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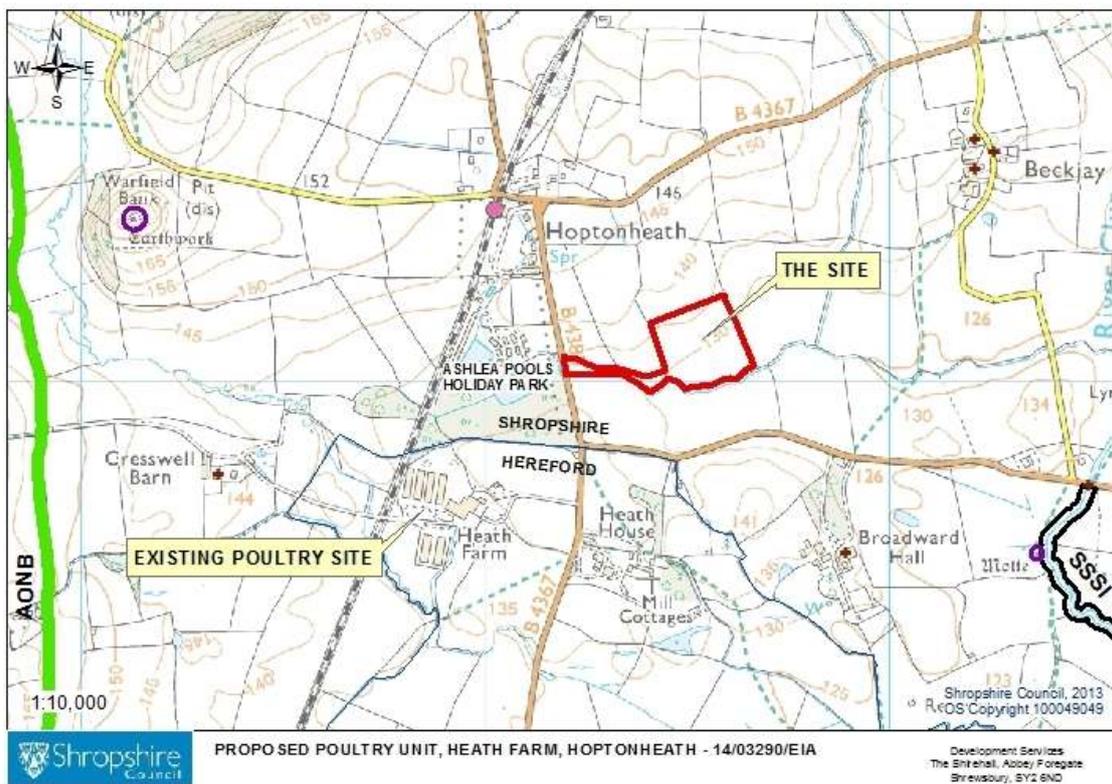
South Planning Committee

6 October 2015

## Development Management Report

<b>Application Number:</b> 14/03290/EIA	<b>Parish:</b> Clungunford
<b>Proposal:</b> Construction of four poultry sheds and feed bins, ancillary works, formation of new vehicular access, erection of biomass building and associated landscaping	
<b>Site Address:</b> Land at Heath Farm, Hoptonheath, Shropshire	
<b>Applicant:</b> MS And JE Mann Bedstone Growers	
<b>Case Officer:</b> Grahame French	<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>

**Recommendation:-** Approve subject to the conditions set out in Appendix 1 including an additional condition on water quality monitoring (C25) and subject to a legal agreement delivering ecological mitigation measures.



## REPORT

### 1. BACKGROUND

- 1.1 Members considered this application at the meeting on 9<sup>th</sup> December 2014. The committee resolved to approve the application subject to conditions, a legal agreement delivering ecological mitigation measures and the following provision:

*‘Any decision not being issued until Natural England has been consulted on the Appropriate Assessment of the proposals and the statutory 21 day consultation period has elapsed (the application will be reported back to committee in the event that Natural England makes an objection to the conclusions of the Appropriate Assessment)’.*

- 1.2 The 21 day consultation period expired with no response from Natural England. There was some further delay whilst ecological matters were progressed and the decision was subsequently issued on 8<sup>th</sup> May in accordance with the above resolution (the context is explained more fully below). However, the planning permission was subsequently quashed following a successful Judicial Review challenge by Clungunford Parish Council. The main basis for the JR challenge was that the application should have been reported back to committee when Natural England failed to respond to the Council’s consultation within the statutory 21 day period. Hence, notwithstanding the lack of objection from the Council’s Ecologist, there remained an outstanding objection from Natural England.
- 1.3 Officers would contend that the Committee resolution gave a mandate for the decision to be issued as the resolution (see 1.1) specifically required an objection response within the 21 day consultation deadline and this was not forthcoming. There were urgent time constraints to the development which also had to be taken into consideration (see below). However, following legal advice, the Council elected not to challenge the Judicial Review process. Hence, the application is being reported back to the Committee.

#### Dialogue with Natural England

- 1.4 Prior to the December planning committee Natural England sent an email to the planning authority acknowledging that the proposed ecological mitigation measures were comprehensive. Shropshire Council subsequently consulted Natural England on the Appropriate Assessment and the statutory 21 day consultation period elapsed without Natural England responding.
- 1.5 There had been a number of re-consultations with Natural England throughout the processing of the application, specifically on ecological matters linked to the Clun Catchment Special Area of Conservation. Issue of the decision was delayed for 5½ months after the committee resolution whilst a comprehensive ecological mitigation scheme was devised in dialogue with Natural England. The scheme was agreed in consultation with the Council’s Ecologist and was backed by a legal agreement.
- 1.6 The mitigation scheme secured full mitigation for ammonia emissions linked to the proposed new poultry units and also resulted in significant improvements to emissions

at the applicant's existing poultry units in Heath Farm. This was achieved through the proposed installation of heat exchangers at the existing poultry unit to lower emissions. It was also agreed that an area of the farm would be taken out of arable production. Overall, the mitigation scheme led to a significant reduction in ammonia emissions for the new scheme relative to the existing situation.

- 1.7 Officers sent 2 emails to Natural England seeking their consultation response within the 21 day deadline but no response was received. On the expiry of this deadline officers again contacted Natural England to inform them of the time constraints noted above and of the intention to issue the permission unless a further response was received within 21 days. There was no further response and accordingly officers issued the decision. (See correspondence at Appendix 2).
- 1.8 Two weeks after the issue of the decision and some 5 months after the expiry of the statutory 21 day consultation period on the Appropriate Assessment Natural England wrote to the planning authority advising that they maintained an objection with respect to the ecological effects of the proposals on the River Teme SSSI. The Clungunford Parish Council was reiterating its objections to the Council during this timescale. Officers responded to Natural England, expressing disappointment at the delayed response and advising that the proposed ecological mitigation measures resulted in a reduction in emissions for all receptors and not just the Clun Catchment. However, the late objection from Natural England provided the basis for the subsequent JR challenge by the objector.
- 1.9 Judicial Review challenges to poultry units are not unprecedented. It is understood that objectors have lodged a number of such challenges recently in Herefordshire. Full details of the Council's correspondence with Natural England are included in Appendix 3.

## 2. EFFECT OF THE JUDICIAL REVIEW

- 2.1 The Judicial Review process instigated by the Parish Council led to the planning permission being quashed. As such, the original committee resolution has no effect and members must consider the merits of the proposals as if it were a new application.
- 2.2 Notwithstanding this, the application has previously been the subject of a comprehensive and recent planning consultation process. There have been no material changes to those elements of the scheme which were not affected by the JR process in the intervening period. In particular, the planning policy context remains the same and there have been no developments in the surrounding area which would suggest the need to re-assess the issue of cumulative impact. Therefore, the findings of the planning consultation process remains highly relevant to the re-consideration of the application following the JR challenge.
- 2.3 The JR challenge related specifically to the fact that the application was not reported back to committee following receipt of the further consultation comments from Natural England detailing the proposed mitigation measures required in response to the Appropriate Assessment. These comments were provided outside of the statutory 21 day timescale. Whilst the objector refers in the JR document to matters other than ecology the Council has not accepted that there was any other basis than ecology upon which a JR challenge to the decision notice should be entertained.

2.4 As such the findings of the previous planning consultations, presented to committee in December 2014, provide an appropriate basis for re-consideration of the application, subject to the updated ecological comments.

### 3.0 THE PROPOSAL

3.1 It is proposed to construct four poultry rearing sheds to allow Bedstone Growers to increase the existing poultry operation. There would be a maximum of 54,000 chicks in each building, leading to total stocking numbers of 216,000. The chickens would be grown in 36-day crop cycles per year with a around a 10 day clean out and turn around period per crop.



3.2 The sheds would measure 109.73m by 24.5m with a height of 4.89 metres to the ridge vents and would be accessed from the west. They would be of standard portal frame construction with profile sheet cladding, and fully insulated to reduce energy consumption and finished in a BS12B29 Juniper Green colour. In addition to the four poultry buildings, there would be 5 feed bins between buildings 1 and 2 and a further 5 between buildings 3 and 4 which would have a capacity of 30 tonnes and would measure 7.5 metres in height and 2.8 metres diameter. It is also proposed that 4 x 199kWh biomass boilers be constructed in order to reduce the carbon footprint of the proposed development. These would be constructed from external facing materials which match the poultry sheds. The buildings would be heated using wood in biomass boilers initially sourced from the farm.

- 3.3 The biomass boilers would be housed in a building to the south west of the poultry sheds. The housing will be split into two sections: one section storing the biomass and biomass hoppers, and the other side housing biomass boilers and associated flues.
- 3.4 Access to the site would be obtained via a 280m track linking to the B4385 at a point 240m south of Hopton Heath. The proposed new access will be formed using 15m junction radii and have a carriageway width of 6m for the first 20m minimum. Junction visibility will be provided in accordance with the national speed limit that is in force along the site road frontage of the site access. All land for the access and visibility splays fall within the applicant's ownership and/or the highway boundary. There would be 7.5 crop cycles per year and approximately 4 days of peak activity per crop cycle, including 2 days with 17 movements and 2 with 20 movements.
- 3.5 A landscaping scheme has been designed to utilise the existing landscape and topography and ensure compatibility with the existing landscape character.
- 3.6 The proposed poultry farm would require an environmental permit from the Environment Agency to operate. This provides a system for regulating poultry operators based on the general principle that operators should take all appropriate preventative measures against pollution, in particular through the application of Best Available Technique (BAT) enabling improvements in environmental performance.
- 3.7 The proposed development would accommodate in excess of 85,000 broiler chickens so falls within schedule 1 of the Environmental Impact Assessment Regulations. Accordingly, the application is accompanied by an EIA.
- 4.0 SITE LOCATION / DESCRIPTION
- 4.1 Members visited the site and its environs prior to the December 2014 committee. The site is located on a field 700 metres to the north-east of the main farmstead on land farmed by Bedstone Growers. It covers an area of approximately 2.49 hectares (6.15 acres) including the landscaping and access. The site is currently utilised for arable cropping and is located in an area of countryside 1.6km to the south and east of the Shropshire Hills AONB. The applicant advises that it has been selected due to the well screened location which benefits from natural topography and presence of existing vegetation.
- 4.2 The site falls from a high of approximately 139.99m from the northwest and a low of approximately 128.15 centrally along the southern boundary. There is a ditch/watercourse which runs along the field boundary to the south of the site. It is relatively remote from residential property. The settlement of Hopton Heath extends to within 320m to the north west of the site on the opposite side of the B4367 / B4385 junction. A small caravan park (Ashley Pools) extends to 320m to the west. The hamlet of Heath House is located 440m to the south. In addition, three isolated properties are located 300m to the south west, 275m to the south and 335m to the south east respectively.
- 4.3 Bedstone Growers is a family business based at Heath Farm, Hopton Heath. The farm extends to 283 hectares in total, the majority of which is down to arable

cropping. There is also a successful broiler operation located at the main farmstead consisting of 8 poultry houses with chickens being supplied to Cargills in Hereford. A 400kW Anaerobic Digester unit associated with the poultry site has been operating for 18 months.

## 5.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

5.1 The proposals comprise schedule 1 EIA development so a committee decision is mandatory under the Council's Scheme of Delegation. The development is referred back to committee following a Judicial Review challenge which quashed the original decision on procedural grounds linked to ecology.

## 6.0 COMMUNITY REPRESENTATIONS

6.1 Officer note: The following representations were received during the original planning consultation process prior to the Judicial Review challenge. They relate to the same application which the Committee is being asked to re-determine. This application has not been subject to any amendments to design of location relative to the original scheme since the application was previously considered by the Committee. The ecological mitigation measures designed to address the original Natural England objection were detailed in the December 2014 committee report. There is therefore no statutory requirement to undertake a re-consultation. The updated comments of Natural England received on 16-09-15 on the Council's Habitat Risk Assessment are referred to below at 6.3b.

6.2 Clungunford Parish Council: Objection. The Parish Council considers the application should be rejected on the following grounds:

- A. Scale and situation
- B. Sustainability
- C. The environment, particularly
  - (a) Odour pollution
  - (b) Noise pollution
  - (c) Light pollution
  - (d) Drainage and impact on the natural environment
- D. Highways aspects

The full text of this objection is included in Appendix 2.

