

Committee and date

South Planning Committee

8 September 2015

## Development Management Report

<b><u>Application Number:</u></b> 14/05323/FUL	<b><u>Parish:</u></b>	Lydbury North
<b><u>Proposal:</u></b> Erection of agricultural buildings for barn egg production, together with attenuation pond and access visibility splay improvement		
<b><u>Site Address:</u></b> Walcot Farm, Lydbury North, Shropshire, SY7 8AA		
<b><u>Applicant:</u></b> JW Evans & Son		
<b><u>Case Officer:</u></b> Grahame French	<b><u>email:</u></b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	

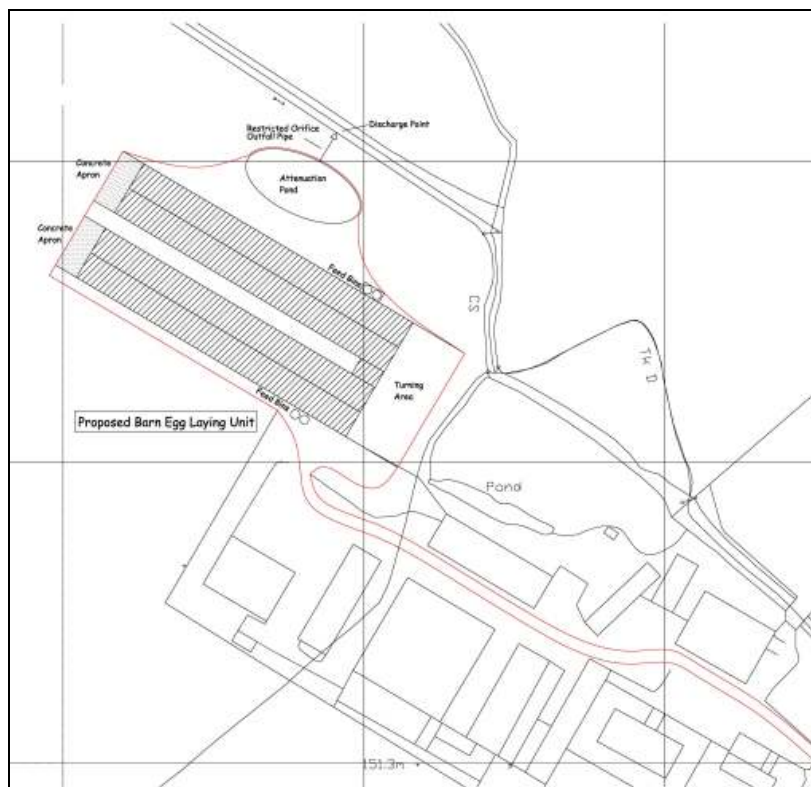


**Recommendation:- Approve subject to the conditions set out in Appendix 1 and subject to a legal agreement (Unilateral Undertaking) covering ecological mitigation**

## REPORT

### 1.0 THE PROPOSAL

- 1.1 The applicants JW Evans & Son are proposing to diversify their agricultural enterprise through the erection of a barn egg laying unit. This would extend to 35,000 birds, producing fertile eggs for hatching to supply the pullet rearing industry which produces replacement birds for free range egg units. The proposals involve erection of 2 poultry buildings with a linked egg packing and storage area, and will provide housing for 35,000 birds (32,000 hens and 3,000 cockerels). The proposed buildings will be of steel portal frame construction and clad in juniper green profile sheeting BS12B29.
- 1.2 The proposed buildings would be purpose built poultry barns, constructed of a steel portal frame with polyester coated box profile sheeting for the walls and roof. The external colour will be juniper green (13S12B29). The buildings would each measure 104m x 19m with an eaves height of 3m and a ridge height of 5.5m. There would be five ventilation flues 0.9m high protruding from the ridge crests.



- 1.3 Access to the public highway would be obtained using the existing farm road and highway access. The existing highway access would be upgraded. The proposal also includes hardstanding for parking and turning and 2 feed bins per building (5.87m high x 2.32m diameter).
- 1.4 The unit would operate on a 48 week production cycle, including a 4 week period for cleaning and preparation at the end of each cycle.

- 1.5 The inside of the building includes a scratch area and a plastic slatted dunging area. Nest boxes are situated centrally within the building adjacent to an egg collection conveyor. The nest boxes are angled towards the conveyor and the hens lay their eggs in the nest boxes. The eggs then roll onto the conveyor and are brought to the service area at the end of the building.
- 1.6 An automated chain-fed feeding system would be employed which operates every 2 hours between the hours of 6.00am and 9.00pm. Water supply is provided by nipple drinkers. The lighting within the building is on a time switch, providing the birds with 14 hours of daylight per day. Ventilation is provided by ridge chimneys and side inlet vents.
- 1.7 The design of the Unit incorporates a plastic slatted floor droppings pit, which has a proven history of creating no smell nuisance. As droppings build up through the flock cycle, they remain dry. A natural dry composting takes place and hence ammonia does not build up. The droppings pit is sufficient to accommodate the entire 48 week supply of manure. Hence, cleanout of the building only occurs once every year for 1 day within a 4 week cleanout and preparation period when the unit is dismantled internally and the detritus removed. This contrasts with more intensive poultry rearing operations where the cycles can be as short as 6 weeks.
- 1.8 The RSPCA specify maximum ammonia levels in houses and great care is taken to maintain a dry environment in the Unit and control ammonia levels. To ensure the droppings remain dry and friable water usage is monitored daily, allowing any system leaks to be detected and dealt with quickly. The design of the building is primarily functional for the housing requirements of poultry. The construction materials include the use of composite (insulated) panels for the walls and roof for heat retention. As such, heating is not required.



## 2.0 SITE LOCATION / DESCRIPTION

- 2.1 The proposed poultry unit has been sited on land to the north west of the main buildings complex at Walcott Farm, Lydbury North, within the Shropshire Hills AONB. The farm extends to 750 acres of owner occupied land, 500 of which is arable. Arable production includes the cropping of wheat, barley, oats and spring barley. The remaining 250 acres is predominantly grassland. Livestock currently consists of 100 suckler cows.

## 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The proposals have been referred to the committee by the local Member and this decision has been ratified in accordance with the Council's Scheme of Delegation.

## 4.0 COMMUNITY REPRESENTATIONS

- 4.1 Lydbury North Parish Council: Objection. An industrial form of agriculture in an historic landscape. AONB – visible from everywhere as on floodplain. Concerns over pollution of groundwater etc. If approved would expect very careful monitoring. Work has already started on removal of hedgerow for access alteration.
- 4.2 Clunbury Parish Council (adjacent parish) objects because of the contradictory and inaccurate information in the application. There was an ad hoc change to the elevations, but there is still confusion regarding the "high velocity roof fans" - the Applicant insists these would be on the ends of the buildings, the plans show them on the ridges and

this would affect the potential noise levels in the surrounding area. Clunbury Parish Council would like to see this application go to Committee, when hopefully more complete and accurate information would be to hand.

4.3a. Natural England: (Initial comment 13/02/15). Objection.

- i. Internationally designated site: The application site is within the catchment of the River Clun, upstream of the River Clun Special Area of Conservation SAC, 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 site is also and also notified at a national level as part of the River Teme Site of Special Scientific Interest (SSSI). Please see the subsequent sections of this letter for our advice relating to SSSI features. In considering the European site interest (freshwater pearl mussels), 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<sup>1</sup>. 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.
- ii. Objection - Further information 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. Natural England advises that there may be a likely significant effect pathway through direct and indirect hydrological links via the River Kemp to the River Clun. This could manifest in several ways. These may include pollution events and increased sedimentation during construction. Dirty water from washing out the poultry sheds, we note reference in the design and access statement that this water will be stored in sealed tanks however no details about these tanks appear to have been provided. We note a proposed surface water attenuation pond, while this may prove a biodiversity benefit, the outflow to a watercourse which is linked to the River Clun SAC suggests that details of any treatment provided by this pond should be provided to your authority for consideration. As you will be aware, the Nutrient Management Plan for the River Clun catchment apportiones the biggest sources of nutrients and sedimentation entering the River Clun system from agricultural runoff. We note that according to the design and access statement, poultry manure will be stored in field heaps and spread on land however no details as to whether these heaps will be covered or where and when spreading will occur has been provided. An assessment should be provided in relation to this poultry manure and its impacts on water quality. This assessment should also include the impacts of chemical deposition resulting from the poultry units acting in combination with manure spreading. We note that the applicant has submitted the simple ammonia screening tool but it provides no interpretation to enable your authority to assess the impacts on the River Clun. You should also assess the proposal in-combination with other plans or projects which may have a significant effect on the River Clun SAC. In addition, we note the design and access statement refers to the presumption in favour

of sustainable development underlined in the National Planning Policy Framework (NPPF) however, paragraph 119 of the NPPF clarifies that the presumption does not apply when development requiring appropriate assessment under the habitats directive is being considered planned or determined. Instead the precautionary principle under the habitats regulations applies and a plan or project may be authorised only if a competent authority has made certain that the plan or project will not adversely affect the integrity of a site i.e. there should be no reasonable scientific doubt (EC ruling 7/9/04).

- ii. SSSI – Objection: This application is in close proximity to a tributary of the River Teme Site of Special Scientific Interest (SSSI). Natural England objects to this development on the grounds that the application, as submitted, is likely to damage or destroy the interest features for which the River Teme SSSI has been notified. Our concerns are set out below. One of the features of interest of the River Teme are Freshwater Pearl Mussels located in the River Clun tributary of the Teme. Based on the information submitted we believe the proposed development has the potential to damage or destroy this interest feature as outlined above in our comments relating to the River Clun SAC which is notified solely for its population of Freshwater Pearl Mussel. In addition, the ammonia screening information is difficult to read in terms of effects of ammonia deposition on the Long Mynd SSSI. It would be useful if this could be clarified. Should the application change, or if the applicant submits further information relating to the impact of this proposal on these SSSIs aimed at reducing the damage likely to be caused, Natural England will be happy to consider it, and amend our position as appropriate. If your Authority is minded to grant consent for this application contrary to the advice relating to the River Teme and Long Mynd SSSIs contained in this letter, we refer you to Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended), specifically the duty placed upon your authority, requiring that your Authority;
  - Provide notice to Natural England of the permission, and of its terms, the notice to include a statement of how (if at all) your authority has taken account of Natural England's advice, and
  - Shall not grant a permission which would allow the operations to start before the end of a period of 21 days beginning with the date of that notice.
- iii. Designated Landscapes: – Advise consultation with AONB partnership. Natural England has assessed this application. From the information available Natural England is unable to advise on the potential significance of impacts on the Shropshire Hills Area of Outstanding Natural Beauty (AONB). We therefore advise you to have regard to the advice of the AONB Partnership. Their knowledge of the location and wider landscape setting of the development further informed by clarification of the issues they raise in relation to the Landscape and Visual Impact Assessment should help to confirm whether or not it would impact significantly on the purposes of the AONB designation. They will also be able to advise on whether the development accords with the aims and policies set out in the AONB management plan.
- iv. Other advice: 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.

- v. 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. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy. 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.
  - vi. 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'.
- 4.3b. Natural England: (17/03/15, responding to further information). Objection maintained.
- i. Internationally designated site: The application site is within the catchment of the River Clun, upstream of the River Clun Special Area of Conservation SAC, 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'). In considering the European site interest (freshwater pearl mussels), 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<sup>1</sup>. 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.

