affect sensitive habitats. An ammonia report has been submitted as part of the planning application which presents the findings of modelling of the dispersion and deposition of ammonia from the proposed poultry units. This identifies that the proposed development would result in ammonia concentrations over a small part of Tyrley Spoil Banks Local Wildlife Site to the east that are in the range between what is considered insignificant and what may not be considered acceptable. It also identifies that the proposals would result in nitrogen deposition rates that are in excess of that which may be considered acceptable at the Local Wildlife Site. The ammonia report states that, under these circumstances, some form of mitigation is usually required. However it suggests that further mitigation to reduce ammonia production may not be required in this case. The reasons for this is that the use of indirect heating at the unit, and the particular crop cycle to be adopted, would both lead to lower emissions of ammonia.
- 6.9.4 The Council's Ecologist has acknowledged that an Environmental Permit for the proposed operation has been issued by the Environment Agency. As part of this process the Environment Agency has assessed the likely impacts of the proposal on ammonia and nitrogen levels. It is understood that the Agency has accepted that the use of biomass boilers would significantly reduce ammonia emissions, and has concluded that the proposal is acceptable to be Permitted. In terms of nitrogen and acid deposition the Agency considers that no significant pollution would occur.
- 6.9.5 Notwithstanding this it is noted that the Council's Ecologist requires further detailed information in order to undertake an assessment under the Habitats Regulations, and to be able to confirm that emissions from the proposed development would be acceptable in relation to potential impacts on designated ecological sites. Subject to this matter being resolved, Officers consider that the proposal can be accepted in relation to Core Strategy Policy CS17, as it would not result in the loss of habitat of significant value, or adversely affect protected species or designated ecological sites. In addition the landscaping proposals would provide some ecological benefit. For this reason it is recommended that Members delegate authority to the Planning Manager to grant planning permission for the proposed poultry units subject to satisfactory resolution of these ecological issues.

## 6.10 Impact on Tryley Canal Cutting SSSI

- 6.10.1 It is acknowledged that some objections to the proposal, including those from the Parish Councils, have raised concerns over the potential impact of the proposal on the Tryley Canal Cutting Site of Special Scientific Interest (SSSI). This has been designated for its geological interest, in particular for showing details of river channel formation. The SSSI is located adjacent to the canal, approximately 480 metres from the application site. Given this distance it is not anticipated that the proposed development would adversely affect the SSSI, either directly or indirectly. Natural England has raised no objections to the proposals.

## 7.0 CONCLUSION

- 7.1 The proposal for a broiler poultry unit at Woodseaves is an acceptable form of agricultural development and would be of an appropriate scale and appearance. Whilst the proposal would have some impact on the character of the local landscape it is considered that this would be minimised through the proposed landscaping, and that the impacts would not be unacceptable. Satisfactory measures have been incorporated within the design of the development to ensure that potential adverse impacts from noise and odour can be controlled to acceptable levels. The additional traffic that would be associated with the development can be satisfactorily accommodated by the existing highway network and the site access provisions are acceptable.

- 7.2 It is considered that the proposed drainage arrangements are acceptable in principle and detailed matters can be agreed by planning condition. The proposal incorporates satisfactory site management and engineering controls to minimise the risk of pollution, and further detailed controls would be provided as part of the Environmental Permit which has now been issued by the Environment Agency.

- 7.3 Further details will need to be submitted to demonstrate that the ammonia emissions from the proposed development would be acceptable in relation to potential impacts on designated ecological sites, to enable the local planning authority to complete its assessment under the Habitats Regulations. Subject to this matter being addressed it is considered that the proposed development would be acceptable in relation to Development Plan and other relevant policies. As such it is recommended that delegated authority is given to the Planning Manager to grant planning permission for the proposed development subject to the conditions as set out in Appendix 1 and subject to ecological matters being satisfactorily resolved.