6.3a. Natural England: Original consultation response (27.11.14). Objection with respect to SSSI concerns. The following comments are made:

- i. Internationally and nationally designated sites: The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the River Clun Special Area of Conservation (SAC) which is a European site. The site is 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, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored

and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

- ii. 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 (HRA). 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 is currently not enough information to determine whether the likelihood of significant effects can be ruled out. We make the following comments in order to help undertake a Habitats Regulations Assessment: The ecology chapter of the EIA states that White Clawed Crayfish are a notified feature of the River Clun SAC however, the only notified feature of the SAC is Freshwater Pearl Mussel and it the impacts on this species that should be considered in your HRA.
- iii. Clarification: It would be useful if the relationship between these proposed units and the existing poultry sheds was clarified. For instance, it is not entirely clear from the application where the existing units are located in relation to the new units however it is implied that they are relatively close. Is it therefore possible to consider the scope and impacts of the proposal under one Environmental Permit? Given that the application documents suggest exchanges of manure and operating the units in tandem it might be useful to see the impacts assessed as part of a single permit. The EIA report implies there will be significant traffic between the two sites. Will there be transport of manure from the existing facility to the new Anaerobic Digestion (AD) plant since the new AD appear to be larger than the AD at the existing farm? If so the route taken should ensure that no contaminated effluent reaches the unnamed watercourse. P18 of the EIA report makes it unclear as to whether the slurry goes into the AD on site or to the one at Heath Farm. If digestate is spread to land what impacts are likely?
- iv. Emissions: We note that ammonia emissions have been screened out of further assessment by the Environment Agency using the Ammonia Screening Tool (AST), however no assessment of nitrogen deposition has been submitted. Will there be any emissions arising from the Anaerobic Digester and if so were they included in the AST? The AST only appears to consider the impacts of the new poultry units. You may wish to consider in combination effects with the existing poultry sheds. According to the amenity chapter, dust from the proposal will travel up to 400 metres from the units and although this is mentioned in reference to human health, no consideration of dust entering the watercourse and increasing sedimentation in the River Clun SAC has been provided. We note that page 55 of the EIA mentions digestate spreading, are emissions associated with this and have they been taken into account in relation to the conclusions about air pollution?
- v. Hydrology: We note the Water Resources Impact Table. This indicates that the River Clun is of high sensitivity which we would agree with. However, due to the link to the river via the unnamed ditch we would consider that the ditch too should be afforded the highest level of sensitivity. These receptors will be sensitive during both construction and operation of the development. It would be useful for clarification as to how the

conclusion that the proposal will have negligible risks and insignificant impacts has been reached. Detail of stand-off barriers and tree protection have been provided, however there is insufficient detail about surface water body protection and run-off prevention we recommend a detailed construction plan demonstrating that the proposal can be constructed without pollution to watercourses. The drainage plan appears to show the tanks holding dirty water are located close to the un-named watercourse. The plans do not appear to show any kind of secondary containment such as bunding which should prevent the contents of the tanks entering the watercourse should there be some kind of failure. Additionally, the soakaways for the anaerobic digester appear to be very close to the watercourse. We note that Flood Risk Assessment and Drainage Report states: "All surfacewater not leading to soakaway will be directed to the unnamed watercourse "The natural fall of the ground is towards the ditchcourse along the southern side of the site, therefore all other surface water run-off will be directed to this, similar to the existing Greenfield run-off for the existing site." You should satisfy yourselves that this will not lead to increased sedimentation and nutrients entering the watercourse and thus the River Clun SAC.

- vi. SSSI – Objection: This application is in close proximity to 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. Natural England has raised several concerns about the impact of the proposal on freshwater pearl mussels, one of the notified features of the River Teme SSSI above and recommended you seek further information / clarification around this. We note the conclusions of this chapter of the EIA on other notified features and protected species in the vicinity of the development site however, at present we are unable to agree with them as we have not been provided with the technical appendices and reports which indicate how the conclusions were reached. We would find it most useful if this could be provided to us in any future consultation in relation to this proposal. Should the application change, or if the applicant submits further information relating to the impact of this proposal on the SSSI 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 SSSI 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.
- vii. 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

- viii. 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'.

6.3b. **Natural England – Objection withdrawn. Updated response following consultation on Habitat risk Assessment (16/09/15)**

Internationally and nationally designated sites

- i. The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the River Clun Special Area of Conservation (SAC) which is a European site. In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

Habitats Regulations Assessment

- ii. Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has revised the Appropriate Assessment with which we did not agree with the conclusions and sought further clarification. Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the revised assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured and enforced in any permission given. Additionally we recommend a condition is attached requiring a long term monitoring scheme be designed and submitted prior to commencement of development. The scheme should involve water quality sampling upstream and downstream of where the tributary adjacent to the development site enters the River Clun. This should include the construction period and will provide alerts of any decay in water quality associated with the proposal. It will demonstrate whether the mitigation

proposed is working and if further remedial measures are necessary. Additionally this should also show improved water quality to demonstrate the positive outcomes of the proposed mitigation. This condition is required to ensure that the development, as submitted, will not impact upon the features of special interest for which the River Clun SAC and River Teme SSSI are notified (freshwater pearl mussel). If your Authority is minded to grant consent for this application without the conditions recommended above, we refer you to Section 28I (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.

#### Withdrawal of objection

- iii. The withdrawal of Natural England's objection to this application does not necessarily mean that all natural environment issues have been adequately addressed, but that we are satisfied that the specific issues that we have raised in previous correspondence relating to this development has been met. Natural England, as stated in previous correspondence, is not in a position to give a view on issues such as local sites, local landscape character or the impacts of the development on species or habitats of biodiversity importance in a local context. As we advised in our previous correspondence, your authority should seek advice from the appropriate local record centre, Local Site scheme and other appropriate recording bodies to ensure that any decision made relating to this application is compliant with relevant national planning policies. You should also assess whether the proposal respects and, where possible, enhances local distinctiveness and be guided by your Authority's landscape character assessment where available, and the policies protecting landscape character in your local plan or development framework when determining the application.

- 6.4. Environment Agency: Thank you for referring the above application which was received on the 29 July 2014. We have no objection to the proposed development and would offer the following comments for your consideration at this time. Environmental Permitting Regulations: The proposed development will house a maximum 54,000 birds (taking the total number of bird to approximately 216,000) which is above the threshold (40,000) for regulation of poultry farming under the Environmental Permitting (England and Wales) Regulations (EPR) 2010. The applicant will be required to apply for a variation to their current permit. The EP will control day to day general management, including operations, maintenance and pollution incidents. In addition, through the determination of the EP, issues such as relevant emissions and monitoring to water, air and land, as well as fugitive emissions, including odour, noise and operation will be addressed. Based on our current position, we would not make detailed comments on these emissions as part of the current planning application process. It will be the responsibility of the applicant to undertake the relevant risk assessments and propose suitable mitigation as part of any future EP variation application to inform whether these emissions can be adequately managed. For example, management plans may contain details of appropriate ventilation, abatement equipment etc. Should the site operator fail to meet the conditions of a permit we will take action in -line with our published Enforcement and Sanctions guidance. For the avoidance of doubt we would not control any issues arising from activities outside of

the permit installation boundary. Your Public Protection team may advise you further on these matters.

- ii. Biomass: Under the Environmental Permitting Regulations, we regulate Part A (1) activities and installations as defined by Schedule 1. The relevant part of Schedule 1 is: Section 1.1 Combustion Activities: burning any fuel in an appliance with a rated thermal input of 50MW or more and burning any fuel manufactured from, or comprising, waste in an appliance with a rated thermal input of 3MW or more but less than 50 MW. An Environmental Permit is required for such activities. For proposals where the thermal input is less than 3MW for the burning of waste wood then this aspect would normally (providing certain requirements are met) fall below the threshold for burning waste, under the Environmental Permitting (England and Wales) Regulations (EPR) 2010. However, in this instance, due to the Permit requirements for the existing, and proposed, poultry units the biomass boiler would be regulated under the Permit as a source of emission. Whilst the application will need to apply for a Permit variation a quantitative assessment of air emissions will not be required in instances where:
- the fuel is derived from virgin timber and;
  - the aggregate boiler net rated thermal input is:
    1. less than 0.5MWth, or;
    2. less than 1MWth where the stack height is greater than 1 metre above the roof level of any buildings within 25 metres (or where there are no buildings within 25 metres, the stack height must be a minimum of 3 metres above ground) and there are:
  - no Special Areas of Conservation, Special Protection Areas, Ramsar sites or Sites of Special Scientific Interest within 500 metres of the emission point(s);
  - no National Nature Reserves, Local Nature Reserves, ancient woodlands or local wildlife sites within 100 metres of the emission point(s),
- iii. Flood Risk: The site is located in Flood Zone 1 (low probability) based on our indicative Flood Zone Map. Whilst development may be appropriate in Flood Zone 1 a Flood Risk Assessment (FRA) is required for development proposals on sites comprising one hectare or above where there is the potential to increase flood risk elsewhere through the addition of hard surfaces and the effect of the new development on surface water run-off. Under the Flood and Water Management Act (2010) the Lead Local Flood Authority (LLFA) should be consulted on the proposals and act as the lead for surface water drainage matters in this instance. We would also refer you to our West Area Flood Risk Standing Advice – ‘FRA Guidance Note 1: development greater than 1ha in Flood Zone 1’ for further information.
- iv. Water Management: Clean Surface water can be collected for re-use, disposed of via soakaway or discharged directly to controlled waters. Dirty Water e.g. derived from shed washings, is normally collected in dirty water tanks via impermeable surfaces. Any tanks proposed should comply with the Water Resources (control of pollution, silage, slurry and agricultural fuel oil) Regulations 2010 (SSAFO). Yard areas and drainage channels around sheds are normally concrete. Shed roofs that have roof ventilation extraction fans present, may result in the build-up of dust which is washed off from rainfall, forming lightly contaminated water. The EP will normally require the treatment of roof water, via swales or created wetland from units with roof mounted ventilation, to minimise risk of pollution and enhance water quality. Under the EPR the applicant will be required to submit a Manure Management Plan, which consists of a risk assessment of the fields on which the manure will be stored and spread, so long as

this is done so within the applicants land ownership. Information submitted within the Design, Access & Planning Statement proposes that poultry manure will be removed from the buildings, loaded directly into sheeted trailers and transported off site. The manure/litter is classed as a by-product of the poultry farm and is a valuable crop fertiliser on arable fields.

- v. **Pollution Prevention:** Developers should incorporate pollution prevention measures to protect ground and surface water. We have produced a range of guidance notes giving advice on statutory responsibilities and good environmental practice. The construction phase in particular has the potential to cause pollution. Site operators should ensure that measures are in place so that there is no possibility of contaminated water entering and polluting surface or ground waters. No building material or rubbish must find its way into the watercourse. No rainwater contaminated with silt/soil from disturbed ground during construction should drain to the surface water sewer or watercourse without sufficient settlement. Any fuels and/or chemicals used on site should be stored on hardstanding in bunded tanks.
- 6.5. **AONB Partnership:** Objection. The proposed development is located adjacent to a tributary stream joining the River Clun and is within close proximity to 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. Natural England considers the River Clun SAC to be in 'Unfavourable Condition' and therefore failing to meet its statutory target. Furthermore the International Union for Conservation of Nature (IUCN) identifies 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 an 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 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 (Draft) and the River Clun SSSI/SAC Restoration Strategy. Both of which consider the main reason for decline to be intensification of land management practices, particularly those that lead to elevated levels of nutrients, sediment and pesticides. The proposed development is large scale and represents significant intensification within close proximity of to the River Clun SAC. The stream that runs adjacent to the site is designated as an 'Ordinary Watercourse' and therefore a key receptor and pathway to the River Clun SAC only a short distance downstream. The applicant's reference to a 'ditch' would appear to downplay its significance. The Flood Risk Assessment and Drainage Report (Appendix 10) indicates an intention to divert exceedance flows to this watercourse. This has the potential further contribute to the already unsustainable nutrient and sediment load and increase flood volumes to increase erosive impact at times of high flows. It is also unclear whether all the poultry manure will be processed by the biomass plant or if any will be spread to land locally, similarly how dirty water arisings are to be used in by the biomass plant and how the digestate produced by the plant are to be disposed of. This should be clarified, as any potential increase in nutrient or sediment load to the River Clun will be unsustainable for pearl mussels. 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 would put in jeopardy the conservation objectives set for returning the River Clun SAC to favourable condition. On this basis the Shropshire Hills AONB Partnership objects to this application. The following policy statements support the position that this application should be refused: 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

6.6 English Heritage: No objection. Should the development be granted permission we recommend that this should be subject to the prior securing of a comprehensive scheme of screening to be achieved by design, including materials and recessive colours, and by landscaping so as to minimise the impact of the development within the landscape.

6.7 SC Trees: No objection. There are no tree preservation orders or conservation area tree related constraints at the site. The proposals indicates the removal of approximately 260m of existing hedgerow, this to be compensated for by establishing new native hedgerow and bund / plantation around the site boundaries. At this stage the detail is sufficient but any full application would require details of planting mixtures, planting density, after care and measures for replacement of losses. The native species hedgerow would benefit from a mix that includes a minimum of seven native woody species in every 30m length.

6.8i SC Archaeology: No objection. The proposed development is located between the hamlet of Hopton Heath and the B4385 west of Broadward Hall. There are no known heritage assets within the proposed development boundary. However, the immediate surrounding area contains a number of designated assets including the scheduled

monuments of Motte castle 510m east of Broadward Hall (National Ref: 1019007). Additionally there are several non-designated heritage assets relating to Bronze Age and later periods located within the immediate area and within the wider landscape. A recommendation was made at the pre-application stage that any subsequent full application be supported by a full heritage assessment in accord with section 128 of the NPPF. This should take the form 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. The current application includes a heritage assessment (Mercian Heritage Series No. 716 May 2014). In respect any issues of impact on the setting of designated or non-designated heritage assets, the report concludes that there will be no significant impact on any designated or non-designated heritage assets within or adjacent to the study area. In respect of direct impact on known or unknown archaeological remains within the development site the report specifically identifies three known archaeological sites within 1km of the site but neglects to mention a number of equally significant sites within the same area making a much richer grouping of mainly prehistoric sites. The report does however conclude in the above respect that, although no significant impact on any possible but as yet unidentified remains is expected, the extent of the ground disturbance associated with the development is quite extensive. In light of that and the extent of the known archaeology in the surrounding area the report suggests that a programme of archaeological work including geophysical survey and trial trenching, if appropriate, should be considered. I concur with both of these conclusions.

- ii. The conclusions of the Heritage Assessment could not rule out the potential for archaeological remains within the development boundary. The impact of the ground disturbance from the site levelling is likely to be significant on any below ground archaeological remains. As the archaeological potential of the development site has not been tested the impact of the development on archaeology cannot be disregarded. In view of the above, and in relation to Paragraph 141 of the NPPF, I recommend that a programme of archaeological work be made a condition of any planning permission for the proposed development. An appropriate condition has been recommended and is included in Appendix 1.

6.9 SC Highways: Verbal comments - no objection.

6.10 S.C.Ecology: No objections subject to the inclusion of conditions relating to protection of the River Clun special area of conservation (included in Appendix 1). A formal Habitat Risk Assessment is being prepared and will be included in an update report to the committee. There is a requirement for the applicant to prepare an Appropriate Assessment given the proximity of the site to the special area of conservation in the Clun Catchment. No decision notice should be issued until Natural England has been consulted on the Appropriate Assessment and has had a minimum of 21 days to respond. **(The Habitat Risk Assessment forms an appendix to this report. Natural England has been consulted and their response is set out at 6.3b above).**

6.11 S.C.Drainage: No objection. The drainage details, plan and calculations could be conditioned if planning permission were to be granted.

1. The drainage layout and calculations are acceptable.

2. The proposed soakaways are deeper than the percolation test trial hole. Confirmation is required that the level of the water table has been determined as the site is identified as being at risk of groundwater flooding.  
Reason: To minimise the risk of groundwater flooding.
3. Informative: 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;  
Reason: To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner.