- ii. Habitats Regulations Assessment Required: In our previous response (our ref 143268) we recommended a Habitats Regulations Assessment (HRA) be undertaken in order to satisfy the requirements of Regulations 61 and 62 of the Habitats Regulations. However, based on the information provided to us this has not yet been undertaken. As such we reiterate our previous comments and will make further substantive comments when your authority provides us with this assessment.

*Note: Additional ecological information has since been provided on ecological mitigation and is set out in Appendix 3. Natural England has been formally consulted on the Council's Habitat Risk Assessment and a response is due before committee.*

- 4.4 Environment Agency: No objection. The proposals fall under the threshold of 40,000 birds and, as such, will not be regulated by the Environment Agency under the Environmental Permitting Regulations (EPR) 2010. On that basis the Environment Agency would not have any substantive comments to offer. It is noted that you have stated the reason for consultation is flood risk and proximity to a main river. However, in this instance, the proposed buildings are located outside of Flood Zone 3 (high risk) and greater than 8 metres from the watercourse. In light of the above it is recommended that you seek the views of your Flood and Water Management and Environmental Health teams respectively.
- 4.5 AONB Partnership: Objection: The development would introduce some major industrial scale buildings into a high quality area of landscape, within the AONB and very close to a Registered Parkland. It also has the potential adversely to affect the River Clun, and assessment of a number of factors in the application documents is not adequate. Our detailed comments are set out below.
  - i. Landscape: The proposed development sits in a lowland setting in the Kemp Valley. The proposed mitigation measures detailed in the Landscape and Visual Impact Assessment (LVIA) may lessen the impact at field level and roadside, but we are concerned that it may not be sufficient to screen the development from the surrounding hills of the Shropshire Hills AONB. The Landscape Assessment part of the LVIA draws on the Shropshire Landscape Typology as baseline information, and includes many photographs with description. It does not however make any reference to the Shropshire Hills AONB or identify landscape receptors (as distinct from visual receptors), and nor does it assess thoroughly and transparently the potential effects of the development on receptors and the way conclusions regarding significance of impact are reached. We believe the LVIA is not compliant with the nationally accepted guidance on LVIA in this and other respects. The National Planning Policy Framework is quite clear that general policies within the Framework supporting particular types of development activity do not over-ride the location-specific policies protecting AONBs. Indeed the very first policy paragraph within NPPF, Para 14 on the 'golden thread' of sustainable development, highlights through footnote 9 AONBs as an exception to a presumption in favour of development, as one of a few types of special area where "specific policies in this Framework indicate development should be restricted." The specific policy in Para 115 of the Framework states:  
115. Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are Working together to conserve and



sustain the landscape important considerations in all these areas, and should be given great weight in National Parks and the Broads. The buildings in this application would cover nearly 4,000 sq m and represents a significant increase of the farmstead footprint. This is therefore clearly a 'major development' under the definition of the Town and Country Planning (Development Management Procedure) (England) Order 2010, and so para 116 of NPPF also applies:

116. Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated (emphasis added)

We consider the application cannot be granted permission in its current form, as the requirements of NPPF para 116 have not been acknowledged and tests within it have not been demonstrably met.

- ii. Visual impact: The LVIA does not define or map any zones of visibility of the development, and the definition of visual receptors seems inadequate, especially regarding the exclusion of Walcot Hall. A clear and transparent assessment of the significance of visual impacts on the receptors is not provided in the LVIA, as recommended in the Guidance.
- iii. Historic Landscape: The proposed development is to be located only approximately 60 metres from the Grade II Registered Park and Garden of Walcot Park. This parkland is of special historic interest in England and thus to be of national importance and an important feature within the AONB. Other than passing reference in the "Archaeological Desk Based Assessment" there is no assessment of impact on the Registered Park itself (the key historic feature). We consider the development would have a considerable negative impact and is inappropriate in the setting of this parkland. The specific policy in Para 129 of the National Planning Policy Framework (NPPF) states:  
129. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Also Planning Policy Statement 5 is still applicable, and states:  
Registration is a 'material consideration' in the planning process. Planning for the Historic Environment means that planning authorities must consider the impact of any proposed development on the landscapes' special character.  
Shropshire Council's SAMDev Policy MD13: The Historic Environment states:  
In accordance with Policies CS6 and CS17 and through applying the guidance in the Historic Environment SPD, Shropshire's heritage assets will be conserved, sympathetically enhanced and restored by:  
'Ensuring that proposals which are likely to either directly or indirectly affect the significance of a heritage asset, including its setting, are accompanied by a Heritage Assessment'. The Archaeological Assessment submitted mentions the Registered Park

but only assesses the connected potential for finding archaeology on the application site. It does not actually assess the effects of the development on the heritage asset of the Registered Park, and we consider the application therefore does not comply with this policy of NPPF para 129 above.

- iv. Biodiversity: The River Kemp is major tributary of the River Clun and is thus upstream from the River Clun Special Area of Conservation (SAC) and the River Teme Site of Special Scientific Interest (SSSI). The River Clun is designated as a SAC for its freshwater pearl mussel interest; it is of international significance and is one of only three rivers in England so designated. The proposed development is located adjacent to the River Kemp - a watercourse failing to achieve "Good Ecological Status" as required by the EU Water Framework Directive (WFD). Furthermore, Natural England considers the River Clun SAC to be in 'Unfavourable Condition' and therefore failing to meet its statutory target. The qualifying feature for the River Clun SAC is the freshwater pearl mussel, and the International Union for Conservation of Nature (IUCN) identifies the freshwater pearl mussel as a 'Critically Endangered' 'Red List' species. In this context, the River Clun pearl mussel population represents a unique genetic resource requiring special measures to ensure its future survival. Over recent years the River Clun has been subject to extensive studies, and understanding of the situation relating to pearl mussels and the processes contributing their decline (and that of the River Clun SAC) has improved greatly in recent years. These studies have established that the mussels are now in critical decline and unlikely to survive unless the pressures contributing to the deterioration of the SAC are reversed. Studies include the River Clun SAC Nutrient Management Plan (NMP). This recent research considers the main reason for decline to be intensification of land management practices, particularly those that lead to elevated levels of nutrients, sediment and pesticides. We do not consider the information supplied to be adequate to cover relevant concerns regarding impact on the water environment, and have concerns that the applicant has not sufficiently addressed the issues clearly articulated in the aforementioned studies. The application makes no reference to the fact the site is situated upstream of the River Clun SAC, or to the River Clun Nutrient Management Plan which defines challenging catchment-wide targets for phosphates, nitrates and sediment. It is important that the applicant clarifies what measures will be put in place to ensure that the targets set in the NMP and for the River Clun SAC are met both during development and operational phases. Specifically, we are concerned that the reference to a 'ditch' adjacent to the proposed development downplays its significance as a watercourse. This watercourse is in fact the River Kemp and is mapped as 'Main River' by the Environment Agency and therefore a key receptor and pathway to the River Clun SAC. Due to the connectivity of the proposed development to the Clun SAC it should be recognised that any water resources impact has the potential to be severe. The applicant's Surface Water Management Plan indicates an intention to divert surface flows to the River Kemp via an attenuation pond. There is no assessment of the attenuation pond in relation to its ability to remove pollutants before it discharges to the River Kemp, and this should be clarified in relation to the River Clun NMP. Allied to the above, the application makes no reference to management of essential poultry shed disinfection and washing during operation. It is not clear whether washings are to be disposed of via the attenuation pond or by other means. Again this should be clarified. Furthermore, it is unclear how the poultry waste will be disposed of. If disposed of locally (or elsewhere in the catchment) there is potential for increased N and P load of the River Clun. The application makes no reference to this eventuality. Mitigation measure should be defined to ensure River Clun NMP targets are safeguarded.

- v. Significant financial resources have been directed at the River Clun to help meet statutory targets, and the AONB Partnership has been closely involved with project work on the river for some years. This development is of concern and should it go ahead without the necessary safeguards it would put in jeopardy the conservation objectives set for returning the River Clun SAC to favourable condition. The following policies apply regarding biodiversity and the natural environment and support the need for more detailed consideration of these matters:

Policy MD12 Natural Environment: 4.115 Policy MD12 sets out in detail the level of protection offered to Shropshire's natural assets. Internationally and nationally important sites of wildlife conservation and geological interest as well as legally protected habitats and species will be afforded the highest level of protection in line with the relevant legislation and policy. Development proposals affecting or involving the following will be assessed in accordance with the relevant legislation and national policy; European and nationally designated wildlife sites (Special Protection Areas (SPA), Special Areas of Conservation (SAC), Ramsar and Sites of Special Scientific Interest (SSSIs) and all candidate designations; Shropshire Council SAMDev Policy MD12: The Natural Environment states: In accordance with Policies CS6, CS17 and through applying the guidance in the Natural Environment SPD, the conservation, enhancement and restoration of Shropshire's natural assets will be achieved by:

1. Ensuring that the social or economic benefits of development can be demonstrated to clearly outweigh the harm to natural assets where proposals are likely to have an unavoidable significant adverse effect, directly, indirectly or cumulatively, on any of the following:

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

- 4.6 National Trust: Objection: National Trust is interested in this application because of its possible effects on property in our protective ownership at Walcot Wood. I have attached a copy of that email as it has not appeared on the council's online file for this application. The national significance of the lichens at Walcot Wood was outlined in my email but I should add that two of the species at Walcot Wood (*Caloplaca lucifuga* and *Bacidia circumspecta*) are listed as species of principal importance for nature conservation in England under s41 of the Natural Environment and Rural Communities Act 2006. While *Arthonia byssacea* is not identified under section 41, Walcot is its only known location in the UK. It is considered rare everywhere and listed as vulnerable or endangered in other countries. Additional information submitted by the applicant in February proposes a site about 200m from our nearest lichen-supporting veteran tree for storing manure when removed from the building. Manure storage in this location would add to the potential impact of ammonia emissions from the proposed development on the lichens at Walcot. Policy CS17 of the adopted Shropshire Core Strategy states: Development will identify, protect, enhance, expand and connect Shropshire's environmental assets, to create a multifunctional network of natural and historic resources. This will be achieved by ensuring that all development:

- Protects and enhances the diversity, high quality and local character of Shropshire's natural, built and historic environment, and does not adversely affect the visual, ecological, geological, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors;
- Contributes to local distinctiveness, having regard to the quality of Shropshire's environment, including landscape, biodiversity and heritage assets, such as the Shropshire Hills AONB, the Meres and Mosses and the World Heritage Sites at Pontcysyllte Aqueduct and Canal and Ironbridge Gorge

Paragraph 7.6 of the Core Strategy notes, "Locally designated Wildlife Sites, habitats and species of principal importance (NERC Act 2006, section 41 list) are also key environmental assets." In the National Planning Policy Framework, the government states that pursuing sustainable development involves seeking positive improvements including by moving from a net loss of bio-diversity to achieving net gains for nature. (NPPF paragraph 9). In addition, paragraph 8-007 of the National Planning Practice Guidance notes that section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. Based on the information supplied, we consider that the development proposed would have a harmful effect on the nationally important lichens at Walcot Wood and that this would be contrary to policy CS17 of the adopted Shropshire Core Strategy and the government's objective of achieving net gains in bio-diversity. We therefore object to the proposed development. We are aware of the objections by the Shropshire Hills AONB Partnership and Shropshire Parks and Gardens Trust. Although our interests in this application are different because we are focusing on land in our ownership that does not have a line of sight relationship with the application site, we fully endorse the objections raised by both organisations.