## 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 1970.

## 9.0 Financial Implications

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

## 10. Background

### 10.1 Relevant Planning Policies

#### 10.1.1 Shropshire Core Strategy

- Strategic Objective 9 seeks to promote a low carbon Shropshire by measures that include the generation of energy from renewable sources
- Policy CS5 (Countryside and Green Belt)
- Policy CS6 (Sustainable Design and Development Principles)
- Policy CS13 (Economic Development, Enterprise and Employment)
- Policy CS17 (Environmental Networks)
- Policy CS18 (Sustainable Water Management)

- Policy CS19 (Waste Management Infrastructure)

## 10.2 Central Government Planning Policy and Guidance:

10.2.1 National Planning Policy Framework (NPPF): The NPPF states that one of the core planning principles is that planning should support the transition to a low carbon future and encourage the use of renewable resources (para. 17). Amongst other matters, the NPPF: supports a prosperous rural economy, and states that plans should promote the development of agricultural businesses (Chapter 3); promotes good design as a key aspect of sustainable development (Chapter 7); supports the move to a low carbon future as part of the meeting of the challenges of climate change and flooding (Chapter 10); states that the planning system should contribute to and enhance the natural and local environment by preventing development from contributing to unacceptable levels of soil, air, water or noise pollution (Chapter 11). The NPPF states that local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and recognize that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions, and should approve applications for renewable or low carbon energy if its impacts are (or can be made) acceptable (para. 98).

## 10.3 Emerging policy:

10.3.1 Site Allocations and Development Management (SAMDev) document: Relevant draft Development Management policies include:

- MD2 (Sustainable Design)
- MD7b (General Management of Development in the Countryside)
- MD12 (Natural Environment)
- MD14 (Waste Management Facilities)

## 10.4 Relevant Planning History:

11/04052/FUL Erection of a building for pelleting/storage of biomass crop (Miscanthus) with attached office; installation of roof mounted PV solar panels; provision of a weighbridge; provision of visibility splay and associated works; landscaping scheme to include earth bund (Amended Description) PERMITTED 5th April 2013

14/05167/SCO Scoping opinion for the erection of four poultry units, feedstock clamps and anaerobic digester plant SCOPING OPINION 17th February 2015

15/01108/MAW Installation of an 800kW agricultural Anaerobic Digester (AD) Plant and associated infrastructure CURRENTLY UNDETERMINED

## 11. **Additional Information**

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

The application ref. 15/00924/EIA and supporting information and consultation responses.

Cabinet Member (Portfolio Holder)

Cllr M. Price

Local Member

Cllr Andrew Davies (Cheswardine)

Appendices  
APPENDIX 1 - Conditions



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

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

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

2. The development shall be carried out strictly in accordance with the approved plans and drawings Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

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

3. No development shall take place until a detailed scheme for the disposal of surface water and all treated foul sewage, to include discharges to any watercourses and discharge rates, has first been submitted to and approved in writing by the Local Planning Authority, together with a timetable for its installation. The development shall thereafter only be implemented in accordance with the approved scheme.

Reason: To ensure that appropriate drainage arrangements are in place which minimise the risk of flooding of adjoining land, prevent pollution and minimises the risk of creating land instability in the adjacent Woodseaves Canal Cutting.

4. The development hereby permitted shall not be brought into use until full details of the arrangements for spreading residual dirty water from washing down have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be operated in accordance with the approved details.

Reason: To ensure that appropriate arrangements are in place in order to minimise the risk of pollution of the local water environment.

5. No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works.

Reason: The development site is known to have archaeological interest

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

Reason: To ensure an acceptable appearance to protect the visual qualities of the area, and as such these details need to be approved prior to the development proceeding in order to ensure a sustainable development.

7. No above ground works shall be commenced until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The landscape works shall be carried out in full compliance with the approved plan, schedule and timescales. Any trees or plants that, within a period of five years after planting, are removed, die or become, seriously damaged or defective, shall upon written notification from the local planning authority be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs

8. Prior to the commencement of the development hereby permitted a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority; the CTMP shall be fully implemented in accordance with the approved details for the duration of the construction period.

Reason: In the interests of highway safety.

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

9. Prior to the development hereby permitted being first brought into use the junction onto the A529 and access road leading to the site, indicatively shown on Drawing no.SA17988-01 Rev A, shall be laid out and constructed fully in accordance with details and specification to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

10. 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.

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

11. A total of 4 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

12. No construction works shall be undertaken outside of the following hours: 0800 and 1800 Monday to Friday; and 0800 to 1300 on Saturdays. No such works shall take place on Sundays or bank holidays.

Reason To protect the amenities of the local area.

13. Vehicle movements associated with the delivery and of feedstock to/from the site via the public highway shall not take place other than between the following hours: Monday to Friday: 07:30- 18:00,  
Saturdays: 08:00 - 13:00.  
No such vehicle movements shall take place on Sundays or Bank Holidays.

Reason: To protect local amenity.