6.12 SC Conservation: The site is near to listed buildings (those identified are within Shropshire and those in Herefordshire are not listed): Broadward Hall (Grade II), Broadward Bridge (Grade II), The Lynches (Grade II), Beckjay Farmhouse (Grade II), The Thatch (Grade II) and Little Beckjay (Grade II). Any development in this location should have no detrimental impact on the setting of these listed buildings. It is acknowledged that the Historic Assessment concludes that there is no significant impact; however this would need to be demonstrated within the application with photomontages and detailed plans etc. It may be the case that the Conservation Team at Herefordshire Council are advised of the proposal to ensure there is no adverse impact on heritage assets across the border. Developments of this type also 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 consider obtaining further advice on this. Should further specific advice relating to the historic environment be required during the process of the application please contact the team again.

6.13 SC Trees: No objection providing due care is taken to protect existing trees and hedgerows to be retained from damage during development, and appropriate tree and shrub planting is carried out to enhance the development. Conditions covering these matters are recommended and are included in Appendix 1.

6.14 SC Public Protection: No objection. Having considered the information provided it is noted that a permit is in place which will ensure that noise is controlled. In general there may be noise levels associated with feed delivery to the installation which could generate complaints. As a result I therefore advise the applicant to receive feed deliveries in daytime hours only. Depopulation of poultry houses can cause complaints and a change in the character of the area on nights when depopulation occurs. I therefore propose the following condition should this application be granted approval: No more than 2 single traffic movements (single traffic movement having the meaning of one HGV either moving to or from the site) shall occur in any given hour between the times of 23:00-07:00 hours. Reason: to protect the amenity of the area.

Public representations:

6.15 The application has been advertised in accordance with relevant provisions and the nearest properties have been individually notified. Representations covering the following matters have been received from local residents in response to this publicity:

- i. Tourism / Leisure: I am currently owner/occupiers of a beautiful holiday lodge on Ashlea Pools Country Park which is immediately adjacent to the site of the proposed poultry units. The site is opposite a thriving holiday centre which provides much-

needed tourist income to the area. In addition to the Ashley Pools centre, there are other holiday lets which will also lose their attraction. The inevitable loss in tourist income will affect the employment of many local people. The proposed development is likely to have a deleterious effect on the operations of a number of businesses reliant on tourism located close to the site. It is therefore difficult to see that the proposal will be any net benefit to the local economy. The holiday industry is an important feature in the area. The placing of a large poultry unit in the proposed position would seriously affect the surrounding B and B's, holiday homes etc. with loss of custom and income. There would be the visual impact, which would affect the tourism in the area, and be very displeasing for local residents and would probably affect the value of their properties. The area in question is a uniquely beautiful part of Shropshire which we visit on a regular basis. The income in terms of annual visitor spend generated to benefit services in Shropshire must far outweigh the alleged benefits of the proposed development of this poultry farm and, whereas tourism income tends to filter into many areas of economic life within the County, this cannot be said of a development which will be privately-owned and largely for the economic benefit of a private individual. Certainly, if this development goes ahead, I am sure we will no longer feel inclined to visit an area dominated by an unpleasant and smelly eyesore and will take our visits and spend elsewhere and this if replicated by other visitors, would do the Clun and Shropshire area no favours. This is a precious corner of England valued by tourists for peace, beauty, walks, nature and fresh air. If I am to be confronted by smells, large trucks, industrial buildings and noise, I will reluctantly be obliged to book my country stay in another area which would be very sad. As a regular tourist to this area I and my family are horrified by this proposal and would be very unlikely ever to visit this locality again if the proposal were to be approved. We are drawn back year after year to enjoy the delightful beauty of the area and this would be completely destroyed by the extensive industrial buildings and associated negative environmental effects including smells and increased traffic density. The development is likely to have a negative impact on tourism, and the marketing of local high quality produce, both of which are currently supported by DEFRA and Shropshire Council initiatives. Whilst the development has done what it can to mitigate visibility of the buildings from the immediate area, its very presence will deter visitors to the area and can be nothing but unsightly when viewed from surrounding local landmarks enjoyed by both visitors and residents alike, therefore a detriment to the natural and local environment. The noise, light and odour pollution will also have a negative impact on the local area, on both residential properties and those associated with the tourist business. The light and odour pollution will definitely adversely affect our letting business and may stop it altogether. All of this will have a negative effect on the local businesses, we have fantastic B and B and holiday cottages and lodges. Who will want to come and stay in Hopton Heath with this development?? Look at the employment these businesses provide to the people in this area. Jobs may be lost. As the owner of a local public house and restaurant attracting customers who visit from far afield in order to enjoy the quietest place under the sun? I would like to strongly object to the application for chicken sheds to be built in an area that is currently particularly beautiful, unspoilt and exceptionally quiet. The proposed development will without doubt have an effect on my business and others who rely on visiting trade and our trademark being the pretty and peaceful Shropshire countryside. I have no doubt there will also be an increase in lorries attending this site creating great disruption to hamlets and villages, offering further noise pollution. We attract money into the area and employ 2 people directly and source as much of our food locally as possible, supporting local farmers and traders. The basis of the offering is the peace and quiet of the countryside, the "rural

idyll" - people come here to relax and escape to the country. The proposed development will very seriously compromise our business, leading to a loss of revenue and employment. The level of traffic created, lorry movements particularly at night will be significantly disruptive.

- ii. Effect on countryside: These units would undoubtedly spoil this beautiful tranquil part of the Shropshire Countryside. The environmental damage will be considerable in an area of great beauty. The proposed group of large poultry sheds would be equivalent to a 24/7 industrial site. It would be inappropriate to therefore build these in an existing area of very attractive countryside close to and visible from the local hills and AONB. These proposed sheds form a very big complex of buildings, probably the largest floor plan buildings for miles around. No image has been provided of how these sheds would appear in their setting, and it's possible that this has not been provided because it would show the damage that would be done to the landscape. This application is in effect a change of use from attractive farmland to unattractive industrial sheds, and painting them green is not enough to make them fit in. The design pays no attention to the local tradition of farm buildings in scale, form or materials. As designed these buildings would make the area much less attractive for both residents and for tourists, who are vital for the local economy. I am sure I am not alone in saying this would have a terrible and detrimental effect on such a beautiful area, with the noise and smell, along with light pollution, and surely the risk to the River Clun has to be considered, as the Clun is only a short distance downhill from the proposed site. We live in a rural area, not an industrial one and the building of such large units would be totally inappropriate. The environmental impact would be catastrophic to the local area and thus detrimental to all residents and general public. Please reject this 'Blot on the landscape'. The planning suggests the erection of large buildings which would significantly impact on the open aspect of the immediate environment. One of the major attractions of this area is the unbuilt aspect and open views. this proposed development is a major building on what is presently a greenfield site - it would have a major visual impact and cause structural damage to the immediate ground area. Any amount of screening cannot prevent the negative effects of odour, noise and traffic pollution all of these are likely to reduce the desirability of South Shropshire and Hopton Heath/ Clungunford as a tourist area. It is very apparent that the proposed poultry sheds and accompanying facilities would be a significant detriment to the beauty of the Clun Valley and the patchwork of fields that have been developed and maintained over the centuries for mixed arable and livestock farming. It would also be a detriment to the tourist accommodation currently at Hopton Heath and elsewhere in southwest Shropshire. Hopton Heath is an beautiful, quiet, idyllic location to live and visit. it is an agricultural area and a major building development would ruin the look of our fantastic surroundings. The effect would be to change the character of the area from one of unspoilt pasture and arable land to one of semi-industrial appearance.
- iii. Drainage: The site in question has frequently flooded over the past 10 years in fact in 2007 you were unable to leave the village due the River Clun flooding over the B4367 which is one of the main routes into Hopton Heath over the very narrow Broadward Bridge and this also flooded into the field in question. There are obvious concerns over flooding that effluent from the units causing contamination to the River Clun itself. The "dry ditch" referred to in the documentation is often a running stream and is uncomfortably close to the proposed development . Although precautions have been proposed to avoid contamination of this ditch any kind of mistake or calamity means that it would be possible to contaminate this watercourse and consequently the river

Clun and the pearl mussels which it contains - a risk that is too great to take. A greenfield site such as this so close to a stream is not suitable for such a large development. The "dry" ditch is in fact a tributary of the river Clun. The adjacent fields experience flooding almost annually, our fields are adjacent to the same stream. Cultivation is limited against this stream as the land is very boggy, this year the land here did not dry up until June. By lowering the ground levels to ensure that the proposed buildings are not seen from the road, the plan accentuates the risk of flooding in an area that has been known locally (by local farmers) as 'the bog'. Surrounding fields, both in Clungunford and along the nearby road have been liable to serious flooding and have been slow to drain, often taking weeks to soak away. No mention of any impact on the aquifer feeding Ashlea Pools and Hopton Heath is made. There is no mention in the planning of where the site intends to gain water from to service the facility

- iv. Traffic: As well as increased heavy traffic over the very narrow Broadward Bridge and into the village of Hopton Heath which would be created by the proposed poultry units into this area the other routes into the village being Clungunford and Purslow also have very narrow bridges which are entirely unsuitable for additional heavy vehicles into the village. I would also add that these particular bridges were flooded and the surrounding fields in 2007 which also made it impossible to leave the village by any route. The development would involve a high level of traffic movement including large HGV's whose only access/egress would be from/to narrow, twisting B grade roads. This would cause a hazard to other road users. Whilst the B road for the short section where the access is proposed may be wide enough for two big trucks to pass each other, as it continues in all directions the road narrows significantly. For example there is the narrow bridge over the railway in Hoptonheath, and a further one if continuing that way through Twitchen, just before Purslow, as well as narrow sections of road. Going on instead through Clungunford towards Craven Arms there is the sharp bend in the village near the junction to Leintwardine, and then a very narrow and dangerous point with poor visibility just as you leave Clungunford, and once you get nearer to Long Meadow End there is a very narrow sharp bend under the railway bridge, again with no visibility. Going in the Bucknell direction, there are extensive sections of narrow road where two trucks can't pass each other, and as the B road reaches the level crossing in the village there is a junction towards Chapel Lawn, with poor visibility over the crossing towards Lingen Bridge. None of these roads are suitable for increased heavy traffic. A big industrial development such as proposed needs access to a suitable A road, wide enough in all directions. The villages mentioned above all suffer as it is from traffic, and would be made less attractive to visitors if the traffic is increased. The highways statement refers to deliveries of LPG but not biomass which it is planned to use. Biomass deliveries will result in more lorry traffic since calorific value is less than LPG, typically 12.5-14.7 GJ/tonne for biomass and 46.3 GJ/tonne for LPG (see, for example, Biomass Energy Centre, Typical Calorific Value of Fuels). This increase in traffic has a greater impact on the highway and noise emissions which have not been considered in the reports addressing these issues. The Highways Assessment indicates there will be an additional 560 HGV journeys to Hereford, equivalent of over 14,000 miles per annum. The B4385 which goes past Broadward is a very narrow road and Broadward Bridge is old. It is impossible for two vehicles to pass on Broadward Bridge. It is difficult for a lorry and a car to pass anywhere on the road and impossible for two lorries to pass on the road. We have been in touch with the road department of Shropshire Council to protect the road verges, which are already being eroded by vehicles. They have helped us with the limited funds at their disposal but more traffic is

bound to make matters worse. If the road collapses into our fields the Council would be involved in considerable expense. The sites location away from the main farm will greatly increase the amount of traffic on the roads near our property. With the T junction at Heath Lodge having particularly poor visibility and no doubt a great increase in lorries attending the site, which will have a detrimental effect on us and the surrounding villages. The proposed site is directly in front of our property in open countryside, and will clearly be visibility from the main rooms in our property. We see that there is plans for additional bank and plant screening, however are concerned that this will not hide the sheds due to their sheer scale and that the type of planting will not be in keeping with the existing countryside. We are also concerned that the lightning at night from the sheds and the vehicles accessing the sight will impact our lives and the environment.

- v. Pollution: A poultry production unit would provide a significant risk of pollution to the River Clun and aquifer. It is very likely that pollution from this site would flow into the river Clun, affecting fish, otters, the freshwater mussel beds and other wildlife. From an environmental and tourism standpoint we also understand that the pollution generated by this development into the local river system poses a serious danger to the unique freshwater pearl mussel habitat in the River Clun. Nitrogen, ammonia and phosphate emissions result in eutrophication and acidification of fresh water. These changes are known to be detrimental to the habitat of Freshwater pearl mussels. The poultry houses will result in the addition of nitrogen to the soil which will affect Freshwater pearl mussels in the River Clun, downstream of the chicken sheds. The Environment Agency, in its reply as a consultee, said that nitrogen emissions do not threaten the local environment. However, the models on which this response is based are generic. The Clun Valley is not in a nitrate sensitive area and therefore the EA has not considered the impact of increased nitrogen emissions on the Freshwater pearl mussels in the River Clun. Natural England object to planning developments such as new housing and foul water discharges which increase nitrogen discharges into the river. The discrepancy between the EA's apparent position and that of Natural England must be due to the fact that the EA has not considered the position of the Freshwater pearl mussels. Phosphate emissions are also problematic. There is no mention of controls to avoid accidental discharge of pollutants into soakaways and into the groundwater. This is industrial farming and can therefore be done at any random site, including those on industrial estates and brown field sites. There is no agricultural need for it to be on land which can be put to better use for other types of food production. Irrespective of how the case is argued, locating the unit on this site results in a net decline in ecosystem services since the land it occupies can no longer sequester carbon, provide habitat, food or energy, participate in gaseous exchange with the atmosphere, store water, or contribute to recreation and local amenities. Any contamination of this stream would affect the endangered Pearl mussels in the river Clun. All landowners beside this river are going to great pains to protect the river from pollution which would threaten the preservation of these mussels. We already experience light pollution from the existing site at Heath farm, this proposed development will increase the problem. We have worked hard with Natural England to preserve the SSSI status of the River Clun and to increase the number of breeding Pearl Mussels. The run off from the development, sited so close to the Clun river, seriously risks a clean, recovering river, and compromises significant investment to sustaining a very rare mussel bed, in particular the Woodlands Trust's very recent, significant investment.