- 4.7 Shropshire Parks & Gardens Trust: Objection: We note that the proposed development site lies immediately adjacent to the boundary of Walcot Park, which is included at Grade II on the English Heritage Register of Park & Gardens of Special Historic Interest in England. The National Heritage List entry clearly indicates that the Registered park boundary to Walcot park includes the southern half of the field in which the proposed development is located. Historically, the park was much larger than this, while what is now referred to as Walcot Farm is identified within the then parkland shown on the OS 1st Edition 6" plan (Shropshire Sheet LXIII.SW 1883) as 'The Dairy'. Notwithstanding recent additions to the west, the core of this building complex remains largely unaltered since that time. Cedars within parkland to the west and a footpath then leading to The Dairy from the nearby Walcot Hall confirms that it was an integral feature in the landscape and this is confirmed by a 'ha-ha' (a sunken wall, allowing views across it) on its southern side. A similar 'ha-ha' to the south and east of Walcot Hall, facing 'The Dairy' confirms that it was intended to be seen from the Hall as a feature in the landscape. The designed landscape at Walcot and especially the gardens around the Hall date to at least the 17th century, while the parkland is of especial note for having been laid out around 1774 by the landscaper William Emes, who was described by Dr. Paul Stamper in his Historic Parks & Gardens of Shropshire (1996) as 'probably the leading later-18th century landscape architect'. The lakes at Walcot in particular are characteristic of his style and recall the great meandering lake at Hawkstone (also in Shropshire, Registered Grade I). Walcot is additionally noteworthy as having once been associated with nearby Powis Castle and with Lord Clive (also known as 'Clive of India'). It is clear from the above therefore that the proposed development will have a substantial negative impact upon not only the setting

of the Registered Park & Garden at Walcot, but also directly upon the fabric of the historic park itself. Given the above, it is clear that the proposed development is likely also to impact detrimentally upon the setting of the Grade II\* Listed Walcot Hall, and potentially on the setting of a number of other Listed buildings, including the Grade II\* Listed Garden House, and 8 other Grade II Listed buildings within the site. It may also have a negative visual impact upon the setting of the nearby Scheduled Ancient Monument at Lower Down Farm, some 2km to the west. Notwithstanding the complex of designated heritage assets within the immediate environs of the proposed development, no attempt appears to have been made within the application to assess its impact upon these, as required by the National Planning Policy Framework. Even if one were undertaken, it is difficult to see how it could reach a conclusion other than that expressed above. The 'Landscape and Visual Impact Assessment' submitted as part of the application, is cursory at best and simply does not do justice to the sensitive landscape environment within which it is proposed to site the structures described within the application. We urge you therefore to reject this application as it currently stands.

Internal consultations:

4.8 SC Highways: No objections (verbal communication).

4.9i. S.C.Ecology: No objections subject to the inclusion of conditions and informative notes on any permission. Natural England must be formally consulted on this application and their comments taken into consideration prior to a planning decision being made. The proposed application is for 35,000 chickens (32,000 hens and 3,000 cockerels). The house would be ventilated by high speed ridge mounted fans, each with a short chimney.

ii. Designated Sites (LWS & SSSI): The SCAIL modelling provided by Ian Pick indicates that the proposed application is reasonably unlikely to have a negative impact on SSSI's within 5km of the proposed poultry site. The SSSI has screened out below the critical load threshold which has been set by the Environment Agency & Natural England, please see table below;

Designated Site SSSI	% Critical Load
Flat Coppice	9
Hillend Quarry	8
Long Mynd	9
Coston Farm Quarry	7
Clunton Coppice	9

iii. Detailed modelling has been prepared by Steve Smith highlighting any potential impact that the proposed development may have on Locally Designated Sites within 2km of the proposed poultry unit. Critical Level for a site which is designated for lichen or bryophyte interest is 1  $\mu\text{g-NH}_3/\text{m}^3$  as an annual mean. 4 Local site/Ancient woodlands have been modelled relating to their impacts from ammonia. 17 receptor sites have been modelled over these 4 sites. Walcot Wood LWS has substantial lichen interest present including species that are nationally and internationally rare as well as being susceptible to "increased atmospheric nitrogen and ammonia, derived from intensive agriculture". Steve Smith has produced Ammonia Modelling for this application and the impact on Walcot Wood LWS screens out below the critical level threshold as agreed

to have an insignificant impact by Natural England & Environment Agency. One of the 17 receptors, receptor number 1, is over the critical load & critical level threshold for ammonia (>50%). This indicated that a small part of Walcot Pool LWS, approximately 0.5 ha at the southern tip of the site, may be negatively affected by the proposed development. The modelling has been based on a Critical Level of 1.0  $\mu\text{g-NH}_3/\text{m}^3$ . Shropshire Wildlife Trust has confirmed that Walcot LWS is designated for its ornithological interests therefore, as stated in Steve Smith's report the higher Critical Level of 3.0  $\mu\text{g}/\text{m}^3$  may be more appropriate for modelling this site and there would be no exceedance of 50% of the Critical Level. SC Ecology concludes that the information provided in support of this application indicates that the new poultry units will not have a likely significant effect on LWS/AW in 2km and SSSI in 5km.

- iv. Great Crested Newts: A small, recently dug, ditch that only holds farmyard water occasionally in times of heavy rainfall would be lost to the development. This is not considered to be of any ecological significance, with no aquatic vegetation and poor suspected water quality. There are ponds within 100m of the site. The ecological report states that the ponds are not suitable to support breeding great crested newts (i.e. polluted, no aquatic vegetation, isolated etc.). Ecological enhancement includes the creation of a new attenuation pond to receive surface water from the site, this has potential to offer a net gain for biodiversity and should be created in accordance with an ecological management plan. GCN informatives are provided.
- v. Dirty Water: At the end of each cycle the building will be cleaned and the manure removed. During the cleanout process the apron is drained into the dirty water containment tank which will be constructed to appropriate standards. Attenuation pond and drainage conditions proposed by SC Drainage will ensure that run-off from the site will not contaminate any existing watercourse. Manure will be stored in covered field heaps and will be used on the farm, replacing the need for imported manure. A silt fence will be constructed adjacent to the watercourse prior to construction. The silt fence will remain until the re-seeding of the site following construction has been undertaken.
- vi. Badger: No evidence of badger was recorded. An informative is recommended.
- vii. Nesting Birds: The site has the potential to support nesting birds and the proposal has the opportunity to enhance the site. A condition and informative are recommended.
- viii. Bats: The site has the potential to support commuting and foraging bats. Conditions are recommended.
- ix. Habitat Regulations Assessment – River Clun SAC: Detailed Modelling of dispersion and deposition of ammonia in relation to the River Clun SAC has been provided by the applicant in a report conducted by Steve Smith, April 2015. The modelling has predicted the annual mean nitrogen deposition rate summed over a 3 km x 3 km (900 hectares) modelling domain. The total predicted average nitrogen deposition over the 3 km x 3 km modelling domain is 601.2 kg/y. Predicted annual mean nitrogen deposition rates from the existing agricultural use of the land and the proposed poultry scenario have been summed over the modelling domain. Deposition to land over the parts of the River Clun catchment area outside the modelling domain is likely to be insignificant. Nitrogen application rates to arable land may be as high as 220 kg/ha/y. The proposal will add a significant amount of deposition of ammonia (601.2kg/y over 900 hectares modelling domain or 0.67kg/ha/y) however the applicant has agreed to enter into a

unilateral undertaking (legal agreement) which will revert 6 hectares of agricultural land into arable reversion (as shown on plan Arable Reversion Plan April 2015). Therefore, based on current agricultural practices, removing 6 hectares from fertiliser application may lead to 1320 kg/y of nitrogen being removed from the pool of nitrogen that could potentially reach the river system. This would offset the additional 601.2kg/y over the modelling domain by a reduction of 718.8kg/y. SC Ecology has attached a Habitat Regulations Assessment Memo to these comments.

- x. Landscape: In order to further protect designated sites within close proximity to the site SC Ecology would recommend that a mixed woodland shelter belt is planted and retained for the lifetime of the development along the LWS boundary. This should be shown on a landscape plan. Conditions are recommended.
  - xi. Site Location: Development that results in the loss or degradation of ancient woodland or PAWS would not normally be supported and would be considered contrary to the principals of the Shropshire Local Development Framework; adopted core strategy policies CS6 & CS17 and to the principles of sustainable development. SC Ecology has provided conditions and informatives which will aid in the protection of designated sites and would recommend that these are enforced.
- 4.10 S.C.Drainage: No objection in principle. The drainage details, plan and calculations could be conditioned if planning permission were to be granted. Part of the surface water drainage proposals are outside of the red line development area. The development area should be extended to include all of the proposed drainage proposals, to ensure all of the proposals have been identified. Conditions and informatives are recommended.
- 4.11 SC Archeology (Historic Environment): Further information is recommended:  
The proposed development is located immediately adjacent to and partly within the Grade II registered Walcot Park (National Ref: 1001321) Gardens, arboretum and deer park, associated with a country house rebuilt in 1764 for Lord Clive of India. The park contains the Grade II\* listed Walcot Hall. Tithe map evidence suggests that water meadows were once located in the immediate surroundings. The application is supported by an Archaeological Desk Based Assessment with walk over survey (Border Archaeology Ref: BA1457FLN) and a Landscape and Visual Assessment (Ian Pick Associates Ltd). Advice given for a pre-application enquiry recommended that a full Heritage Assessment should be undertaken comprising initially, of an archaeological desk based assessment and walkover survey of the site to include all heritage assets that may be directly affected by the development and addressing any issues of setting of heritage assets that may arise. Neither supporting documents addresses any setting issues that might arise in regard to any designated or non-designated heritage assets. The conservation officer has commented separately on these shortcomings. The archaeological desk based assessment concludes, in respect of direct impact on archaeological remains, that there is a low to moderate potential for encountering evidence of prehistoric occupation (based largely on known remains in the surrounding area) and a moderate potential for post-medieval archaeological remains particularly in respect to water management features associated with the creation of water meadows. I concur with both these conclusions. The National Planning Policy Framework (NPPF) Section 128 states: In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of



detail should be proportionate to the assets importance and no more than is sufficient to understand the potential impact of the proposal on their significance. I would recommend that additional detail should be provided that assesses the potential impact the proposals would have on the setting of designated and non-designated heritage assets in the surrounding area. This would enable a more informed response to be made to this application. Additionally and in view of the above and in line with the National Planning Policy Framework (NPPF), I would recommend that a programme of archaeological work be made a condition of the planning permission for the proposed development. An appropriate condition of any such consent would be:

- 4.12 SC Conservation (Historic Environment): Proposals include the erection of 2no poultry buildings each 104m x 19m and constructed from a steel portal frame with polyester coated box profile sheeting for the walls and roof ' in juniper green. A site visit was undertaken in September 2014, where the site was considered specifically with regards to the Historic Environment from Walcott Hall ' a grade II\* listed building. It was evident from the visit that the farm and land where the sheds are proposed are screened from the Hall by the trees surrounding Walcot Pool and as such there will be no detrimental impact on the setting of the listed Hall. It is however suggested that further information is submitted with this application which demonstrates this ' especially as English Heritage are consulted and will require this level of detail. Also if this proposal is supported conditions should be applied to ensure landscaping, especially with regards to potential future views across to the Hall. Developments of this type have the potential to have an adverse impact on the landscape character of the area. However, this is not something which the Historic Environment Team can advise on. We would therefore recommend that Development Management properly consider the impact and/or obtain advice from a landscape professional.
- 4.13 SC Trees: No objection: From a tree perspective there are no significant constraints. The application indicates the removal of a large section of hedgerow to provide an improved visibility splay but offers no proposal for mitigation for the loss of that hedgerow. A section of the hedgerow has already been removed, a matter that is under investigation as a breach of the 1997 Hedgerows regulations, the applicant has indicated verbally that the section of hedgerow removed will be replaced at the margin of the visibility splay but at this time the Tree Service is waiting for written confirmation of this before we close the investigation. The Tree Service is not in a position to comment on the broader impacts of the proposal on landscape and landscape character, but we are qualified to comment on the details of the planting proposals and landscape plan. The Landscape Plan dated December 2014 carries a rudimentary planting schedule but indicates that planting will be completed during the 2013 ' 14 planting season obviously this is not possible and needs to be revised subject to determination of the application. The Landscape Maintenance and Management proposals offered in the Landscape & Visual Assessment offer indicative maintenance and management proposals but no formal free standing planning schedule and management plan has been provided. The NPPF & Shropshire Cores Strategy place a high value on sustainable development and raises the aspiration that sustainable development should protect, restore and enhances the Natural Environment this is supported by the AONB Management Plan. In order to be sure of best results, monitoring and if necessary enforcement for landscape proposals the details for landscape mitigation and improvement need to be presented comprehensively and unambiguously in one relevant and up to date landscape plan and proposal including both

the visibility splay mitigation and details for screening around the main development site.

Public representations:

4.14 The application has been advertised in accordance with relevant provisions and the nearest properties have been individually notified. Representations have been received from 16 local residents, 15 objecting and 1 neutral. The comments can be summarised as follows:

4.15 Objectors:

- i. Odour: The likelihood of there being a strong smell of ammonia from the facility which will affect residents in Kempton. As neighbours, we are not convinced that unpleasant odours will occur only once a year. Chicken manure disposed of on fields will cause obnoxious odours on a regular basis, and we already have frequent unpleasant smells from the large poultry shed installation at Brunslow. If the manure is spread on fields which flood, there is additional concern about pollution.
- ii. Pollution: The danger posed to the river Kemp of large amounts of waste being deposited around the area. We are very concerned about the possibility of water contamination. Fields close to our property flood regularly on both sides of the B4389. The stream on the boundary of our property is full at times of high rainfall. We would like to see further assessment of the risks of pollution of the streams and flood plain, and a more sensible assessment of the effects of climate change in this valley. We refer to the South Shropshire Green party submission that with regard to flooding and rainfall, an additional 25% allowance from an unknown baseline to accommodate climate change needs further assessment.
- iii. Traffic: The increase in traffic on the B4385 with attendant noise and added difficulty for residents accessing from Kempton, where visibility is poor. The B4385 has no speed restrictions, with poor visibility of traffic coming from Kempton, because of an incline. For large vehicles leaving the site the turn onto the B4385 in any direction is dangerous. Access through Kempton village would be inappropriate. At the very least if this development goes ahead steps should be taken to impose a speed limit for all traffic. The B4385 is popular with cyclists and motor cyclists. It has to be crossed by pedestrians at the entrance to Walcot farm to access the public footpath between Kempton and Lydbury North. Indeed, until a permissive way is granted, walkers from Lydbury North have no alternative but to walk on the B4385, which has no pavements or walkable verges, for a stretch approaching Kempton. This footpath is used by D of E groups from all over Shropshire. Additional heavy traffic is not good news. The 4 properties comprising Walcot Avenue are family homes. The road speed with the current traffic flow is highly dangerous for children. We have some concerns regarding very slow turning vehicles from the road into and from Walcot Farm. It is at times a very fast road with little regard from motorists of speed limits. With water prone to lie on the surface stopping distances on what is a blind spot could cause a very dangerous accident. We note that part of the established hedgerow has already been removed adjacent to one of the lodge houses but also part of the adjacent farm land. The visibility improvement does little to stop the speed of passing traffic. If the proposal is accepted we would favour some means of reducing speed limits on this road to avoid what could be a very serious accident.

- iv. Questioning benefits: This would only create one additional job in the area.
- v. Visual impact: This is an industrial site in a rural setting. It could equally well be located in, or on the edge of, an urban area. Its direct connections to local agriculture are limited. Is this location appropriate? 'Juniper Green' may be an appropriate colour, but its use for the cladding as well as the roof will make for a very big and uniform block of colour. The colour needs to be broken up. And what about the colouring of the feed silos, will they be suitably coloured? There is no consideration given to the footpath from Kempton to Short Wood from which the buildings will be seen. This development is out of character in the AONB and unhelpful for local tourism. The proposed development is in effect a factory, which will be visible from many view points, and is markedly out of character amongst a landscape which is predominantly arable and grass farmland within the South Shropshire Hills Area of Outstanding Natural Beauty. The site in question is situated in one of the finest landscape parks in Shropshire, as mentioned in Paul Stamper's Historic Parks & Gardens of Shropshire, 1996.
- vi. Heritage: I can't get onto the English Heritage web site to confirm the status of Walcot Park but I would guess that it is on their Register of Parks and Gardens. It may be that this unit is outside the designated area but it will be very close to it and visible from it. Whilst the Archaeological Report mentions the contribution of 'the noted landscape gardener William Emes' to the design of the Park it makes no attempt to evaluate the impact of this development on the designed landscape. It can only be negative.
- vii. Ecology: The calculations of atmospheric impact are stated to fall under the screening thresholds for significant effects on Special Areas of Conservation and Sites of Special Scientific Interest. But there will be effects and they won't be positive. I believe that this will be the third poultry unit in the local area (the others being at Brockton and Brunslow) and I am told that yet more are in the pipeline. This application should not be considered in isolation. Who is looking at cumulative atmospheric impacts? The planting scheme is labelled as 'to be undertaken in the 2013/14 planting season'. Has it been undertaken? It is described as being of 'native trees'. This is good in principle, however Wild Service Tree is not native here and Hornbeam and Small-leaved Lime are questionable too. The County Ecologist should be asked to comment. The maintenance commitments look good for the first 5 years but Grey Squirrels particularly like stripping the bark of Field Maple, Oak and Hornbeam once they reach 10 years of age and it is very probable that they will ravage the trees, leaving them stunted and not achieving the desired screening effect. The trees will remain vulnerable until they are 40 years old. The applicants need to commit to a maintenance plan which runs for this time period. It does nothing to enhance biodiversity and threatens endangered and vulnerable species. The Ecological Report submitted with this Application omits, for whatever reason, a number of key observations. These being that within three kilometres of the proposed development are designated wildlife sites at the Walcot Hall Lakes; plus breeding populations of great crested newts; breeding populations of toads; breeding populations of Marsh Tits, Red Kites and Barn Owls, and one of south Shropshire's two pairs of breeding Lapwings. This valley represents an important refugia for many rare and vulnerable i.e. likely to become extinct species. Their presence here is proof of the current quality of the habitat available to them and they will be sensitive to changes, whether of terrestrial or aquatic habitats, or in the case of amphibians, both.

- viii. Drainage / flooding: The site is outside the Flood Zone, but it could hardly be any closer to it. Would we risk building houses on this site? I doubt it, and if not, should we be taking the risk of building this unit with the attendant pollution risks downstream, including to the Rivers Clun and Teme Site of Special Scientific Interest?
  - ix. Animal welfare: As Green Party members we are in agreement with the South Shropshire Green Party's objections to this development. We would like to see lower intensity, higher welfare farming throughout Europe. It is in everyone's interests to seek higher standards of welfare in food production. We do not enjoy knowing that poultry are living nearby, in high density and without natural light or freedom to roam. We worry that we will be surrounded by them in time.
  - x. Tourism: Many neighbouring properties run established businesses based on rural tourism. Their businesses are key to the economy and the community in this area. I believe this Application, if approved, has the potential to harm these businesses and our community by constituting inappropriate development, and may lead to a net loss rather than gain for employment in this area.
  - xi. Health: Most instances of avian flu, as seen most recently in outbreaks in the Netherlands and Yorkshire, are associated with intensive poultry units. I am aware that the proposal is for a 'closed' unit, as I believe the units mentioned in the outbreaks above were too. If there were to be an outbreak of avian flu that 'got out' it could have lethal consequences for the rare bird populations in this area, which as mentioned above, are special in themselves, as well as a powerful aspect of this valley's attraction for rural tourism. Also alarming is the potential for an avian flu outbreak to cross-infect humans and I note that there is planned to be a full-time employee who will have ongoing exposure to 35,000 immune-compromised (see below) chickens. According to a Pew Commission report (2008) factory farm workers are at key risk for zoonotic infection as a result of their 'routine and intensive exposure' to animals in such units. Farm workers in this situation can inadvertently act as a 'bridge population' that can transfer infections from animals to the wider public.
  - xii. Other: The number of birds, 35,000, would appear to be deliberately set below the threshold of 40,000 birds at which it would be regulated by the Environment Agency. This raises suspicions. Would any future application taking the combined total above 40,000 be regulated by the EA, or would it be treated as a separate application thereby by-passing regulation? The total area is 3,988 square metres. Would different regulations apply if it exceeded 4,000 square metres? The plans are not clear regarding roof vents, the electrical supply, lighting and noise levels, so the degree of nuisance to us as neighbours is not available, and should be.
- 4.16 The Kemp Valley Group: As chair of The Kemp Valley Group I object to this application as it is against our groups objective 'to maintain the Kemp Valley as a rural and agricultural area, safe from pollution and inappropriate development which can or possibly can be harmful to residents, and the natural environment'. We have had a number of these poultry units built over the past few years, all within close proximity with little thought to the cumulative impact on the biodiversity of the area. Each application is viewed on its individual merits, but due thought should be given to them as a whole. The woodlands of Bury Ditches, Walcot woods and the River Kemp are now surrounded by these units. This application is extremely close to the River Kemp, which floods on a regular basis, and flows into the River Clun with its protected

freshwater mussel beds. The River Kemp and the lakes at Walcot are habitat for otters, who are now far more regularly seen along its banks, the river also supports dippers, kingfishers, plus increasing amounts of trout and pike. The Kemp Valley is in an Area of Outstanding Natural Beauty, and I would hope any concerns raised by them are given full consideration. Shropshire is a farming community but it also has a thriving tourism industry reliant on the beauty and non-industrial nature of our south shropshire hills. A unit such as this would be detrimental to that landscape. Due consideration should also be given to the road network which serves Walcot Farm, the B4385 is a small road and narrow in parts. The development would adversely affect highway safety or the convenience of road users. In conclusion this is the wrong location, on the wrong site for the wrong type of farming