- vi. Odour / amenity: I am writing as a householder living approx. 1.5km from the proposed site, where I already experience unpleasant odours from time to time from the existing poultry unit. I am particularly concerned about the impact of the development on the value of my property: at present the lower Clun valley is a pristine rural landscape much appreciated by both residents and visitors alike. This quasi-industrial development will inevitably discourage any would-be house buyers who are looking for a quiet and unspoilt corner of England to move to. I have previously lived near large chicken sheds and I know that the smell of chicken manure is very unpleasant. This would probably affect us at Beckjay, as well as nearer residences. Noise from the ventilation units and general smell from the poultry sheds would be inevitable 24/7 and this would disturb and pollute the current quiet and atmosphere respectively of the surrounding properties. An earlier application by Bedstone growers for a biodigester suggested that this would lead to a reduction in traffic and odour. One result of this application will be to lead to increased traffic by day and night both to Heath farm and at all hours of day and night. As a resident of Hopton Heath I can confirm that both odour and noise of fans and unloading of feedstuff at the existing poultry units are present particularly in the evenings. These projections are not based on actuality and it would seem that if it is now possible to hear and smell the existing poultry houses at Heath farm some 1200 metres distant then poultry houses some 400 metres or less are bound to affect both the neighbouring houses and the neighbouring holiday park. The site is in fact surrounded by properties on all sides so any movement of chickens or associated manure is bound to cause disturbance or odour in the neighbourhood. Noise pollution not only in the immediate vicinity, but also on the local roads through night movements of birds and deliveries of feed etc is not sufficiently addressed in the application. Light pollution is another significant factor which needs to be taken into account in an area where there are currently very low levels of light pollution. It seems to that residents close to the existing Heath Farm poultry units experience odour pollution to a greater extent than is estimated in the planning application. The proposed development has not considered enough the impact of the noise, light and smell it will bring to the area. We already have a smell from the poultry sheds at Heath farm and this development will be much closer to other properties. It is a fact that if the smell is currently carried to all the properties in the area from Heath Farm, which is further away, then how can it not badly affect us all if one was built closer? There will be a large amount of extra noise from this development due to the extra volume of traffic. The odour & noise from the existing facilities is very obvious, doubling capacity will make this a routine occurrence. The impact of noise, light and odour pollution has not been either adequately considered or described accurately in the planning submission. As residents of Hopton Heath we are aware from time to time of strong odours coming from the existing site at Heath Farm which is further away from us than the one proposed. Our dwelling located at the address shown above is already exposed to frequent periods of unpleasant excrement odour generated by the existing poultry houses operated by the applicant and located on the west side of the B4367. This pervasive smell varies in intensity depending on temperature and weather conditions but all too often coincides with periods of time that we and others want to spend outside. The outstanding neglect of the odour report is that it fails to take any account of existing migration of bad odour from a similar and nearby array of existing commercial poultry houses. In doing so the report has strategically ignored the compound consequences of two very large poultry/hen house complexes to nearby families which include children. Our view is that the unpleasant odour production from the existing unit needs to be significantly mitigated as a demonstration of intent and a precursor to giving further evaluation or favourable consideration to this application. We

object to this application on grounds that the escape of the existing undesirable levels of noxious odours would not be reduced but very significantly increased and would significantly be to the detriment of those living nearby, the value of their property and also that it might adversely affect the wellbeing of children. It appears from the applicants' reports that odour pollution will affect nearly all properties in Hopton Heath, Broadward and Beckjay. In conjunction with the present odour pollution from the existing poultry units operated by the applicants, it is difficult to understand why it can be stated that there will be no significant impact from the proposed development. I am extremely concerned about the noise that will be generated at this site, as it is going to be a 24/7 operation with particular attention being paid to night time activity, well beyond the normal working hours of any other business. This will obviously result in complaints from the surrounding area and I see nothing from the report into any effective screening being introduced. Also the report submitted has no firm noise readings, as this is a green field site, so the measurements are purely hypothetical. The report submitted by the applicants is also inaccurate in that it totally omits one residence from the report, this being Broadward Cottage. This is far closer to the proposed development than Heath Lodge, which the report inaccurately states to be the closest residence. For 40 years we have lived at Broadward Cottage, the closest property to the proposed site of the proposed development. Over the last number of years we have seen the existing site at Heath Farm transform from a small family business to a industrial factory operation. The location of the proposed additional chicken sheds will surround our home from both directions, and its closer proximity (only 270 meters) will have a much greater impact on our lives. The planing application has a detailed Odour report and a comprehensive model, but it's written in a style that only an expert can understand. In summary it appears to state that there will be only a small impact on our property. This is not the case for the existing site, as odour can regularly be smelt at our property. Having a larger additional chicken farm closer to our home on the opposite side of the house will mean there will be no escape from the smell. We are regularly disrupted by the noise from the existing development and there is no doubt that this will be worsened by the location of the proposed sheds. This noise includes lorries, tractor, loading the digester (bucket clanging) and the sounds of sirens and alarms.

- vii. Questioning benefits: The proposed development would bring no significant benefit to the local community. an alleged benefit of this development is purported to be the potential for the creation of local employment but it our understanding that poultry farming at this level is carried out on a highly mechanised basis and will employ few people (and there are no assurances or dependable provisions which would ensure that the little employment created would be for current residents of the area. The proposal will only bring 2 jobs to the area; there are surely many other schemes which could bring greater employment to local people. This development will not be appropriate at Hopton Heath. The application fails to demonstrate any local economic or community benefits, as evidenced in the objections already received. If there is any economic benefit it is very limited and only clearly demonstrated in relation to the Farm itself. Whilst the application indicates additional employment will be created, the Highways Assessment states no new employee traffic movements. What little local employment proposed would not offset the loss elsewhere. For such a scheme to proceed it must show that it is of benefit to the local community. It will scour the landscape and ruin a beautiful valley. It is not sustainable on its own, it will require considerable sourcing of materials, not least fuel, chickens and water. It is suggested to be low visible impact, but whatever trees are planted will take years before effective

screening takes place and will need to be This is also not diversification but expansion and the application has not adequately displayed any need or benefit for the proposed development. The underlying need is for extra supply for Cargill UK in Hereford and outside of the family unit, it is highly unlikely to be of benefit to locals. This scheme is solely for the benefit of the Bedstone Growers. It is not going to create any skilled jobs for locals, indeed it may have the opposite effect with a detrimental effect on tourism. evergreen to be effective and as such will not be in keeping with other local trees.

- viii. Other: The development would result in the loss of good productive agricultural land. The construction phase is likely to be especially damaging, but there will also be ongoing deterioration of the tourist and amenity values of the area. The application's tree report does not comply with BSS 5837 Trees in Relation to Construction (2012): ? there is a tree survey drawing but no tree removal and tree protection drawings (tree protection has been included on the survey drawing); There is no indication of the extent of hedgerow removal at the entrance to the site, including what must be removed to create visibility splays. There is no method statement for the protection of the adjacent retained hedgerow; Canopy spreads have not been measured at the cardinal points; There is no indication of the tree's remaining contribution to the local environment. This is industrial farming and can therefore be done at any random site, including those on industrial estates and brown field sites. There is no agricultural need for it to be on land which can be put to better use for other types of food production. Irrespective of how the case is argued, locating the unit on this site results in a net decline in ecosystem services since the land it occupies can no longer sequester carbon, provide habitat, food or energy, participate in gaseous exchange with the atmosphere, store water, or contribute to recreation and local amenities. There is no doubt that this development will impact on the value of our home. Any potential purchasers are likely to view the property on the internet, a satellite view on the 'Google maps' website will clearly show the property is surrounded by large sheds. Heath Farm already has very large poultry units in the vicinity of Hopton Heath although this is actually classed as Herefordshire it is only a short distance from these further proposed units.
- 6.16 Owner of Ashlea Pools Holiday Park: My wife and I are the owners of the Ashlea Pools holiday park immediately adjacent to the site of the proposed poultry unit. We lodge this objection not only on our own behalf but also on behalf of the 23 owner occupiers included in our park. We fully support the objection submitted by Clungunford Parish Council and would like to add the following remarks. We have invested heavily in the business in recent years. Together with many helpers, we have worked hard to make the business what it is today, namely a successful and leading player in the tourist business in South Shropshire. We have 15 lodges available for holiday letting, and there is a high occupancy rate. We hope to expand our business by implementing an existing planning permission for 16 further units. We also have 23 lodges that are occupied as second homes/holiday homes by owner occupiers. We have opened a shop that serves the holiday park and is open to villagers round about. It goes without saying that it is the only shop for some miles, and without a successful holiday let business, the shop would not be viable. The Area of Outstanding Natural Beauty is immediately behind us and overlooks us. As we said at the public meeting, the whole selling point for our business is that holiday makers can come for peace and quiet in rural Shropshire. As it is, we suffer from existing noise and odour pollution from the poultry units currently operated at Heath Farm, and we have no doubt at all that the scale and density of the proposed development, together with the increased odour and

noise pollution and heavy vehicle traffic movement, will have a detrimental effect on tourism in the area in general and, being right on our door-step, on our business in particular. This development will tip the already fine balance between what is just about bearable and what is not, and we notice that the various reports accompanying the application make no mention of nuisance from the existing operation, but merely refer to the effects of the new stand-alone units in isolation. In these days of the internet it is all too easy for tourists to spread widely reports of any discomfort or bad experience, whether it is smell, noise or whatever, and we fear for the consequences that will follow from the proposed development. Tourists cannot be expected to put up with the consequences of the development, and they will not: it is too easy for them to move on to more amenable surroundings. We have three full time employees in our business, supplemented at any given time by 3-5 cleaners and 2 ground staff. Should the development proceed, these jobs may be at risk, as may our entire investment in Ashlea Pools. We are very fearful for the future sustainability of our business, if the proposal gets the go-ahead: we do not have a 700 acre farm or a global commodity business to fall back on, as the applicants and their partners do. Certainly, future expansion plans for already permitted development would have to be put on hold, and with them the scope for further employment opportunities. Finally, and this is a fairly obvious point, it is not only we who will suffer. Our holiday makers spend a lot of money in the local economy, particularly on meals out in the local pubs and restaurants. If our trade suffers, so does their trade and with it the sustainability of our local communities

- 6.17 South Shropshire Green Party: The Green Party is committed to the prohibition all mass, caged rearing of poultry, including ‘enriched cages’ 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. I have read in its entirety the objection submitted by Clungungford Parish Council. I am in agreement with all objections raised in this document. In particular I wish to emphasise that this is neither a sustainable development, nor a diversification, but an extension of an existing industry to unacceptable capacity with respect to its likely disadvantageous effect on local tourism, and nuisance (noise and smell) to residents. Environmental hazards including flood risk and risk to rare species are also poorly addressed in the application. I note too that good farmland will change to an industrial use, which is unacceptable.

## 7.0 THE MAIN ISSUES

- Policy context and justification for the development;
- Environmental effects of the development (odour, noise, traffic, drainage, pollution, visual impact and heritage);
- Ecology and the extent to which issues raised by the JR challenge have now been satisfactorily addressed.

## 8.0 OFFICER APPRAISAL

### Policy context:

- 8.1 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 (para14).

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...”.

- 8.2 The proposed development performs an economic role because it involves investment and economic diversification of an existing business which will provide / sustain rural jobs for local people. It is stated that the development also performs a social role because the local jobs and investment would in turn promote a strong vibrant community. In addition, it is stated that the development performs an environmental role because it produces food through an environmentally efficient system of farming with associated landscaping to protect the local natural and built environment. Specifically, the Environmental Statement advises that there would be net gains in biodiversity from the landscaping proposals and concludes that there would be no significant adverse effects on health and quality of life when available mitigation measures are taken into account. This conclusion has however been challenged by objectors who cite concerns including in relation to odour, traffic, pollution, effect on the countryside and the local tourism economy.
- 8.3 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”. The current proposals represent an extension to an existing business rather than further diversification of that business, but it is considered that poultry farming in general adds to the diversity and robustness of Shropshire’s rural economy.
- 8.4 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”. The Parish Council and local residents have questioned the benefits of the scheme and expressed concern that existing local leisure businesses will be adversely affected. These concerns are assessed further in succeeding sections. However, it is considered that in general terms, the proposals would contribute to the local rural economy through major investment in local goods and services and creation / maintenance of local employment. Hence would in principle contribute to countryside vitality, provided that there would not be any greater negative impacts, including on existing businesses.
- 8.5 In terms of maintaining countryside character, the proposals would represent new large scale agricultural development in the attractive open countryside approximately 1.5km to the east of the AONB. However, Policy CS5 recognises that the countryside is a living working environment and landscape and visual impact assessment (LVIA) accompanying the application concludes that the site has been well chosen given the

screening effect of existing vegetation and topography and a comprehensive planting scheme is proposed. The introduction of large agricultural buildings into the landscape would not enhance the landscape and character of the countryside. However, it is considered that the carefully chosen site, low profile nature of the development and proposed landscaping measures would serve to minimise visual impacts from most publicly accessible locations in the surrounding area.

8.6 Policy CS6 advocates high standards of design and sustainability. The applicant states that the proposal incorporates sustainable design and operational considerations including:

- Sustainable drainage, water efficiency, renewable energy generation systems, and energy efficiency (appropriate insulation);
- Sustainable construction methods (modern poultry shed design).
- The proposal does not propose significant sustained levels of traffic. There would typically be seven annual peaks in activity lasting 4 days each with quiet periods between and a new purpose built access is proposed;
- It is stated that the proposal does not adversely affect the natural and built environment and is appropriate in scale, density, pattern and design taking into account the local context and character.

These features are acknowledged. The overall level of sustainability of the scheme depends also however on the characteristics of the site / location and the extent to which any identified impacts can be appropriately mitigated. These issues are considered in succeeding sections.

8.7 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. Objectors have however questioned this conclusion citing concerns that any potential benefits are outweighed by potential adverse impacts on the local tourism industry.

8.8 To be fully sustainable and therefore to benefit from the presumption in favour of sustainable development set out in the NPPF the proposals must demonstrate acceptability in relation to environmental considerations and the policies which cover these matters. This includes the above policies CS5, CS6 and CS13, and also policies CS7 (Transport), CS8 (local amenities) and CS17 (Environmental Networks) and CS18 (Water Resources). On balance it is recognised that the proposals would help to deliver economic growth, rural diversification and improved food security. They would therefore deliver local economic benefits potentially helping to maintain countryside vitality, provided any effects are not outweighed by negative effects on tourism and local amenities. Although the proposals would not add to countryside character the LVIA concludes that any visual effects are capable of being mitigated. These issues are discussed in succeeding sections.

#### Justification for the proposals and choice of site

- 8.9 The applicant advises that the proposed development is required to help ensure the viability of the farming business for future generations and to help meet the high demand for chickens. The UK poultry production industry continues to grow to meet the demand for home grown produce and this committee has considered a number of such schemes in recent years. There is no further land available for expansion on the existing site due to boundaries formed by the B4384 to the west, trees to the north (Decoy Wood), buildings and trees to the east and watercourse to the south. There are already 8 sheds at Heath Farm which is a large number of broilers to be housed on a single site. Additional buildings would start to cause operational difficulties during the clean-out period. The flocks are currently cleaned out on a single site basis so there is a very busy clean out period in time for the next flock to arrive. Additional buildings would present a difficulty in cleaning out effectively in time for the next flock. It would also increase the possibility of odour issues occurring during the clean-out period. A site an appropriate distance from the existing buildings could be operated on a separate timescale – allowing different flock changeover dates from the existing site. This would offer significant benefits in terms of overall site management, efficiency and biosecurity. However, if that site is too far from the existing site, there can be losses in efficient site management (e.g. travel time between the sites, vehicle storage etc).
- 8.10 The initial assessment of site suitability narrowed the choice down to two sites both to the north of Heath Farm. The first is the chosen site, and the second was the adjoining field to the east. The applicant states that these are both a good distance from the holiday park (Ashlea Pools) to the west and the prevailing wind from the south-west blows away from Hopton Heath and the holiday park. The proposed site was chosen due to its greater proximity to the B4367 and greater separation from the cluster of sensitive receptors at Beckjay. In particular:
- It is within 700m of the existing farm buildings which are the hub for management of the farm unit,
  - It has sufficient space to accommodate the development and can accommodate the required infrastructure (power, drainage, access);
  - It benefits from the screening effect of natural topography and existing vegetation;
  - It is not affected by any statutory environmental designations;
  - It is separated from the nearest privately owned residential properties;

These justifications can be supported in principle provided the requirements of other relevant policies and guidance are also met.

#### Environmental implications of the proposals

- 8.11 Transport: Policy CS7 requires sustainable patterns of communications and transport. A highway assessment concludes that the vehicle movements generated by the development will be adequately accommodated within and would have a very limited impact upon the existing highway network. A new access to the site from the public highway would be provided and designed in accordance with all relevant regulations and guidance. The increase in vehicle movements for 44 of the 48 days of the crop cycle would amount to less than 1 per day which would have no impact on the B4385. During the 4 day clearance phase there will be up to 13 movements per day but these will occur when the highway is used least intensively. It is stated that this peak event

would be suitably accommodated on the existing road networks. Manure would be taken direct to the AD Unit at the main farmstead and would significantly reduce levels of manure currently being brought to the AD unit from further afield. Highway officers have confirmed verbally that there are no objections to the proposals and it is concluded that the proposals are capable of complying on balance with Policy CS7.

#### Noise and odour

8.12 Odour: Concerns about odour are one of the main objections against the proposals raised by local residents. It is stated that odour from the existing 8 shed poultry operation is evident at a number of local properties which are at similar distances from the proposed development. Hence, there is concern about the possibility of a cumulative odour impact and that this could have the potential to impact in turn on local tourism / leisure businesses. 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. No clear local or national planning guidance exists with respect to separation distances between dwellings and poultry units. It is generally accepted however that a 400 metre zone around intensive livestock development is the threshold for nuisance complaints relating to airborne emissions. The nearest residential properties not linked to the applicant are located at the following distances from the site boundaries:

- 17 properties are located 340-650m to the north-west of the site at Hopton Heath. The nearest four of these are located between 350-400m north-west of the site;
- One property (Heath Lodge) is located 320m to the south west of the site and one (Broadward) is located 275m south. These form the nearest parts of a dispersed grouping of properties centred around Heath House located between 260-740m to the south.

However, the doors of the proposed 110m long sheds which are the main potential source of odour would be accessed from the eastern elevations, furthest from these properties – except Gate Lodge (350m to the south of the nearest shed door). The existing poultry sheds at Heath Farm are also further than 400m from all the nearest properties, with the exception of Heath Lodge, which is 360m from the existing site.

8.13 An Odour Impact Assessment advises that peak odour emission rates are likely to occur during the short time (usually around an hour per shed) when the housing is cleared of spent litter at the end of each crop. The sources of odour (the doors to the proposed chicken sheds) would be further away from the dwellings than the existing farm buildings (110m for the nearest unit). The proposed poultry buildings would also provide good initial dispersion of emissions by virtue of the use high velocity ridge mounted fans. There would be 4 days per 48 day cycle during which opening of shed doors will be required for crop clearance and cleaning and there is greater potential for odour at these times. However, shed doors would be on east elevations upwind of prevailing south-westerly winds which would be expected to blow any odour within the buildings away from the nearest properties.

8.14 There are measures that can be taken to minimise odour production during this time. There is usually some discretion as to when the operation is carried out. It may therefore be possible to time the operation to coincide with winds blowing away from the nearest properties. The odour modelling indicates normal measures to reduce

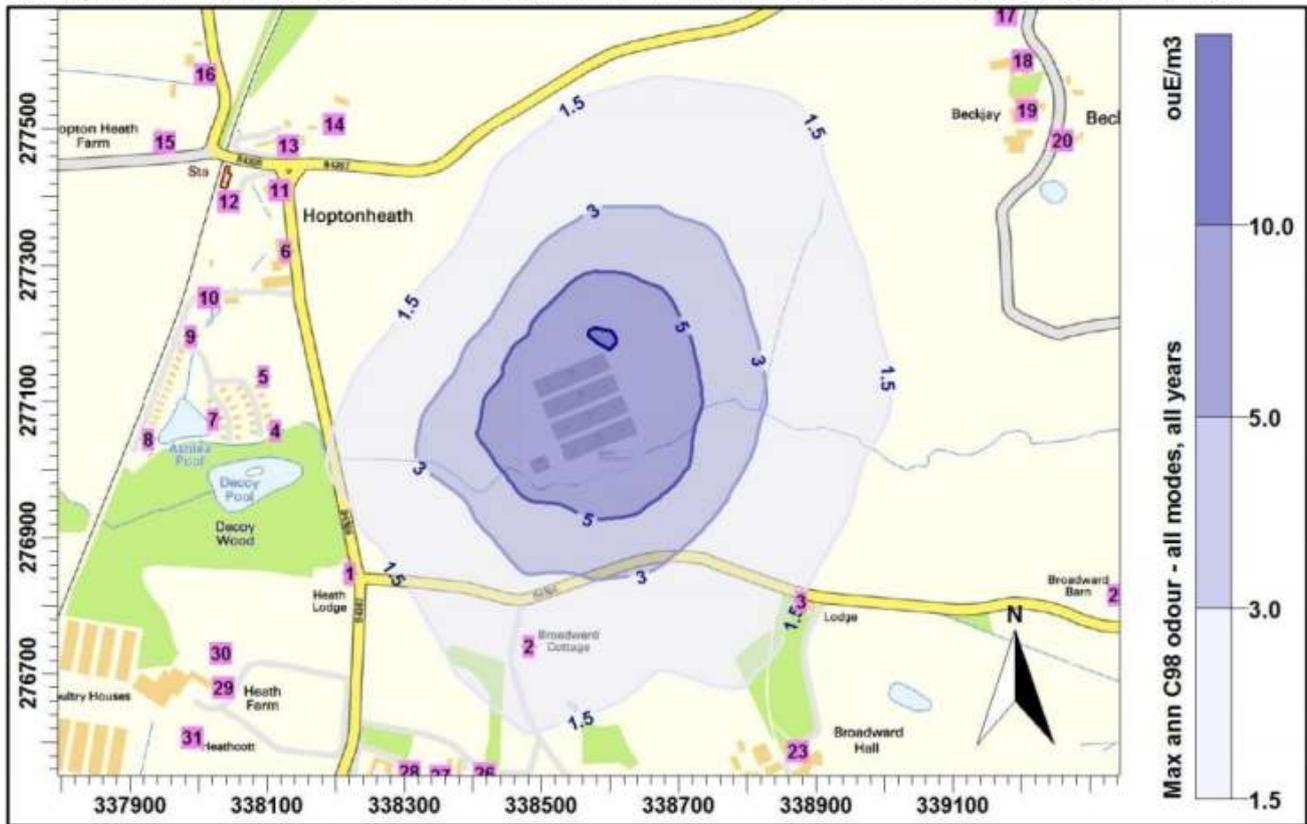
odour, such as optimised feeding regimes will be sufficient to reduce the impact to an acceptable level at all receptors. That the worst case odour concentration at nearby residences (i.e. during shed cleaning) would be below the Environment Agency's benchmark for moderately offensive odours (like poultry litter) and in most cases odour from the proposed poultry unit would rarely be detectable. An environmental permit application has been issued by the Environment Agency and contains additional detailed information on odour modelling. The Permit includes an Odour Management Plan including a specific plan to deal with odour during the clean-out phase. The Environment Agency has confirmed that there are no objections on this basis.

8.15 Whilst the odour from the existing operation is evident on occasions in the local area it is not considered that the extent of any odour impacts arising from concurrent operation of the existing and proposed poultry sites would substantially exceed that expected in a normal agricultural context. The following points are noted in this respect:

- Manure from the operations would be introduced into the applicant's AD facility rather than being spread on adjacent fields so there would be a consequent reduction in this 'background' odour source.
- Separation distances of more than 400m from the main odour sources are capable of being maintained at all except one property which nearly achieves this separation;
- The EA has not objected and has issued an environmental permit which incorporates manure and odour management plans.

It is not considered on this basis that a refusal on odour grounds could be justified. It is however recommended that appropriate odour control and amenity protection conditions are imposed on any permission (included in Appendix 1).

Figure 6. Predicted maximum annual 98<sup>th</sup> percentile hourly mean odour concentration in the area surrounding the proposed poultry unit



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*Plan from odour report indicating predicted maximum (worst case) odour concentration in the area surrounding the proposed poultry unit*

8.16 **Noise:** A noise assessment compares existing noise with that expected from the proposed poultry unit to assess the possibility of complaints being received. Complaints are considered to be generally unlikely except when feed delivery is taking place when there would be a marginal possibility of complaints. Feed delivery will however only take place during normal working hours. At the start of the crop there would be two lorries a week for the first two weeks and then one feed lorry per day at the end of the crop. A total of 23.2 lorries of feed would be consumed during each crop. The impact would be lessened by the feed bins being located to the east of the site away from the nearest sensitive receptors. The proposed bunding will further reduce any noise from the blowing of feed but this has not been factored into the Noise Assessment. The overall conclusion is that there will be no significant impact as a result of noise generated by the proposed development. Public Protection has not objected subject to the imposition of a condition restricting the hours for depopulation. The Environment Agency would also have the potential to impose additional safeguards as part of the permitting process. It is concluded that the proposals are compliant on balance with relevant amenity policies including Core Strategy Policy CS8 and that refusal on grounds of odour or noise could not be justified.

Natural and Historic Environment:

8.17 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. These matters are considered below:

- 8.18 Ecology: An ecological report assesses the potential impacts of the proposed poultry farm on protected species and their habitats. The proposed poultry units, biomass boilers and most of the access road would be constructed within two ecologically poor arable fields. None of the habitats listed in the Shropshire Biodiversity Action Plan would be significantly affected by the proposed development. The site is also not designated for its wildlife interest at an international, national or local level and no legally protected plant species were identified or are likely in the habitats encountered. However, the proposed access off the B4385 would affect a 6m section of the western boundary hedgerow and field margin. Consideration also needs to be given to the potential impacts of drainage and surface water run-off on the watercourse along the southern boundary of the site and further downstream where it flows into the River Clun Special Area of Conservation. One tree would be lost from the highway frontage in constructing the proposed access but this would be mitigated by the proposed landscaping works, including along the site access road. The Council's Trees section has not objected. The report concludes that any direct impact will only be of very minor/minor significance, particularly taking into account the recommended mitigation. Detailed mitigation measures in relation to specific protected species are recommended in the Ecology Report.
- 8.19 Natural England lodged a holding objection to the proposals as submitted on the basis that there was a need for further information in order to demonstrate that there would not be an adverse effect on the River Teme and River Clun SSSI's and the Special Area of Conservation associated with the latter. The applicant has subsequently submitted additional information including on ecology and hydrology and in addition, the Environment Agency has issued a Permit which concludes amongst other matters that ammonia emissions can be controlled within acceptable limits. This information concludes that there are no source / receptor pathways between the site and these designated sites which could result in adverse ecological impacts.
- 8.20 The Council's Natural Environment (Ecology section) has accepted this conclusion and has recommended a number of conditions which are included in Appendix 1. An Appropriate Assessment and Habitat Risk Assessment have also been prepared and the Council has consulted Natural England on these documents (see response at 6.3b above). The potential for source / receptor pathways between the site and the River Clun Catchment Special Area of Conservation has been assessed. The documents conclude that there are no source receptor pathways capable of impacting on the SAC once available mitigation measures have been taken into account.
- 8.21 Following the Judicial Review Natural England has now accepted this conclusion and is requesting the inclusion of an additional condition relating to monitoring of water quality. This request is supported and an additional condition delivering this is incorporated in the recommendation at the beginning of this report. It is concluded that the proposals would not be likely to impact adversely on ecological interests given the comprehensive mitigation measures proposed. The proposed landscaping measures are capable of delivering ecological enhancements in accordance with Policy CS17.
- 8.22 Cultural Heritage: Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on local authorities in exercising statutory functions to

have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess. A Heritage Impact Appraisal has considered the potential impact of the proposals on individual heritage assets within a 1km area surrounding the proposed development. This concludes that there will be no significant impact on any heritage or archaeological features and there would be no impact for many such features. It is considered that the conclusions of this Appraisal are sound. The Council's Historic Environment team has not objected subject to an archaeological watching brief during groundworks. An appropriate condition has been recommended in Appendix 1.

- 8.23 Visual impact: A landscape and visual impact appraisal has been undertaken in accordance with relevant methodology. This includes photographs looking towards the proposed site from potentially sensitive locations such as roads, public rights of way, residential and recreational areas. An associated Heritage Impact Assessment considers the visual impact on designated and non-designated heritage assets. In terms of visual impact the poultry buildings would be set down at a lower level than the surrounding visual receptors. There is a tree lined brook to the south and a field hedgerow to the east which further reduce visual impact. A landscaping scheme has also been designed to utilise the existing landscape and topography. It includes planted screen bunding on the northern and western margins to hide any views from the vicinity of Hopton Heath. The existing hedgerow to the east and trees along the ditch course to the south would be retained and gaps would be planted up. Additional tree planting is also proposed between the buildings and the ditch course. The creation of the new access would necessitate the removal of a tree close to the entrance, but this would be replaced by additional planting along the access track.
- 8.24 Part of the buildings may be visible from upstairs windows in some properties along the road. The buildings would however be at a lower level to the houses, and set into the site levels. Views would be further reduced by the creation of an earth bund with suitable planting to the north and west of the site. The closest dwelling is also approximately 400metres away. The impact on the public rights of way would be negligible in most places and slight from the path to the north-east. The LVIA concludes that visual impact would be negligible to slight and the landscaping scheme would further reduce any impact.
- 8.25 In terms of landscape effects the site is located in the Estate Farmland character type and could be partly visible from some locations within the surrounding landscape. However, the topography of the area and existing vegetation will significantly reduce any potential visual impact. The LVIA considers that the magnitude of landscape change resulting from the buildings would vary from slight to moderate, but any adverse landscape effects would be limited in extent, restricted to nearby locations and the effects would be mitigated by the proposed landscaping works. The site is not within a protected landscape designation. It is located 1.5km east of the AONB from which it is generally well screened by existing landscape features. The LVIA concludes that there would not be an adverse impact on the AONB.
- 8.26 Officers have visited that site and would concur with the above conclusions, provided the proposals are subject to appropriate landscaping and surface treatment conditions. The photomontages suggest that the colour of juniper green proposed by the applicant for the sheds and feed bins would be appropriate in this setting. It is considered that any residual visual effects after the proposed landscaping is taken into account would

be limited and would be outweighed by the benefits of the scheme to agriculture and the rural economy (Core Strategy CS5, CS17).