4.17 South Shropshire Green Party: Objection. The South Shropshire Green Party is committed to the prohibition all mass or caged rearing of poultry, and to transition to small free-range units. We support the highest levels of animal welfare in farming and believe that the ‘Five Freedoms’ listed in the Animal Welfare Act should be applied to all farm animals, including poultry. We therefore have a fundamental prior objection to this proposal. These are our specific objections to this development:

- i. An industrial scale egg production unit is out of character in arable and grass farmland within an AONB and adjacent to a landscape park. The native trees are deciduous & inappropriate for screening, and coniferous trees are out of character in this valley.
- ii. A number of neighbouring properties run established businesses based on rural tourism, important to the economy of the area. This development is just one too many large scale poultry units for the tourist economy to absorb without loss. This beautiful landscape and the rare species it supports attract visitors.
- iii. The designated wildlife sites at Walcot Hall Lakes are within 3 kilometres. Great crested newts, toads, marsh tits, red kites and barn owls breed in the surrounding area and one pair of lapwings. All of these species are vulnerable to change.
- iv. Intensive barn production of eggs is, sadly, legal, although the high density stocking and absence of natural daylight and free movement severely restrict natural behaviours. The chickens are highly vulnerable to stress and maladjustment. We note Hilary Wendt’s comments on stress in relation to the physical well-being of poultry and the associated risks to animals and humans. These should be considered in relation to the number of poultry sheds already established within this area.
- v. This development would be positioned on a flood plain above the Clun Valley aquifer. This seems likely to lead to a potential for nitrogen enrichment via runoff into the Kemp River. The flood plain around Walcot Farm can reach the proportions of a lake for some weeks and swans have been seen swimming on the ‘field’ close to the B4385. There is potential for pollution of the River Kemp which flows directly into the River Clun. There has been inadequate assessment of the effects of this application on pollution levels in these rivers and their contributory streams.
- vi. The plans are not clear regarding roof vents, the electrical supply, lighting and noise levels, so the degree of nuisance to neighbours cannot be judged.

- vii. The submission acknowledges unpleasant odours for one day a year. As manure remains on site and is placed on nearby fields there will also be obnoxious odours on a regular basis. The area is already subject to frequent unpleasant odours from the large poultry shed installation at Brunslow.
- viii. The B4385 has no speed restrictions, with poor visibility of traffic coming from Kempton, because of an incline. For large vehicles leaving the site the turn onto the B4385 is dangerous. Access through Kempton village would be inappropriate.
- ix. With regard to flooding and rainfall, an additional 25% allowance from an unknown baseline is made to accommodate climate change in this application. This needs stringent assessment. Even if based on the most recent statistics, it may not be a sufficient allowance.
- x. Site notices were not displayed at the correct time and for the correct period. This disadvantages the community.

## 5.0 THE MAIN ISSUES

- Policy context and justification for the development;
- Environmental effects of the development (odour, noise, traffic, drainage, pollution, visual impact, heritage and ecology).

## 6.0 OFFICER APPRAISAL

### Policy context:

- 6.1 National Policy: 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). This means “approving development proposals that accord with the development plan without delay” and supporting sustainable economic growth (para 18). There are three dimensions to sustainable development: an economic role, a social role and an environmental role (para 7). Significant weight should be placed on the need to support economic growth through the planning system (para 19). Paragraph 28 states that “planning policies should support economic growth in rural areas in order to create jobs and prosperity...”.
- 6.2 The applicant considers that the proposals comply with the 3 dimensions of sustainability. It performs an economic role because it involves investment in an existing business which supports local rural jobs (NPPF Para 18, 19, 28). The development performs a social role because the jobs and investment would help to support the local economy and hence the rural community. The applicant also considers that the development also performs an environmental role because it is an environmentally efficient system of farming which would protect the local environment (NPPF Section 7, 11, para 118). The applicant also considers that there would be no significant adverse effects on health and quality of life due to the separation distance between the site and places where people live.
- 6.3 The application site is however located within the Shropshire Hills AONB where additional safeguards apply. Paragraph 115 advises that ‘great weight should be given

to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads'. Paragraph 116 advises that planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

6.4 The proposed egg unit is less intensive than a normal poultry unit which can typically accommodate up to 10x as many birds. However, the application is still classed as 'major development', hence the above tests apply. In terms of the first test it is considered that there is a need / justification for the development. This is linked to the future stability and profitability of the farm business as a local employer and an investor in local goods and services. It also relates to the ability to support local food sources, given that the supply of fertile eggs is essential for broiler production. This is supported by Core Strategy Policy CS13 and the importance of chicken as a cheap and traceable source of protein is recognised nationally.

6.5 With regard to the second test of alternatives it is considered that locating the facility next to the existing farm buildings offers unique locational advantages. This is given that the facility is able to benefit from the availability of the existing farm infrastructure (access, equipment, power and water supplies, ability to provide screening, central to farm unit where manure would be spread). Whilst it may be possible to develop the facility elsewhere within the farm unit it is considered that a green field location not linked to the existing farm buildings would be less optimal and sustainable for the operation. It is not considered that developing the facility outside the AONB would represent a valid option as this would be unlikely to be practical, sustainable or economic for the applicant. It is considered therefore that the first 2 AONB tests can be met. The ability of the proposals to comply with the third test relating to the environmental effects of the proposals is considered in succeeding sections.

6.6 Core Strategy: Policy CS1 of the Core Strategy sets out in general terms that Shropshire will support investment and new development and that in the rural areas outside of settlements this will primarily be for "economic diversification". Policy CS5 (Countryside and Green Belt) supports agricultural development, provided the sustainability of rural communities is improved by bringing local economic and community benefits. Proposals should however be "on appropriate sites which maintain and enhance countryside vitality and character" and have "no unacceptable adverse environmental impact". The policy recognises that "the countryside is a 'living-working' environment which requires support to maintain or enhance sustainability". Paragraph 4.74 states that: "Whilst the Core Strategy aims to provide general support for the land based sector, larger scale agricultural ...related development, including ... poultry units ... can have significant impacts and will not be appropriate in all rural locations."



- 6.7 It is considered that the proposed development would comply with Policies CS1 and CS5 provided there are no unacceptable environmental effects because:
- Its primary purpose is economic diversification;
  - It will assist in providing balance to the rural community by encouraging local people to live and work in the community;
  - It assists in achieving the aim of local food production and also food traceability and security, reducing the UK's reliance on imported food sources including poultry;
  - It will provide local employment and economic benefits;
  - It will enhance the vitality and character of the living working countryside by sustaining the local community and bringing local economic benefits.
- 6.8 Policy CS6 advocates high standards of design and sustainability. The proposal incorporates sustainable design considerations including:
- Sustainable drainage, water efficiency and energy saving systems (appropriate insulation);
  - Sustainable construction methods (modern poultry shed design).
  - The proposal does not propose significant levels of traffic.
  - The applicant considers that the proposal does not adversely affect the natural and built environment and takes appropriate account of the local context and character.
- 6.9 Policy CS13 states that "Shropshire Council will plan positively to develop and diversify the Shropshire economy, supporting enterprise, and seeking to deliver sustainable economic growth ... In so doing, particular emphasis will be placed on ... supporting the development and growth of Shropshire's key business sectors ... particularly food and drink production ... [and] ... in the rural areas, recognising the continued importance of farming for food production". The applicant states that the proposal accords with this Policy as it delivers economic growth within the rural economy and the food and drink industry, which is one of Shropshire's key business sectors.
- 6.10 It is recognised that the proposals would help to deliver economic growth, rural diversification and improved food security. To be sustainable however and therefore to benefit from the presumption in favour set out in the NPPF the proposals must also demonstrate acceptability in relation to environmental considerations and the policies which cover these matters. This includes Core Strategy Policies CS7 (Transport), CS8 (local amenities), CS13 (economic development), CS17 (Environmental Networks) and CS18 (Water Resources). It also includes the third test set by NPPG paragraph 116 with respect to the environmental acceptability of major development within the AONB.

#### Environmental implications of the proposals

- 6.11 Transport: Policy CS7 requires sustainable patterns of transport. Access to the egg laying unit is required by lorries for bird and feed delivery and egg collection. The most frequent traffic associated with the unit is the egg collection vehicle, which would visit the site 2 times per week. Estimated traffic movements associated with the proposed development are as follows:

Bird delivery:	4 x articulated lorries per flock
Egg collection:	96 x 18 tonne rigid lorries per flock
Feed Delivery:	24 x 8 wheel rigid lorries per flock
Bird Removal:	4 x articulated HGV's per flock
Total:	128 vehicles per flock
Average per week:	2.5 vehicles (5 movements)

- 6.12 Traffic accessing the poultry unit would utilise the existing farm entrance to the public highway, which is proposed to be upgraded with a visibility improvement. Parking and turning provision is available within the site. The hatchery is located in Worcester, therefore all egg collection vehicles will turn right out of the site and follow the B4385 and B4368 to get to the A49 at Craven Arms. The feed mill is located in Oswestry. Feed lorries will turn left out of the site and follow the B4385 to Bishops Castle, A489 to 'Welshpool and then the A483 to Oswestry. The applicant states that the local highway network can easily accommodate this modest increase.
- 6.13 Objectors have expressed concerns about highway safety associated with the proposed traffic movements. Highway officers have reviewed these comments, but do not consider that a highway refusal could be substantiated for this low number of movements. The proposed access improvements will improve visibility at the junction with the public highway for all farm traffic so this represents an improvement on the existing situation. Given the absence of objection from Highway officers and the proposed traffic control measures it is concluded that the proposals are capable of complying on balance with relevant highway policy considerations. (Core Strategy Policy CS7).
- 6.14 Odour and noise: Core Strategy Policy CS8 seeks to maintain and enhance existing facilities, services and amenities and to contribute to the quality of life of residents and visitors. The proposals are considered unlikely to give rise to any significant additional effects on amenities of residents and visitors due to the separation distance between the site and places where people live. Modern ridge extraction fan systems can significantly reduce the off-site odour concentrations. The Environment Agency regulates some poultry units through the Environmental Permitting system. However, the current scheme falls below the 40,000 bird permitting threshold. The Unit cycle is normally 48 weeks, plus a 4 week cleanout and preparation period (as opposed to intensive cycles which could be as short as 6 weeks). The Unit is only cleaned out at the end of each cycle (i.e. once per annum). At the clean out time, the Unit is dismantled internally and the detritus removed. Whilst there may be some modest odour from the site during cleanout, this will last no more than 1 day, every year, a frequency less than most usual agricultural practices.
- 6.15 At the end of the flock cycle, the waste would be removed via the end doors. The waste would be excavated out by a bobcat type machine and loaded directly into waiting vehicles, which would be sheeted immediately after loading. The waste would then be stored in field heaps and spread on land as a fertiliser in accordance with the applicants farm waste management plan. Waste would not be not retained on the site as this represents a disease threat to the incoming flock of hens. A concrete loading area would be provided outside the removal doors to facilitate sweeping up after removal, and prevent the ground from becoming contaminated. Following removal of the manure, the unit would be power washed and prepared for the incoming flock. The

site would include a sealed dirty water system for containment of washout water. This tank would be periodically emptied by environmental contractors.