- 8.27 Water resources: Policy CS18 requires sustainable water management to reduce flood risk and avoid an adverse impact on water quality. The site is not located within a flood plain and is located over a minor aquifer. A full Flood Risk and Drainage assessment concludes that the proposals will not give rise to significant adverse effects on water or flooding given that the proposed Sustainable Urban Drainage Systems (SuDS) would restrict site run-off to greenfield run-off rates. A suitable means of dirty water drainage disposal from the proposed development is proposed. The Council's Drainage section has not objected. Appropriate conditions and advisory notes are recommended in Appendix 1.
- 8.28 Manure management: The applicant has confirmed that all manure from the site would be fed into the applicant's anaerobic digester (AD) site, as would dirty water from the shed cleaning phase. No manure would be stored on site, even for a short period following shed cleaning. The applicant farms sufficient land area to spread the digestate from the AD site which is based at the main Heath Farm site. There would be no overall increase in feedstock for the AD site as the manure from the proposed operation would be used to replace other existing feedstocks. None of the land that the applicant farms falls within a Nitrate Vulnerable Zone. The Environment Agency has not objected and has issued a Permit which includes a manure management plan. It is considered that the proposals would not pose any significant risk to ground or surface water quality.
- 8.29 Biomass boiler: The poultry units would be heated by a modern biomass boiler system which would be fully compliant with relevant air emission standards. Biomass boilers produce a drier heat than traditional gas fired boilers which reduces the moisture content of poultry litter. This in turn reduces ammonia emissions and has benefits for bird welfare. The renewable heat energy produced by biomass boilers also has benefits in terms of climate change by substituting for the greenhouse gases which would otherwise be emitted by a fossil fuel heating system.
- 8.30 Material balance: The proposals would require excavation works in order to create a level development platform. The site would be excavated into the existing gently sloping field and surplus excavated material would be used to construct screen bunds on the north and western margins as part of the proposed landscaping scheme. Hence, there would be no need to export material from the site.

## 9. CONCLUSION

- 9.1 The proposals involve extension of an existing well established family run poultry business in order to ensure the future profitability / robustness of the business whilst continuing to contribute to the local economy and employment. They will also provide locally sourced food as part of a key industry in Shropshire, supplying a strong national demand for poultry meat under a contract with a national supplier (Cagills, Hereford). The proposals therefore comply with the economic criteria specified in Core Strategy policies CS1(sustainability), CS5 (Countryside) and CS13 (economy).
- 9.2 Concerns have been expressed by local residents about the potential for odour / amenity impacts from the proposed development and possible associated impacts on

local leisure and amenity interests. However, the Environment Agency has not objected and has issued an environmental permit which contains detailed controls with respect to odour and air quality. The site would be downwind of the majority of the nearest properties relative to the prevailing south westerlies and separation distances have been maximised for these properties by placing the shed doors on the eastern facades. There would be some odour impact during shed cleaning and some potential for noise during feedstock delivery. However, these impacts are predicted to be minor and temporary. It is not considered that refusal on the grounds of amenity impact can be justified on this basis.

- 9.3 It is considered that the EIA accompanying the application demonstrates that the other environmental impacts of the proposed development are not significant and are capable of being effectively controlled and mitigated. The LVIA supports the conclusion that the site is capable of being well screened, given existing vegetation, topography and proposed landscaping measures. There would be some localised changes but the LVIA concludes that these would be minor and limited to the immediate vicinity of the site. The design of the scheme incorporates sustainable features such as biomass heating, SuDS and landscaping. Stringent conditions have been recommended in Appendix 1 to cover site controls, including amenity issues. These would be supported by detailed operational controls under the Environment Agency's permitting regime.
- 9.4 Natural England has now withdrawn its objection in response to the Council's Habitat Risk Assessment. A very comprehensive scheme of ecological mitigation is proposed and would be secured by a legal agreement.
- 9.5 The site is located in open countryside some 700m from the existing farmstead. Core Strategy Policy CS5 requires that countryside vitality and character is preserved and expects new development such as agricultural schemes to deliver local benefits. The economic benefits of the scheme would in the first instance be specific to the applicant and local contractors / suppliers. It is considered nonetheless that these benefits are potentially significant given the level of investment involved and the requirements for local goods and services during the construction and operational phases (CS5), as is the ability to supply a national need for poultry meat through an established contract (CS13).
- 9.6 It is concluded on balance that the benefits of the scheme are sufficient to outweigh any residual impacts and meet the tests of Core Strategy policy CS5 and related policies, having regard to the available controls and mitigation measures.
10. 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.

## 11. FINANCIAL IMPLICATIONS

- 11.1 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.

## 12. BACKGROUND

### RELEVANT PLANNING POLICIES

Central Government Guidance:

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

- 12.1.1 The National Planning Policy Framework emphasizes 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.

- 12.1.2 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;

## 12.2 Core Strategy:

12.2.1 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.

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

- i. CS5: Countryside and the Green Belt: supports agricultural related developments, recognising the need to ensure proposals for large scale new developments do not have unacceptable adverse environmental impacts. Importantly Policy CS5 also supports the retention and appropriate expansion of existing established businesses.
- ii. 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.

iii. 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.

iv. 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.

## v. Other relevant policies:

- Policy CS7: Communications and Transport;
- Policy CS8: Facilities, services and infrastructure provision.

## 12.3 Saved Local Plan Policies:

12.3.1 Shropshire Structure Plan – Relevant saved policies:

- P16: Protecting air quality;

12.3.3 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.

12.4 Emerging planning policy documents and guidance

12.4.1 Site Management and Allocation of Development Document (SAMDEV) – The site falls within the Clun area of the emerging SAMDEV but is not subject to any specific allocation. The SAMDev states that all development in Clungunford Parish must have regard to the conservation targets for the River Clun catchment as set out in the Nutrient Management Plan and agreed management strategy for the river catchment. 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'.

12.4.2 Relevant policies in the SAMDev Final Plan, on which the Inspector's report is due shortly, include:

- MD7b – General Management of development in the countryside (seeks to protect heritage, landscape and biodiversity assets);
- MD12 – The 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.

### 13. RELEVANT PLANNING HISTORY:

13.1 The application site is located on an agricultural field which has no prior planning history. As stated above, the application was considered at the December 2014 committee where Members resolved to approve the proposals. A decision notice was issued but this was subsequently quashed on the basis of Natural England's objection which has since been withdrawn.

List of Background Papers: Planning Application 14/00784/EIA and supporting documents and plans.

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=N94KZBTDLLT00>

Cabinet Member (Portfolio Holder): Cllr M. Price

Local Member: Cllr Nigel Hartin. Clun

Appendices: APPENDIX 1 - Conditions

**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 one weeks prior notice shall be provided 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 hereinafter as the Commencement Date.

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

2. The development shall be carried out strictly in accordance with the approved scheme comprising the following documents:
  - i. The application form dated 22<sup>nd</sup> July 2014 2014 and the accompanying planning statement and design and access statement;
  - ii. The environmental statement and supporting appendices accompanying the application including the updated drainage and flood risk assessment dated June 2014, the updated Ecological Assessment from Turnstone Ecology dated September 2014 and the addendum report from Berries dated November 2014
  - iii. The approved drawings namely:
    - SA14116/01 Location Plan;
    - SA14116/02 Proposed Block Plan- Showing Access
    - SA14116/03 Proposed Site Plan;
    - SA14116/04 Building Plans;
    - SA14116/05 Elevations and Full Site Sections;
    - SA14116/06 Biomass Building Plans;
    - 01 Land at Hopton Heath (Site survey) EIA Appendix 2;
    - 02 Land at Hopton Heath (Site survey) EIA Appendix 2;
    - HH-DL-100.Rev A Drainage Layout Plan (Revised) (EIA Appendix 6);
    - HH-AA-101 Access Arrangements Plan (EIA Appendix 6);
    - SA14116/LVIA/May14 LVIA Map – EIA Appendix 4;
    - 01 Land at Hopton Heath (Tree Plan) EIA Appendix 12;

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

3. Prior to commencement of development, the tree works and tree protection measures identified in the tree condition report, arboricultural impact assessment and tree protection plan (Terry Merchant, 13/05/2014) and the Tree Location and Protection Plan (drawing 1, 13/12/13) shall be implemented to the written satisfaction of the Local Planning Authority. Thereafter the tree protection measures shall be maintained in a satisfactory condition throughout the duration of the development.

Reason: To protect retained trees and hedges contributing to the character of the location from damage.

- 4a. Tree, shrub, hedge and other planting and subsequent management shall be carried out in accordance with a scheme which shall be submitted to and approved in writing by the Local Planning Authority prior to the Commencement Date. All planting and seeding shall be carried out in accordance with the approved landscaping plan within twelve months of completion of the construction phase.
- b. Any tree, shrub or other planted material which dies or is otherwise lost during the first 5 years post-planting shall be replaced with a tree, shrub or other plant of similar size and species.

Reason: To ensure landscaping is carried out and managed in a way that will provide the best conditions for it to reach maturity and thereby provide the intended mitigation and amenity benefits in the long term.

5. Prior to the Commencement Date a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details for the duration of the construction period.

Reason: In the interests of highway safety.

*Note: The scheme shall amongst other matters confirm that measures that will be put in place so that there is no possibility of contaminated water entering and polluting surface or ground waters and no possibility of any building material or rubbish must finding its way into the watercourse.*

- 6a. The proposed surface water drainage scheme shall be installed in accordance with the approved drainage details prior to the first occupation of any of the development hereby approved. Details of the flow control structure should be submitted for approval prior to the commencement of the works.
- b. No proposed soakaway shall be placed within 20m of any watercourse

Reason: To ensure that the surface water drainage system is adequate, to minimize flood risk and to protect watercourses from potential pollution.

7. Prior to the Commencement Date a scheme confirming the drainage details of the new access road shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any such flows are managed on site. The discharge of any such flows across the adjacent land would not be permitted and would mean that the surface water drainage system is not being used.

*Note: The scheme shall confirm that the proposed drainage provisions fulfil 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 any area outside of the development site.*

8a. No rainwater contaminated with silt/soil from disturbed ground during construction shall drain to the surface water sewer or watercourse unless a scheme detailing of measures to ensure settlement of silt/soil have first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

b. Any fuels and/or chemicals used on Site shall be stored on hardstanding in bunded tanks.

Reason: To protect surface and ground water resources from pollution.

9a. No development shall commence on site in connection with this approval until the applicant 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. The scheme shall include provision for the carrying out of a geophysical survey in all areas of significant ground disturbance prior to the Commencement Date. If the results of this survey indicate that further evaluation is necessary to assess the extent, survival and significance of any archaeological remains then proposals for carrying out this additional survey work shall be submitted to and approved in writing by the Local Planning Authority prior to the Commencement Date.

Reason: To allow appropriate recording of any archaeological remains which may be present at the Site and to provide an opportunity to record any such features.

10. No development shall commence on site in connection with the approval until details 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 take place until details of the means of access, including the layout, construction and sightlines have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved is commenced.

Reason: To ensure a satisfactory means of access to the highway.

12. Before any other operations are commenced, the proposed vehicular access and visibility splays, shall be provided and constructed to base course level and completed to adoptable standard as shown on the application drawings before the development is brought into use. The area in advance of the sight lines shall be kept permanently clear of all obstructions.

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

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order with or without modification), fences or other means of enclosure at the road junction shall be set back to the sight lines shown on the approved plan and those areas shall thereafter be kept free of any obstruction at all times.

Reason: In the interest of highway safety.

Notes:

- i. *This planning permission does not authorise the applicant to construct any means of access over the publicly maintained highway (footway or verge). The applicant should apply to Highways Development Control using the application form and procedure shown on the attached document:*  
<http://www.shropshire.gov.uk/hwmaint.nsf/open/BC00D601A750273C80256DD6003A5EA2>
- ii. *Any work involving the removal or disturbance of ground or structures supporting or abutting the publicly maintained highway should be carried out in accordance with details to be submitted to and approved in writing by the Highway Authority or their agent. Please contact the Coordination Manager at the appropriate Area Office: - Craven Arms - [southshropshire.highways@shropshire.gov.uk](mailto:southshropshire.highways@shropshire.gov.uk) who shall be given at least 3 months-notice of the applicant's intention to commence any works affecting the public highway. This will ensure that the applicant is provided with an appropriate licence, an approved specification for the works and a list of approved contractors, if required. <http://www.shropshire.gov.uk/hwmaint.nsf/open/D8DAF1CB579FD61380256E2A004908E5>*
14. 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.

- 15a. 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.
- b. No more than 2 single traffic movements (single traffic movement having the meaning of one HGV either moving to or from the site) by lorries transporting birds to or from the Site shall occur in any given hour between the times of 23:00 and 07:00 hours.
- c. 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: To protect the amenity of the area.

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 advises 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.*

16. 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.

17. All plant and machinery on site shall be installed as per the figures within the application and maintained thereafter in accordance with the manufacturer's recommendations.

Reason: To protect neighbouring properties.

- 18a. No more than 2 single traffic movements (single traffic movement having the meaning of one HGV either moving to or from the site) shall occur in any given hour between the times of 23:00-07:00 hours. Reason: to protect the amenity of the area.

- b. Feed deliveries shall be managed so as to avoid the need for this activity to take place outside of daytime hours.

Reason: To protect neighbouring properties.

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.

20. No development or clearance of vegetation shall take place until a wildlife protection (mitigation) plan has been submitted to and approved in writing by the local planning authority. The plan shall include:

- a) An appropriately scaled plan showing 'wildlife/habitat protection zones', where construction activities are restricted and where protective measures will be installed or implemented;
- b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction (including a fenced buffer of 20m from the bank of the watercourse during construction);
- c) A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (dormice/nesting birds);
- d) Persons responsible for:
  - i) Compliance with legal consents relating to nature conservation;
  - ii) Compliance with planning conditions relating to nature conservation;
  - iii) Installation of physical protection measures during construction;
  - iv) Implementation of sensitive working practices during construction;
  - v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
  - vi) Provision of training and information about the importance of 'Wildlife protection zones' to all construction personnel on site.

All construction activities shall be implemented in accordance with the approved details and timing of the plan unless otherwise approved in writing by the local planning authority.

Reason: To protect features of recognised nature conservation importance.

22. 10m buffer strips of tall natural vegetation measured from the northern bank of the southern watercourse shall be retained or installed. The buffer zone shall be maintained for the lifetime of the development.

Reason: To ensure reduction of nutrient rich run-off and sediment entering the watercourse, to protect the River Clun SAC, a European protected site.

23. No development or clearance of vegetation shall take place until a scheme of landscaping has been submitted and agreed in writing by the local planning authority and these works shall be carried out as approved. The submitted scheme shall include:
- a) Means of enclosure, including all security and other fencing
  - b) Hard surfacing materials
  - c) Minor artefacts and structures (e.g. lighting)
  - d) Planting plans, including wildlife habitat and features (e.g. dormouse boxes)
  - e) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment)
  - f) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate. Native species used to be of local provenance (Shropshire or surrounding counties)
  - g) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works
  - h) Implementation timetables

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

24. No poultry manure or other waste material derived from the development hereby approved shall be spread within 30m of any watercourse or ditch on land under the control of the applicant within the catchments of the River Teme or River Clun.

Reason: To ensure reduction of nutrient rich run-off and sediment entering the Folly Brook, to protect the River Clun SAC, a European protected site and the River Teme SSSI.

Note:

- i. *The applicant is advised that digestate from the Anaerobic Digestate facility at Heath Farm which utilises feedstock materials from the approved site should not be spread within 30m of any watercourse or ditch on land within the catchment of the River River Clun in order to protect this catchment and the associated Special Area of Conservation.*
  - ii. *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.*
- 25a. Prior to the Commencement Date a scheme providing for monitoring of water quality at an agreed location on the Folly Brook at its nearest point to the Site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall make provision for monitoring to establish baseline conditions prior to the Commencement Date and for monitoring at agreed intervals throughout the life of the permitted development and shall identify appropriate water quality thresholds. The scheme shall be implemented fully in accordance with the approved details.
- b. The Local Planning Authority shall be notified in writing if monitoring under the scheme referred to in Condition 25a indicates that the water quality thresholds have been exceeded. Such notification shall take place not later than one week after such exceedance has first been identified. The developer shall then arrange for an investigation into the cause of the exceedance to be carried out, including, if necessary, by an appropriate hydrological consultant. If the investigation indicates that the cause of the exceedance is attributable to the permitted development then the applicant shall submit mitigation proposals for the approval in writing of the Local Planning Authority. Such mitigation proposals shall be implemented in full within a timescale to be agreed by the Authority.

Reason: To facilitate monitoring of nutrient levels and water quality entering the Folly Brook, to protect the River Clun SAC, a European protected site and to allow for appropriate remedial measures to be undertaken in the event that a problem attributable to the permitted development is identified.

26. A habitat management plan shall be submitted to and approved by the local planning authority prior to the occupation of the development. The plan shall include:

- a) Description and evaluation of the features to be managed;
- b) Ecological trends and constraints on site that may influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a works schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually);
- g) Personnel responsible for implementation of the plan;
- h) Monitoring and remedial/contingencies measures triggered by monitoring.

The plan shall be carried out as approved, unless otherwise approved in writing by the local planning authority, for the lifetime of the development.

**Reason: To protect features of recognised nature conservation importance.**

## **APPENDIX 2**

### COMMUNICATIONS BETWEEN THE PLANNING AUTHORITY AND NATURAL ENGLAND

**From:** Graham French [<mailto:graham.french@shropshire.gov.uk>]

**Sent:** 27 May 2015 13:01

**To:** McLean, Grady (NE)

**Cc:** Steer, Eric (NE); planningdmc; Ian Kilby; Tim Rogers; Sue Swales; Nicola Stone; Phil Mann; Stuart Thomas

**Subject:** RE: 14/03290/EIA Proposed Poultry Units South East Of Hoptonheath

Dear Grady,

I note your observations and would comment as follows in my capacity as case officer:

This is a complex site which as you are aware has been subject to intense public scrutiny. I emailed you three times following your email of 24<sup>th</sup> April (on 24<sup>th</sup> April, 5<sup>th</sup> May and 8<sup>th</sup> May) which indicated that you were happy with the ecological mitigation approach being adopted. I understand that these measures were the subject of detailed discussions involving NE, the applicant's ecological consultant and the Council's Ecology section. The Council's HRA advises that these measures mitigation measures involve not just mitigation but also achieve a significant reduction in ammonia emissions overall between the existing and proposed poultry sites.

For the record I enclose copies of relevant correspondence and the Council's updated HRA assessment. My email of 24<sup>th</sup> April advised that a legal agreement was being prepared as a robust mechanism for securing the installation of the heat exchangers as referred to in your email and sought your comments. I confirmed that other matters form the subject of conditions recommended in the Council's HRA and which have been incorporated into the planning conditions. My subsequent emails advised of progress in relation to the legal agreement and sought your comments.

My emails also indicated the great pressure the Council was under given the applicant's timescale constraints for the project, which has already been subject to a delay of over 4 months whilst ecological issues were progressed. The applicant advised that the project would lose significant renewable heat incentive funding if permission wasn't issued by the RHI deadline and I was for some time receiving daily communications from the applicant and / or the agent given the urgency of the situation. Given this situation and the substantial measures in the final mitigation scheme I was disappointed not to receive a response to my previous emails.

With regard to the specific issues you raise I would comment as follows:

#### Timing of mitigation:

You indicate that you recommended that the mitigation needed to be applied before commencement of the new development not before its operation in order to ensure the reduction in atmospheric emissions was as modelled. This will happen in practice as the new units are unlikely to become operational for at least 8 months from the commencement date whilst the applicant has confirmed that the heat exchangers can be installed within 4 months. The main delay is the 3 month order time for the heat exchangers which I referred to in my email of 8<sup>th</sup> May. Any further delay in issue of the decision would have reduced the period between when the heat exchangers are installed in the existing units and when the new facility will become operational. Therefore in practice there will be plenty of

Contact: Tim Rogers (01743) 258773

time to allow background emissions to be assessed again following installation of the heat exchangers and before the new unit becomes operational. Any further unnecessary delay in issue of the permission would however have resulted in a loss of RHI funding and a reduced timescale for monitoring the effects of the heat exchangers before the new site became operational.

The ammonia emission predictions are based on a recognised methodology and they indicate a very significant reduction in emissions relative to the existing situation. If there was to be some variation in emissions in practice my understanding is that this would still be in the context of a significant overall reduction. It is normal for there to be a 'bedding in' period before the optimal regime for a particular site is reached. This occurred for example with many of the 18 operational AD sites in Shropshire. Hence, the performance of the heat exchangers may change after the initial installation period.

Natural England objection regarding River Teme SSSI features:

My understanding is that the key potential source receptor issues which could occur between the site and the River Teme SSSI relate to airborne ammonia emissions and manure management. Other issues relating to silt and dirty water drainage are specific to the Clun Catchment or are within the tolerances of normal agricultural activity in the area (i.e. agricultural traffic / cropping regime / stewardship). These issues are addressed in detail by the applicant's mitigation scheme as referred to in the Council's Habitat Risk Assessment and which you acknowledged were comprehensive in your email of the 24<sup>th</sup> April. No additional potential source-receptor relationships between the site and the Teme SSSI have previously been raised by ecological stakeholders during the statutory planning consultation timescale. With regard to the 2 main issues for the Teme SSSI I would comment as follows:

Ammonia emissions: As noted above, these mitigation measures not only address the effects of the proposed poultry units but are predicted to result in a significant reduction overall in ammonia emissions. It is logical to assume that this reduction in emissions benefits both the River Clun SAC and the River Teme SSSI.

Manure management: Most manure will be passed through the applicant's AD facility at Heath Farm. The resulting digestate has a significantly reduced BOD relative to raw manure. The applicant has confirmed that any manure which cannot be processed in the AD facility will be exported outside of the Clun Catchment and this mitigation measure is listed in the Unilateral Undertaking I forwarded to you with my email of 5<sup>th</sup> May (under the schedule of mitigation measures). I understand that the level of exported manure would be limited in relation to that dealt with in the applicant's AD facility. The nature of the mitigation measures in the UU is designed to be interactive and the manure management procedures would be subject to ongoing review to ensure that any surplus exported manure either avoids the Teme catchment or is spread in a sustainable way so that it does not add materially in practice to the level of nutrients within this catchment (i.e. by observing appropriate stand-offs to watercourses as approved by the Council's Ecologist in consultation with Natural England).

As stated in the Council's HRA, the applicant is proposing to take 6ha of land out of agricultural production which will result in a corresponding reduction in fertilizer application. The farm is in stewardship agreement with Natural England consisting of 7ha of buffer strips and arable reversion to grassland on areas of high run off risk to the watercourse. The HRA advises that this will lead to a considerable reduction of nitrate run-off into the nearest tributary in the Clun catchment.

Dirty water: The site is located within the Clun Catchment so there should be no impacts on the Teme. However, the proposals include comprehensive measures to contain and isolate dirty water which are conditioned and referred to in the UU.

Notice under Section 281 (6) of the Wildlife and Countryside Act 1981

The Council consulted Natural England on the Council's Habitat Risk Assessment on 2<sup>nd</sup> April 2015 (enclosed) and the statutory 21 day period for the HRA commenced then. In advising the Planning Authority the Council's ecologist did not indicate that there were any additional outstanding ecological issues which were not addressed by the proposed mitigation measures. You responded with the email of 24<sup>th</sup> April, and did not refer to the Teme SSSI at that stage. Whilst this consultation was primarily with respect to the HRA it has been noted above that the issues addressed by the SAC mitigation scheme are essentially the same as those relating to the Teme SSSI.

Whilst it was not specifically stated at the time that the consultation was also made under Section 281 (6) I would suggest that this should have been implicit, particularly given the wording of my subsequent emails. I acknowledge that the Council could have sent a formal separate consultation specifically referring to Section 281 (6) but maintain that the intent was clear from the subsequent emails. It would appear perverse to require separate consecutive 21 day consultation periods with NE on the HRA and Section 281 (6) when the issues raised are identical or have a substantial overlap. I am however guided by your advice on this.

In conclusion, the applicant has produced what is to my knowledge the most comprehensive schedule of mitigation measures which has ever been devised for an agricultural development scheme in Shropshire. Relevant evidence indicates that the scheme would not just mitigate the proposals but result in a significant reduction in emissions overall relative to the existing situation. The commitments which I understand have been developed with some involvement from Natural England have been delivered by means of a robust legal agreement (a first in Shropshire) and a comprehensive schedule of planning conditions. The Planning Authority considers that the applicant has now provided evidence which is fully sufficient to address ecological concerns in accordance with Section 281 (6) and this is supported by a detailed Habitat Risk Assessment produced by the Council's Ecologist which was referred to in my previous emails. I believe that this positive ecological outcome has the potential to be used as an example of good practice elsewhere in Shropshire. It is disappointing therefore that Natural England did not respond to the Planning Authority's emails of 24<sup>th</sup> April, 5<sup>th</sup> May and 8<sup>th</sup> May, particularly given the level of public scrutiny of the application.

I would welcome the opportunity to meet in order for us to review lessons learned from the current application and potential ways of improving consultation procedures for dealing in a practical way with any similar tissues in the future.

Regards

*Grahame French*

Grahame French  
Principal Planner

Tel: (01743) 258714; Mob: 07582 004692

Contact: Tim Rogers (01743) 258773

[www.shropshire.gov.uk/planning.nsf](http://www.shropshire.gov.uk/planning.nsf)



**From:** McLean, Grady (NE) [<mailto:Grady.McLean@naturalengland.org.uk>]  
**Sent:** 26 May 2015 17:08  
**To:** Graham French  
**Cc:** Steer, Eric (NE); planningdmc  
**Subject:** RE: 14/03290/EIA Proposed Poultry Units South East Of Hoptonheath

Grahame

Thank you for your email notification of your resolution to grant the above planning permission.

My email of the 24<sup>th</sup> was in response to your Habitats Regulations Assessment and included clarifications and amendments that Natural England believed necessary before we could agree with the conclusions reached.

You will note for instance that in the email of the 24<sup>th</sup> we recommended the mitigation needed to be applied before the commencement of the new development not before its operation. We believe this was necessary to ensure the reduction of atmospheric emissions was as had been modelled as part of the planning application.

In addition as we had an outstanding objection in relation to the River Teme SSSI features, your authority has granted permission for a development contrary to our advice. May I take the opportunity to remind you of your duty under Section 281 (6) of the *Wildlife and Countryside Act 1981* (as amended) which places a duty 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.

If you ever need any guidance on following the correct processes in relation to Internationally or nationally designated sites we would be happy to help.

Regards

Grady McLean  
Lead Adviser - Sustainable Development  
North Mercia Area  
Natural England  
Parkside Court,  
Hall Park Way  
Telford,  
TF3 4LR

Contact: Tim Rogers (01743) 258773

0300 060 0723

**From:** Graham French  
**Sent:** 08 May 2015 14:18  
**To:** McLean, Grady (NE)  
**Cc:** Phil Mann; Stuart Thomas; Sue Swales; Nicola Stone; Steer, Eric (NE); Nigel Hartin  
**Subject:** Bedstone Growers, Hopton Heath - Planning Application Ref - 14/03290/EIA

Dear Grady,

I wrote to you on Tuesday 5<sup>th</sup> May advising that the legal agreement to deliver the off-site mitigation has now been signed.

I have since received communications from the developer and his agent which confirm the critical timescales for the development. I understand in particular that there is a 3 month order period for the supply of the heat exchangers to be fitted to the existing units.

I have discussed this situation with the Council's Ecology section in the context of your recent email, the Council's Habitat Risk Assessment and the recent legal agreement. I consider that the applicant has now provided the necessary information to fully demonstrate the acceptability of the scheme in relation to the Clun Catchment SAC.

As the 21day statutory consultation period on the HRA has now expired I am now writing out of courtesy to let you know that I am intending to issue the planning permission.

Please don't hesitate to contact me if you have any queries.