- 6.16 It is not considered that odour would represent an unacceptable impact having regard to the nature of the operation, the infrequency of the clean out phase and the separation between the site and the nearest private residential properties. Notwithstanding this, appropriate conditions have been recommended in Appendix 1 with regard to odour and complaints procedures. The site is sufficiently far from private residential property for noise from the operations not to be an issue. It is concluded that refusal on grounds of odour or noise could not be justified and that the proposals are compliant on balance with relevant amenity policies including Core Strategy Policy CS8.

Dust:

- 6.17 The nature of a free range Unit precludes the emission of any significant amount of dust particles in the atmosphere. A dust laden atmosphere within the Unit must be avoided to protect the welfare interests of both birds and stockpersons.

Pest control:

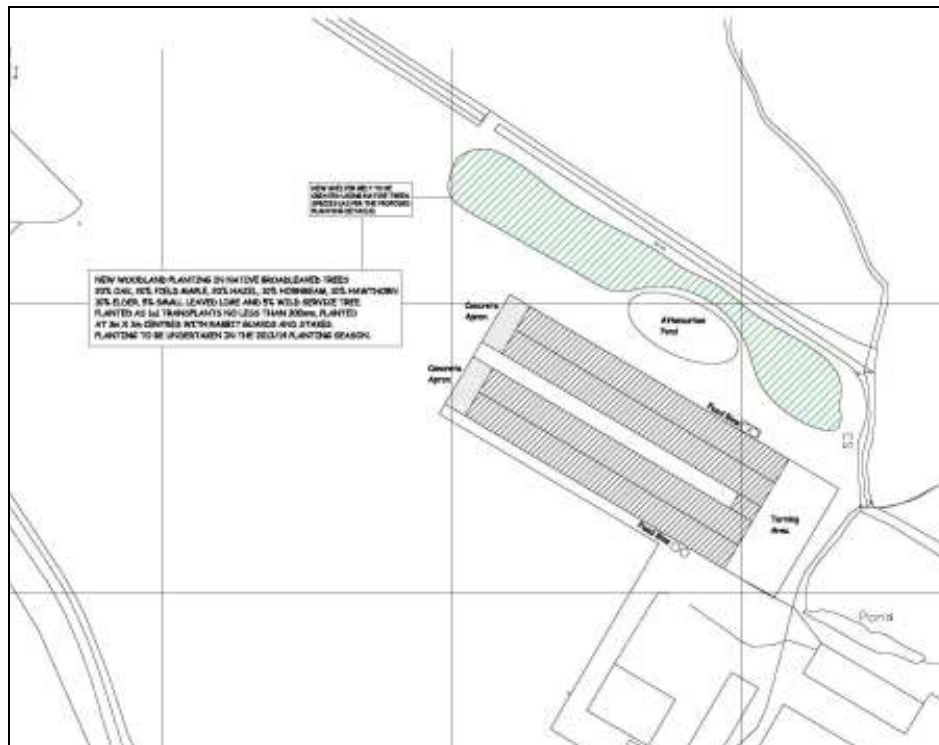
- 6.18 Within the egg collection area of the unit any flies that are present normally come from outside the Unit. They would be controlled using fly tape, which is replaced regularly. To control flies within the area of the Unit occupied by the birds a protocol is in place, which provides for regular inspection of the litter. Any build-up of fly larvae inside the house would be dealt with by using a specialist beetle or proprietary control agent, and compliance is subject to regular inspection. The beetle is introduced into the waste pit (having been collected in a trap from an existing Unit elsewhere).
- 6.19 The Unit would be professionally baited and regularly inspected for rodents under a formal control contract. Problems are not allowed to occur on these Units as any droppings or taint found on the eggs will lead to the whole batch of production being rejected at the packing station, at considerable financial loss to the producer. The birds would be secure in the building, which prevents problems from foxes, feral cats, etc.

Natural and Historic Environment:

- 6.20 Policy CS17 states that “development will identify, protect, enhance, expand and connect Shropshire’s environmental assets, to create a multifunctional network of natural and historic resources, and should not adversely affect visual, ecological ... heritage or recreational assets.
- 6.18 Ecology: An ecological report assesses the potential impacts of the proposed poultry farm on protected species and their habitats. Habitats on-site are generally of low value given the intensive use of the site for agriculture and the value of the site as habitat for protected species was found to be limited. The site does not support or adjoin any statutory ecological designations such as Sites of Special Scientific Interest (SSSI) and there are no statutory ecological designations within 3km of the site. The closest non statutory ecological designation is Walcot Park Lake Local Wildlife Site that is located 200 metres to the north west of the site. There are no records for specially

protected species in the 1km surrounding the site. No significant negative impacts are anticipated on the nearby non statutory ecological designations.

- 6.19 The proposed development has been screened for ammonia and nitrogen deposition impacts using SCAIL (Simple Calculation of Ammonia Impact Limits). The results of the screening confirm that the proposal falls under the screening thresholds for significant effects of 4% process contribution for a Special Area of Conservation and 20% process contribution for a SSSI. The applicant has proposed measures to ensure that the level of ammonia emissions remains within recommended tolerances and this would be delivered as part of a legal agreement (Unilateral Undertaking). This includes removing an adjacent 6ha field area from arable production. The effect of this, when coupled with the other proposed ecological mitigation measures is to reduce the overall level of ammonia / nitrate emission into the ecologically sensitive Clun catchment to below current levels.
- 6.20 The Council's Ecology section have not objected on this basis and have included a Habitat Risk Appraisal – HRA (Appendix 2) which supports this conclusion. Natural England has been consulted on the HRA. Their comments are outstanding and will be reported verbally. The landscaping proposals overall would result in ecological improvements relative to the current situation. Conditions and notes covering ecological matters have been included in Appendix 1. It is considered that the proposals would not impact adversely on ecological interests and the proposed landscaping measures are capable of delivering ecological enhancements in accordance with Policy CS17.



Landscaping

- 6.21 Visual impact: Landscape quality is an important consideration within the AONB. The application site is a gently sloping valley bottom arable field adjacent to an existing farm yard and existing farm buildings. The site is screened to the south and west by rising land and existing woodland, to the north and north east by multiple existing

mature hedgerows and to the south east by the existing built development at Walcott Farm. Long distance views of the application site may possible. However, these would be mitigated through intermittent tree planting, the low eaves and ridge heights of the building, the proposed dark green cladding and the backdrop of the existing farm buildings. The proposal to plant a woodland shelter belt to the north of the buildings would provide additional screening over time. It is concluded that the proposals would not give rise to an unacceptable visual impacts on the landscape within the AONB provided they are subject to appropriate landscaping and surface treatment conditions. It is considered that any residual visual effects after the proposed landscaping is taken into account would be limited and outweighed by the benefits of the scheme to agriculture and the rural economy.

- 6.22 Cultural Heritage: An archaeological assessment concludes that the potential for encountering archaeological remains at the site is Low to Moderate. This assessment primarily reflects the overall lack of recorded archaeology in close proximity to the site; however it does also take into account the significant evidence for late prehistoric occupation in the wider locality of the site as well as the possibility of encountering early to mid-19th century land drainage features within the field containing the proposed site. The assessment advises that appropriate mitigation in the form of an archaeological inspection following the topsoil strip over the site in order to record any archaeological evidence or artefacts revealed may be a suitable response to the application, in accordance with NNPF (2012). The Council's Archaeology section supports this conclusion and has recommended an appropriate condition.
- 6.23 The Shropshire Parks & Gardens Trust has objected on the basis that the proposals would result in an adverse impact to the setting of the nearby Grade II listed Walcot Park and associated listed structures. This concern has been reiterated by the AONB Partnership and the National Trust. In response to this the applicant has undertaken a visual appraisal which confirms that there would be no significant inter-visibility between the listed park and the proposed development. The Council's Conservation section has inspected the site and supports this conclusion. It is not considered that refusal on grounds of effects on the setting of Walcott Park would be justified on this basis. (Core Strategy Policy CS17)
- 6.24 Water resources: Core Strategy Policy CS18 requires sustainable water management to reduce flood risk and avoid an adverse impact on water quality. The applicant states that the proposal accords with Policy CS18 as it will not give rise to significant adverse effects on water or flooding. The proposed Sustainable Urban Drainage System (SuDS)) will prevent any risk of flooding. The Council's Drainage section has not objected but has recommended appropriate conditions and advisory notes which are included in Appendix 1.
- 6.25 Pollution: Manure from the site would be stored in in-field stores before being applied to the land as organic fertilizer. No manure would be stored on site, even for a short period. The applicant farms sufficient land area to spread the poultry manure within its own ownership and suitable storage locations are available away from ground and surface water sources. None of the land that the applicant farms falls within an Nitrate Vulnerable Zone. The clean-out period would involve removal of poultry litter during just one day per year. This operation would be undertaken under careful control due to the stringent biosecurity issues which apply to the industry. A condition to cover management and containment of dirty water within the yard area has been

recommended. Subject to this it is considered that the proposals would not pose any significant risk to ground or surface water quality. Core Strategy Policy CS18

- 6.26 Material balance: The proposals would be likely to require some limited excavation works in order to create a level development platform. No bunding is shown in the submitted plans so any surplus excavated material would need to be removed off-site.

## 7. CONCLUSION

- 7.1 It is considered that the proposals represent an appropriate form of expansion for the existing farm business. It will assist in ensuring the future profitability / robustness of the business whilst continuing to contribute to the local economy and employment. It will also provide locally sourced food as part of a key industry in Shropshire, supplying a strong national demand for poultry meat. The proposals therefore comply with Core Strategy policies CS1(sustainability), CS5 (Countryside) and CS13 (economy).

- 7.2 It is considered that the information accompanying the application demonstrates that the environmental impacts of the proposed development are not significant and are capable of being effectively controlled and mitigated. Hence, the proposals are capable of meeting the third test of NPPF 116 relating to environmental sustainability of major development within AONBs. The design of the scheme incorporates sustainable features such as biomass heating, SuDS and landscaping. The recommended conditions would provide further reassurance regarding the ability to satisfactorily control any potential impacts. It is concluded on balance that the proposals are capable being accepted in relation to relevant development plan policies and guidance.

## 8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

### 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 three months 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.

### 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.

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

## 10. BACKGROUND

### RELEVANT PLANNING POLICIES

Central Government Guidance:

#### 10.1 National Planning Policy Framework (NPPF) (DCLG – July 2011)

- 10.1.1 The National Planning Policy Framework (NPPF) came into effect in March 2012, replacing most former planning policy statements and guidance notes. The NPPF provides a more concise policy framework emphasizing sustainable development and planning for prosperity. Sustainable development 'is about positive growth – making economic, environmental and social progress for this and future generations'. 'Development that is sustainable should go ahead, without delay - a presumption in favour of sustainable development that is the basis for every plan, and every decision'. The framework sets out clearly what could make a proposed plan or development unsustainable.

#### 10.1.2 Relevant areas covered by the NPPF are referred to in section 6 above and include:

- 1. Building a strong, competitive economy;
- 3. Supporting a prosperous rural economy;
- 4. Promoting sustainable transport;
- 7. Requiring good design;
- 8. Promoting healthy communities;
- 10. Meeting the challenge of climate change, flooding and coastal change;
- 11. Conserving and enhancing the natural environment;
- 12. Conserving and enhancing the historic environment;



## 10.2 Core Strategy:

10.2.1 The Shropshire Core Strategy was adopted in February 2011 and sets out strategic objectives including amongst other matters:

- To rebalance rural communities through the delivery of local housing and employment opportunities (objective 3);
- To promote sustainable economic development and growth (objective 6);
- To support the development of sustainable tourism, rural enterprise, broadband connectivity, diversification of the rural economy, and the continued importance of farming and agriculture (objective 7);
- To support the improvement of Shropshire's transport system (objective 8);
- To promote a low carbon Shropshire (objective 9) delivering development which mitigates, and adapts to, the effects of climate change, including flood risk, by promoting more responsible transport and travel choices, more efficient use of energy and resources, the generation of energy from renewable sources, and effective and sustainable waste management.

10.2.2 Core Strategy policies of relevance to the current proposals include:

i. CS6: Sustainable Design and Development Principles:

To create sustainable places, development will be designed to a high quality using sustainable design principles, to achieve an inclusive and accessible environment which respects and enhances local distinctiveness and which *mitigates and adapts to climate change*. This will be achieved by: Requiring all development proposals, including changes to existing buildings, to achieve criteria set out in the sustainability checklist. This will ensure that sustainable design and construction principles are incorporated within new development, and that *resource and energy efficiency and renewable energy generation are adequately addressed* and improved where possible. The checklist will be developed as part of a Sustainable Design SPD; Requiring proposals likely to generate significant levels of traffic to be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced; And ensuring that all development: Is designed to be adaptable, safe and accessible to all, *to respond to the challenge of climate change* and, in relation to housing, adapt to changing lifestyle needs over the lifetime of the development in accordance with the objectives of Policy CS11 Protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character, having regard to national and local design guidance, *landscape character assessments and ecological strategies where appropriate; Contributes to the health and wellbeing of communities, including safeguarding residential and local amenity* and the achievement of local standards for the provision and quality of open space, sport and recreational facilities. Is designed to a high quality, consistent with national good practice standards, including appropriate landscaping and car parking provision and taking account of site characteristics such as land stability and ground contamination; Makes the most effective use of land and safeguards natural resources including high quality agricultural land, geology, minerals, air, soil and water; Ensures that there is capacity and availability of infrastructure to serve any new development in

accordance with the objectives of Policy CS8. *Proposals resulting in the loss of existing facilities, services or amenities will be resisted unless provision is made for equivalent or improved provision, or it can be clearly demonstrated that the existing facility, service or amenity is not viable over the long term.*

ii. CS13: Economic Development, Enterprise and Employment:

Shropshire Council, working with its partners, will plan positively to *develop and diversify the Shropshire economy, supporting enterprise, and seeking to deliver sustainable economic growth and prosperous communities*. In doing so, particular emphasis will be placed on: Promoting Shropshire as a business investment location and a place for a range of business types to start up, invest and grow, recognising the economic benefits of Shropshire's environment and quality of life as unique selling points which need to be valued, conserved and enhanced Raising the profile of Shrewsbury, developing its role as the county town, growth point and the main business, service and visitor centre for the Shropshire sub-region, in accordance with Policy CS2 Supporting the revitalisation of Shropshire's market towns, developing their role as key service centres, providing employment and a range of facilities and services accessible to their rural hinterlands, in accordance with Policy CS3 *Supporting the development and growth of Shropshire's key business sectors and clusters, in particular: environmental technologies; creative and cultural industries; tourism; and the land based sector, particularly food and drink production and processing Planning and managing a responsive and flexible supply of employment land and premises comprising a range and choice of sites in appropriate locations to meet the needs of business, with investment in infrastructure to aid their development or to help revitalise them*. Supporting initiatives and development related to the provision of higher/further education facilities which offer improved education and training opportunities to help raise skills levels of residents and meet the needs of employers Supporting the development of sustainable transport and ICT/broadband infrastructure, to improve accessibility/connectivity to employment, education and training opportunities, key facilities and services Encouraging home based enterprise, the development of business hubs, live-work schemes and appropriate use of residential properties for home working In rural areas, 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 agricultural and farm diversification*, forestry, green tourism and leisure, *food and drink processing, and promotion of local food and supply chains*. Development proposals must accord with Policy CS5.

v. CS17: Environmental Networks

*Development will identify, protect, enhance, expand and connect Shropshire's environmental assets, to create a multifunctional network of natural and historic resources. This will be achieved by ensuring that all development: Protects and enhances the diversity, high quality and local character of Shropshire's natural, built and historic environment, and does not adversely affect the visual, ecological, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors*. Further guidance will be provided in SPDs concerning the natural and built environment; Contributes to local distinctiveness, having regard to the quality of Shropshire's environment, including landscape, biodiversity and heritage assets, such as the Shropshire Hills AONB, the Meres and Mosses and the World Heritage Sites at Pontcysyllte Aqueduct and Canal and Ironbridge Gorge Does not have a significant adverse impact on Shropshire's environmental assets and does not

create barriers or sever links between dependant sites; Secures financial contributions, in accordance with Policy CS8, towards the creation of new, and improvement to existing, environmental sites and corridors, the removal of barriers between sites, and provision for long term management and maintenance. Sites and corridors are identified in the LDF evidence base and will be regularly monitored and updated.

vii. Other relevant policies:

- Policy CS5: Countryside and Green Belt;
- Policy CS7: Communications and Transport;
- Policy CS8: Facilities, services and infrastructure provision.

10.3 Saved Local Plan Policies:

10.3.1 Shropshire Structure Plan – Relevant saved policies:

- P16: Protecting air quality;

10.3.2 The South Shropshire Local Plan The site is not affected by any specific designations in the Plan. Previously relevant policies have now been replaced by the policies in the Core Strategy.

10.4 Emerging planning policy documents and guidance

10.4.1 Site Management and Allocation of Development Document (SAMDEV) – The site falls within the Much Wenlock area of the emerging SAMDEV but is not subject to any specific allocation. The SAMDEV acknowledges that ‘Shropshire must play its part in providing energy from renewable sources. We want to encourage renewable energy developments but we also need to conserve Shropshire’s high quality environment. Current Government guidance suggests we should develop criteria to enable low carbon and renewable energy development to proceed when there are no significant adverse effects on recognised environmental assets’.

10.4.2 Draft policy directions for the SAMDEV have been published and indicate the direction of future policy change. The most relevant directions for the current proposals are:

- MD9 – Managing development in the countryside (seeks to protect heritage, landscape and biodiversity assets);
- MD14 – Protecting and enhancing Shropshire’s natural environment (seeks to ensure that biodiversity sites, habitats and species of recognised value are protected and enhanced).

It is considered that the proposals are in broad compliance with these policy directions.

11. RELEVANT PLANNING HISTORY:

11.1 The application site is located mainly on an agricultural field which has no prior planning history but part of the site occupies an existing building currently used for pig rearing.

List of Background Papers: Application 14/05323/FUL and supporting documents and plans.

Cabinet Member (Portfolio Holder): Cllr M. Price

Local Member: Cllr Charlotte Barnes (Bishops Castle)

Appendices: APPENDIX 1 - Conditions

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=NFLZPMTDGS00>

## **APPENDIX 1**

### **Conditions**

- 1a. The development to which this planning permission relates shall be commenced within three years beginning with the date of this permission.
- b. Not less than 7 days advanced notice shall be given in writing to the Local Planning Authority of the intended date for the commencement of operations under the terms of this permission. Such date shall be referred to as 'the Commencement Date'.

Reason: To comply with Section 91(1) of the Town and Country Planning Act 1990 (1a) and to define and give appropriate advanced notice of the Commencement Date (1b).

2. The development shall be carried out strictly in accordance with the approved plans and drawings numbers:
  - IP/JE/01 (Location Plan );
  - IP/JE/02 (Site Plan );
  - IP/JE/04 (Visibility Spay Improvement);
  - IP/JE/04 (Proposed Landscaping).

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

#### **Landscaping**

3. No development shall be commenced until full details of landscape works have been approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
  - i. Planting plans;
  - ii. Written specifications (including cultivation and other operations associated with plant and grass establishment);
  - iii. Schedules of plants, noting species, planting sizes and proposed numbers / densities where appropriate; and
  - iv. Implementation timetables.

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

4. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable approved in writing by the Local Planning Authority. Any trees or plants that, within a period of five years after planting,

are removed die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall 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.

Ecology:

- 5a. A total of 5 woodcrete artificial nests suitable for small birds such as sparrow, wren and swallow shall be erected on the site as shown on a site plan prior to first occupation of the buildings hereby permitted.
- b. A total 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 as shown on a site plan. 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 nesting opportunities for wild birds

Reason: To ensure the provision of roosting opportunities for birds and bats.

6. 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.

7. Prior to the commencement of work on site a 10m buffer shall be fenced off parallel to the banks along the length of the water course, put in place within the site to protect the watercourse during construction works. No access, material storage or ground disturbance should occur within the buffer zone. The fencing shall be as shown on a site plan.

Reason: To protect features of recognised nature conservation importance.

Advisory notes:

- i. *Great Crested Newts are protected under the European Council Directive of 12 May 1992 on the conservation of natural habitats and of wild fauna and flora (known as the Habitats Directive 1992), the Conservation of Habitats and Species Regulations 2010 and under the Wildlife & Countryside Act 1981 (as amended). If a Great Crested Newt is discovered on the site at any time then all work must halt and Natural England should be contacted for advice. Where possible trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a closefitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected*

*at the start of each working day to ensure no animal is trapped. On the site to which this consent applies the storage of all building materials, rubble, bricks and soil must either be on pallets or in skips or other suitable containers to prevent their use as refuges by wildlife.*

- ii. Badgers, the setts and the access to the sett are expressly protected from killing, injury, taking, disturbance of the sett, obstruction of the sett etc by the Protection of Badgers Act 1992. No works should occur within 30m of a badger sett without a Badger Disturbance Licence from Natural England in order to ensure the protection of badgers which are legally protected under the Protection of Badgers Act (1992). All known Badger setts must be subject to an inspection by an experienced ecologist immediately prior to the commencement of works on the site.*
- iii. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive. If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.*

8. A Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the Commencement Date. The plan shall detail measures for managing construction traffic and control of noise, dust and pollution during the construction phase and shall be implemented fully in accordance with the approved details.

Reason: In the interests of highway safety.

9. Construction works shall not take place outside 06:30 to 19:00 hours Monday to Saturday and at no time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of the area.

10. No development shall commence on site in connection with the approval until samples of materials including colour finishes for the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved materials.

Reason: To ensure the materials are appropriate in the landscape.

11. No development shall commence on site in connection with this approval until the applicant (or agent acting on his behalf) has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.



Reason: Earthwork remains of ridge and furrow of probable medieval date survive within the field through which the new access road would cross and the programme of archaeological work would be appropriate to mitigate the archaeological impact.

12. Prior to the first use of the development hereby approved 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.

Drainage:

- 13a. A drainage scheme including details, plan and calculations to limit the discharge rate from the site equivalent to a greenfield runoff rate shall be submitted for approval of the Local Planning Authority prior to the Commencement Date. The attenuation drainage system shall be designed to accommodate storm events of up to 1 in 100 year plus 20% for climate change.
- b. The drainage scheme shall incorporate controls to ensure that the overflow does not flow greater than the existing greenfield runoff rate. Sufficient freeboard shall be available to retain a storm event of 1 in 100 year plus 20% above the overflow control level.
- c. The scheme shall be implemented in accordance with the approved details prior to the bringing into use of the buildings hereby approved.

Reason: To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner.

14. If non permeable surfacing is used on the driveways and parking areas and/or the driveways slope towards the highway, the applicant shall submit proposals for a drainage system to intercept water prior to flowing on to the public highway for the approval of the Local Planning Authority prior to the Commencement Date. The scheme shall be implemented in accordance with the approved details prior to the bringing into use of the buildings hereby approved.

Reason: To ensure that no surface water runoff from the new driveway runs onto the highway.

15. A scheme detailing how the contaminated water in the yard from spillages or cleaning of sheds will be managed / isolated from the main surface water system shall be submitted for the approval of the Local Planning Authority prior to the Commencement Date. The scheme shall be implemented in accordance with the approved details prior to the bringing into use of the buildings hereby approved.

Reason: To ensure that polluted water does not enter the water table or watercourse

16. A scheme provide details of how groundwater will be managed in the event of groundwater flooding shall be submitted for the approval of the Local Planning Authority prior to the Commencement Date. The level of water table shall be determined if the use of infiltration techniques are being proposed. The scheme shall be implemented in accordance with the approved details prior to the bringing into use of the buildings hereby approved.

Reason: The site is identified as being at risk of groundwater flooding. Details are required of how this risk will be minimised.

Advisory notes:

- i. *The drainage scheme required by Condition 13a should provide confirmation that the design has fulfilled the requirements of Shropshire Council's 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.*
- ii. *The applicant should consider employing measures such as the following:*
- *Water Butts*
  - *Rainwater harvesting system*
  - *Permeable surfacing on any new driveway, parking area/ paved area*
  - *Greywater recycling system*
- xi. *Ordinary Watercourse Consent is required from Shropshire Council for any works within the channel of the watercourse that will obstruct/ affect the flow of the watercourse including temporary works. Ordinary Watercourse Consent Application Form and Guidance Notes are on the Council's website:*  
[www.shropshire.gov.uk/flooding](http://www.shropshire.gov.uk/flooding) *This is to ensure that the development complies with the Land Drainage Act 1991*
17. The removal of poultry manure shall not take place outside the hours of 07.00 to 18.00 hours Monday to Friday, Saturday 08.00 to 13.00 hours and at no times during Sundays and bank or public holidays.
- Reason: In the interests of residential amenity.
- Note: *It will be necessary to provide adequate access for emergency fire vehicles. There should be sufficient access for fire service vehicles to within 45 metres of every point on the projected plan area or a percentage of the perimeter, whichever is less onerous. The percentage will be determined by the total floor area of each building. This issue will be dealt with at the Building Regulations stage of the development. However, the Fire Authority advise that early consideration is given to this matter. The Building Regulations, 2000 (2006 Edition) Fire Safety Approved Document B5 provides details of typical fire service appliance specifications.*
18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting that Order

with or without modification), no development shall be carried out under Class 6 Parts A and B without the prior grant of planning permission from the Local Planning Authority.

Reason: The effect of carrying out additional development of the facility under agricultural permitted development provisions has not been assessed as part of this proposal. The Local Planning Authority needs to retain full planning control over any future development of the site in order to assess whether any potential impacts associated with further development may cause harm to interests of acknowledged importance.

19. Prior to the bringing into use of the development the operator shall submit for the approval of the Local Planning Authority a complaint procedures scheme for dealing with noise, odour and other amenity related matters. The submitted scheme shall set out a system of response to verifiable complaints of noise received by the Local Planning Authority. This shall include:
- i. Investigation of the complaint;
  - ii. Reporting the results of the investigation to the Local Planning Authority;
  - iii. Implementation of any remedial actions agreed with the Authority within an agreed timescale.

Reason: To put agreed procedures in place to deal with any verified amenity related complaints which are received during site operation.

**APPENDIX 2**

## Habitat Regulation Assessment (HRA) Screening Matrix

Application name and reference number:

14/05323/FUL  
 Walcot Farm  
 Lydbury North  
 Shropshire  
 SY7 8AA  
 Erection of agricultural buildings for barn egg production, together with attenuation pond and access visibility splay improvement.

Date of completion for the HRA screening matrix:

13<sup>th</sup> August 2015

HRA screening matrix completed by:

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Table 1: Details of project or plan

Name of plan or project	14/05323/FUL Walcot Farm Lydbury North Shropshire SY7 8AA Erection of agricultural buildings for barn egg production, together with attenuation pond and access visibility splay improvement.
Name and description of Natura 2000 site	River Clun SAC (14.93ha) supports a significant population of Freshwater Pearl Mussel <i>Margaritifera margaritifera</i> . The River Clun SAC is currently failing its water quality targets particularly relating to ortho-phosphates. The current phosphate target for the river and particularly at the SAC is 0.02mg/l. Shropshire Council is working closely with Natural England and Environment Agency on developments within the Clun catchment. Shropshire Council formally consults Natural England on any planning application within this area. Annex II Species that are a primary reason for selection of site: <ul style="list-style-type: none"> <li>Freshwater pearl mussel <i>Margaritifera margaritifera</i></li> </ul>
Description of the plan or project	Erection of agricultural buildings for barn egg production, together with attenuation pond and access visibility splay improvement. The proposed application will house 35,000 birds.  SC Ecology has identified the following potential effect pathways which have been addressed by the applicant with appropriate supporting documents: <ol style="list-style-type: none"> <li>Possible impact of ammonia emissions on the River Clun SAC.</li> </ol>

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	<p>2. <i>Possible increase in sediment in.</i></p> <p>3. <i>Run-off from fields surrounding the Clun SAC leading to a potential increase in phosphate and nitrogen deposition.</i></p> <p>4. <i>Increase on phosphate/nitrogen from spreading additional digestate on the land.</i></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>Applications for dwellings or employment projects generating waste water are being assessed against an interim guidance note agreed with NE and EA – these types of applications have not been considered in combination with application reference 14/05323/FUL.</p> <p>Planning proposal 14/05323/FUL has demonstrated that, providing the application is granted permission, there will be a reduction in 1320kg/y of fertiliser applied to 6 hectares of the applicants land next to the proposed unit. In the modelled area (3km x 3km) this would result in a net reduction of 718.8kg/y of nitrogen being added to the modelling domain area each year.</p> <p>The mitigation and compensatory measures included within the proposal has led SC Ecology to conclude that the proposal will not adversely affect the integrity of the site providing appropriate conditions are on the decision notice.</p> <p>Please refer to reasoned statement below.</p>

Detailed Modelling of dispersion and deposition of ammonia in relation to the River Clun SAC has been provided by the applicant in a report conducted by Steve Smith, April 2015. The modelling has predicted the annual mean nitrogen deposition rate summed over a 3 km x 3 km (900 hectares) modelling domain. The total predicted average nitrogen deposition over the 3 km x 3 km modelling domain is 601.2 kg/y.

Predicted annual mean nitrogen deposition rates from the existing agricultural use of the land and the proposed poultry scenario have been summed over the modelling domain. Deposition to land over the parts of the River Clun catchment area outside the modelling domain is likely to be insignificant. Nitrogen application rates to arable land may be as high as 220 kg/ha/y. The proposal will add a significant amount of deposition of ammonia (601.2kg/y over 900 hectares modelling domain or 0.67kg/ha/y) however the applicant has agreed to enter into a unilateral undertaking (legal agreement) which will revert 6 hectares of agricultural land into arable reversion (as shown on plan Arable Reversion Plan April 2015). Therefore, based on current agricultural practices, removing 6 hectares from fertiliser application may lead to 1320 kg/y of nitrogen being removed from the pool of nitrogen that could potentially reach the river system. This would offset the additional 601.2kg/y over the modelling domain by a reduction of 718.8kg/y.

In relation to dirty water/sediment from the site, the proposed poultry units are more than 10km from the River Clun SAC. At the end of each cycle the building will be cleaned and the manure removed. During the cleanout process the apron is drained into the dirty water containment tank which will be constructed to appropriate standards. Attenuation pond and drainage conditions proposed by SC Drainage will ensure that run-off from the site will not contaminate any existing watercourse. Manure will be stored in covered field heaps and will be used on the farm, replacing the need for imported manure. A silt fence will be constructed adjacent to the

watercourse prior to construction. The silt fence will remain until the re-seeding of the site following construction has been undertaken.

### Conclusion

Providing appropriate conditions regarding drainage and arable land reversion are on the decision notice and are appropriately enforced SC Ecology has concluded that the proposed development will not impact on the integrity of the River Clun SAC.

### The Significance test

The proposed works under application No 14/05323/FUL, Erection of agricultural buildings for barn egg production, together with attenuation pond and access visibility splay improvement, will have a likely significant effect on the River Clun SAC based on the above points listed under 'Description of the plan or project' column above. An Appropriate Assessment has been undertaken.

### The Integrity test

It was concluded that the proposed works under planning application No. 14/05323/FUL for the Erection of agricultural buildings for barn egg production, together with attenuation pond and access visibility splay improvement, will not adversely affect the integrity of the European Designated Site at the River Clun SAC providing the development is implemented in accordance with the comments submitted by SC Ecology on 13<sup>th</sup> August 2015 (word document titled; 'WalcotFarm(3)14. 05323' and the submitted documents.

### Conclusions

Natural England should be provided with SC Ecologist HRA and the planning case documents and formal comments should be received prior to a planning decision being 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'. If, taking into account scientific data, we conclude there will be no likely significant effect on the European Site from the development, the 'integrity test' need not be considered. However, if significant effects cannot be counted out, then the Integrity Test must be researched. A competent authority (such as a Local Planning Authority) may legally grant a permission only if both tests can be passed.

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:

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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 unless it is satisfied that, there being no alternative solutions, the project must be carried out for imperative reasons of over-riding public interest, and the Secretary of State has been notified in accordance with section 62 of the Conservation of Habitats and Species Regulations 2010. The latter measure is only to be used in extreme cases and with full justification and compensation measures, which must be reported to the European Commission.

#### 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.

## **APPENDIX 3**

### **Schedule of ecological mitigation documents referred to in Legal Agreement:**

#### **The Clun Catchment Mitigation Scheme**

The scheme comprises the following documents:

- Simple Calculation of Atmospheric Impact Limits (SCAIL) 19/11/2014;
- Simple Calculation of Atmospheric Impact Limits (SCAIL) 23/02/2015
- Surface Water Management Scheme – Hydro-Logic Services 14/01/15;
- Ecology Survey – Ecology Services – November 2014;
- Nutri Management Plan – Agri Intelligence;
- NVZ Risk Map – Agri Intelligence;
- Hydrological Assessment of the River Kemp Catchment (Appeal document against designation of Notrate Vulnerable Zone) – February 2009;
- Letter from Ian Pick Associates – 23/02/2015;
- Map of proposed manure storage location;
- Arable reversion land – Drawing IP/JE/10 - Ian Pick Associates, April 2015;
- Report on the Modelling of the Dispersion and Deposition of Ammonia - AS Modelling & Data Ltd – 19/05/15 (revised);
- Methodology for the collection of soil data, its interpretation and application (received 06/07/15);
- Nutrient Management Plan - Cropping Walcot 14/15 (received 06/07/15);
- J.W.Evans, Walcot Farm, Phosphate Index (received 06/07/15);
- Soil Zoning Report for J.W.Evans, Walcot Farm (received 06/07/15).