Regards

*Grahame*

Grahame French  
Principal Planner  
Tel: (01743) 258714; Mob: 07582 004692  
[www.shropshire.gov.uk/planning.nsf](http://www.shropshire.gov.uk/planning.nsf)



**No response received**

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**From:** Graham French  
**Sent:** 05 May 2015 14:54  
**To:** McLean, Grady (NE)  
**Cc:** Nicola Stone; Sue Swales; 'Phil Mann'; Mandy Seedhouse; Nigel Hartin  
**Subject:** 14/03290/EIA - Hopton Heath Poultry Scheme, Shropshire

Contact: Tim Rogers (01743) 258773

Dear Grady,

Thank you for your email of 24<sup>th</sup> April.

I indicated at the time that a legal agreement was being prepared in order to provide a robust mechanism for delivering the proposed mitigation / enhancement measures, including prior installation of heat exchangers on the existing poultry buildings.

The legal agreement (Unilateral Undertaking) has since been prepared and I am now in possession of a signed copy(enclosed). I also enclose a copy of the draft decision notice for your information. This includes the updated ecological conditions recommended in the Council's Habitat Risk Assessment, which has been appended to the agreement.

I would be grateful if you would indicate on this basis whether you are happy that the necessary preconditions for issue of the planning permission have now been met.

I look forward to hearing from you.

Regards

*Grahame French*

Grahame French  
Principal Planner  
Tel: (01743) 258714; Mob: 07582 004692  
[www.shropshire.gov.uk/planning.nsf](http://www.shropshire.gov.uk/planning.nsf)



**No response received**

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**From:** Graham French  
**Sent:** 24 April 2015 16:47  
**To:** McLean, Grady (NE)  
**Cc:** PHILIP MANN; Sue Swales; Nicola Stone; Stuart Thomas  
**Subject:** RE: 14/03290/EIA Proposed Poultry Units South East Of Hoptonheath

Dear Grady,

Thanks for your response.

The offer of upgrading heat exchangers at the existing units formed part of the correspondence which post-dated the committee resolution, so it is not referred to in the officer report and the recommended conditions. The existing units are outside the current application site but within the applicant's control and the commitment needs to be robust to meet relevant legal tests. I consider therefore that the most appropriate way of proceeding is for Philip to complete a legal agreement (Unilateral Undertaking) to deliver this commitment prior to the application site becoming operational. Given the timescales I will prepare a draft agreement for Philip to sign.

Contact: Tim Rogers (01743) 258773

Regards

Grahame French

Grahame French  
Principal Planner  
Tel: (01743) 258714; Mob: 07582 004692  
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### No response received

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**From:** McLean, Grady (NE) [<mailto:Grady.McLean@naturalengland.org.uk>]  
**Sent:** 24 April 2015 16:10  
**To:** Graham French; Nicola Stone  
**Cc:** PHILIP MANN; Sue Swales  
**Subject:** RE: 14/03290/EIA Proposed Poultry Units South East Of Hoptonheath

Dear Nicola and Grahame.

I've been reviewing the information submitted by the applicant to inform your HRA and the HRA itself. **The information is very comprehensive and I'm inclined to support the conclusions of your HRA** but I have a couple of questions I could use being clarified if possible?

Firstly, your in-combination assessment and the HRA as whole relies heavily on the applicant undertaking works to the existing poultry units on site to reduce ammonia emissions of the total farm even after the new units are in operation by incorporating heat exchangers and taking 6ha out of agricultural production. I don't disagree with the conclusions and I note the conditions within the HRA to secure the management of the 6ha of land for biodiversity provision. It is important this area is managed as such for as long as the development is operational and should be safeguarded from future development as being necessary for the protection of an international site.

How is the installation of the heat exchangers secured? This doesn't appear to be one of your suggested conditions and as it relates to works at the existing poultry units will it require an amendment to the planning application to incorporate the proposed mitigation (heat exchangers) or would you be drawing up a legal agreement to ensure that the upgrades to the existing units are implemented *before* construction of the new units begins?

Other than that my only other point would be in the section of your HRA entitled The Significance Test, it says an appropriate assessment is not required, however your HRA is an appropriate assessment and it is the mitigation proposed and secured through that process which should mean (subject to the clarification of the above) that the proposal will not have an adverse effect on the integrity of the River Clun SAC.

Many thanks

Grady McLean

Contact: Tim Rogers (01743) 258773

Lead Adviser - Sustainable Development  
North Mercia Area  
Natural England  
Parkside Court,  
Hall Park Way  
Telford,  
TF3 4LR  
0300 060 0723

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**From:** Nicola Stone [<mailto:Nicola.Stone@Shropshire.gov.uk>]  
**Sent:** 02 April 2015 18:08  
**To:** McLean, Grady (NE); Graham French  
**Cc:** PHILIP MANN ([philipmanner@yahoo.co.uk](mailto:philipmanner@yahoo.co.uk)); Sue Swales; Nicola Stone  
**Subject:** 14/03290/EIA Proposed Poultry Units South East Of Hoptonheath

Dear all,

Please find attached my final HRA for planning reference 14/03290/EIA Proposed Poultry Units South East Of Hoptonheath.

Grady – if you have any queries please contact me. In order for you to review my HRA and respond to the proposed application based on the additional supporting information do you need to be formally re-consulted?

Best wishes,  
Nicola

Nicola Stone - Assistant Biodiversity Officer  
Shropshire Council  
Environment Team  
Shirehall  
Abbey Foregate  
Shrewsbury  
SY2 6ND  
Tel. 01743 252 556  
[www.NaturalShropshire.org.uk](http://www.NaturalShropshire.org.uk)

*Please note I can only respond to planning enquiries Monday – Wednesday.  
If your email is urgent please contact Alison Slade, Planning Ecologist, on 01743-252578.*

**No response received**

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**APPENDIX 3****TEXT OF OBJECTION FROM CLUNGUNFORD PARISH COUNCIL**

- i. The application falls to be considered within the policy guidelines of the National Planning Policy Framework published in March 2012 ("NPPF") and Shropshire Council's Core Strategy published in March 2011. The Parish Council is strongly of the view that the application does not sufficiently meet the criteria laid down in either policy document, such that Shropshire Council should refuse planning permission. It is appropriate to consider first the policy guidelines.
- ii. The NPPF has a general approach of supporting "sustainable development", and in particular with regard to the rural economy it is stated under the heading of Chapter 3 and in paragraph 28 ("Supporting a prosperous rural economy") that local plans should facilitate this. The Core Strategy executes this national policy in the following way. The Spatial Vision — Shropshire in 2026 sets out the objectives of the Core Strategy. The following are relevant (page 29): In rural areas, new development of a scale and location appropriate to the size, role and function of each settlement will have delivered significant community benefit, helping places to be more sustainable. Rural areas will stay rural and villages will retain their separate, distinctive and varied character. Village based services will have become more economically resilient and strengthened. New development which has taken place within Shropshire will be acknowledged by others as being of high quality sustainable design and construction that promotes safer communities, is respectful of local character, and planned to mitigate, and adapt to, the impacts of climate change. Shropshire will have a thriving, diversified local economy, with a growing enterprise culture. It will have raised its profile as a recognised location for business development and as a tourism destination, capitalising on its unique landscape and heritage assets without damaging their value for residents and visitors. The comment is made at page 30:
- Farm diversification, food and drink processing, the environmental economy, green tourism and leisure will be expanding areas of economic activity. Agriculture and farming will still be a prominent and successful economic sector. The Spatial Vision is to be achieved by the Strategic Objectives, of which the most relevant is C5 ("Countryside and Green Belt") at page 65 et seq. The following edited paragraphs are germane in the context of this application:
- New development will be strictly controlled in accordance with national planning policies protecting the countryside ..... development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to:
- Small-scale new economic development diversifying the rural economy, including farm diversification schemes; ... With regard to the above ... [type] of development, applicants will be required to demonstrate the need and benefit for the development proposed. Development will be expected to take place primarily in recognisable named settlements or be linked to other existing development and business activity where this is appropriate.
  - Agricultural/horticultural/forestry/mineral related development, although proposals for large scale new development will be required to demonstrate that there are no unacceptable adverse environmental impacts;

- The retention and appropriate expansion of an existing established business, unless relocation to a suitable site within a settlement would be more appropriate; The following is offered at paragraphs 4.71, 4.72 and 4.74 by way of explanation and elaboration of the CS policies:

4.71 The emphasis of this policy is on sustainability and rural rebalance.... The policy seeks to enhance the broader social and economic well-being of rural communities, facilitating development that supports appropriate land and resource based uses and economic diversification and that provides for local needs, including affordable housing, community facilities and infrastructure. It provides recognition that the countryside is a 'living-working' environment which requires support to maintain or enhance sustainability, together with the ability to adapt to the changing needs and circumstances.

4.72 However, whilst this policy seeks to facilitate a wide range of beneficial rural development, the operation of this policy... recognises the need to consider the scale and design of proposals, where development is most appropriately sited, environmental and other impacts. There will be a significant emphasis on achieving quality and sustainability of design, particularly locally appropriate design and use of materials. Thus, proposals which would result in isolated, sporadic, out of scale, badly designed or otherwise unacceptable development, or which may either individually or cumulatively erode the character of the countryside, will not be acceptable. Whilst these considerations will apply generally, there will be areas where development will need to pay particular regard to landscape character, biodiversity or other environmental considerations including in the Shropshire Hills Area of Outstanding Natural Beauty.

4.74 Whilst the Core Strategy aims to provide general support for the land based sector, larger scale agricultural/horticultural/forestry/mineral related development, including livestock production units, poultry units, greenhouses/poly tunnels and mineral extraction, can have significant impacts and will not be appropriate in all rural locations. At C6 on page 69 it is provided that it must be ensured that all development (inter alia) ....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. I have set out the relevant policy provisions because it is important that Shropshire Council keeps sharp focus on them. In so doing, the Parish Council submission is that the application must inevitably be rejected for the following reasons.

- iii. A. Scale and situation: The application affects part of a large block of agricultural land bordered by the hamlets of Hopton Heath to the west, Broadward to the south and Beckjay to the north-east. It is a mosaic of smallish fields, typical of the area and to a pattern formed over several centuries. Other than farm buildings and cottages at Beckjay and an isolated barn conversion at Broadward, which are all on the periphery, the whole block has for generations been used for mixed arable and livestock farming. Residents of Clungunford and the hamlets have previously fought hard to preserve this block as agricultural land in the face of a previous application for two poultry sheds a short distance away from the present site at Broadward (see refusal 1/01830/0 dated 19 December 1991). We are faced here with an application for over 115,200 square feet of sheds and service structures of appearance indistinguishable from those found on any urban industrial business park. These sheds are sited upon a larger concrete pad with a lengthy concrete accessway. I have already made the point that in terms of

scale the application is by far the largest ever made in Clungunford Parish or, I believe, in neighbouring parishes for some miles around. Any of the individual units would be larger than any existing building in the parish. The scale and contrast with existing structures is indeed startling. Although classified as an agricultural use, this is factory farming: the proposal is widely regarded as a borderline light industrial use, and the residents of Hopton Heath, Beckjay and Broadward see it in that light (or worse due to the 24 hour nature of the proposed operation). In practice, this is a dramatic change of scale of use from the current agricultural user. Whilst it is accepted that the applicants have tried their best to minimize visual impact, the inescapable fact is that presence of the development will be blindingly obvious, both day and night. Tree planting will not solve the problem of visual impact. If evergreens are used, they will be totally out of character with the existing trees and hedgerows in and around the site. If deciduous trees are used to blend in with the existing tree cover, then, of course, they will not serve their purpose when without leaves.

The situation of the proposed units is such that they are close to Broadward Cottage (270m in this instance), the Ashlea Pools Country Park complex, Broadward Hall Lodge and Heath Lodge. A modest residence at this distance would hardly impact on any of these properties, but that would not be permitted on current policies. Instead, the owners are being subjected to what is to all outward appearance an industrial estate of some magnitude. There will be a valuation impact on these named properties and indeed much further afield in the vicinity. In the explanatory words of paragraph 4.72 of C5 this application is both isolated and out of scale with its surroundings, and so in policy terms it is not acceptable. The proposed development is sadly out of character with the landscape, and whilst the site is not within the Shropshire Hills Area of Outstanding Natural Beauty, it is certainly clearly visible from one of the most visited spots in the AONB, Hopton Titterhill. In this context I think I can do no better than refer to the reasons given for the refusal in 1991:

"The proposal represents an unacceptable visual intrusion into the landscape as the application shows the erection of two large, industrial type buildings in an area of gently rolling countryside....."

The policies have changed, but the aesthetics remain.

There are environmental considerations involved in the application, and these I turn to below, but subject to these and existing problems raised by residents being dealt with adequately, several of those attending the meeting of 7 August commented that had the application been for units contiguous with the applicants' existing operation at Heath Farm, it is likely that there would have been fewer objections to the proposal from the point of view of scale and situation. I observe that successful poultry unit applications generally involve sites at or close to the farm homestead, not on a stand-alone distant site.

- v. B. Sustainability: In order to succeed the applicants must demonstrate sustainability in the application. This is plain right the way though from the NPPF to C5 and to the explanation at 4.7L In order to lay claim to sustainability the applicants in summary argue that the establishment of these four units is a diversification that will safeguard the family business unit for future generations, both in terms of profitability and in terms of reducing the exposure of their current arable business to fickle commodity markets. The applicants are said to be key employers in the area, and the argument continues along the lines that if their business prospers, this is good for agriculture, and that is good for the area. This argument is presumably designed to deal with the requirement in C5 their proposal must improve the sustainability of rural communities by bringing local economic and community benefits. The argument about sustainability must be

analyzed closely, and with all respect to the applicants and their agents, once analyzed, the applicants do not satisfy the requirements of C5. The first point to make is that this cannot be said to be a diversification. Diversification, put simply, is the addition by an enterprise of a second business different from its prime business activity. The applicants already have a substantial poultry rearing business, which is presumably profitable. That they should wish to add further units at a different location is not a diversification, but an extension of the existing business and, moreover and paradoxically because of the applicants' expressed desire to reduce risk, a considerable intensification of risk in exposure to the chicken meat section of the commodity market. The second point is that according to the application the applicants run a 700 acre arable farm, including a bio-digester and an existing poultry business of some substance. It beggars belief that a holding of this size is in need of a further four poultry units to make it sustainable. It is correct to say that profits may well increase by the addition of the four units, but it is not at all correct to state that the increase is necessary for sustainability. The third point is that, dress it up how one may, the applicants' business venture is something of a joint venture. Had this application been submitted by the UK arm of the largest private company in the United States with a turnover of £80 billion and profits of £1,375 billion (2013 figures), it would be difficult to see how the proposal could impact upon sustainability. Yet it is Cargill UK of Hereford, the UK subsidiary of a world-wide food processor and commodity trader, that on the applicants' own admission provides the wherewithal for this business activity in terms of hatched birds, feed and end market. It is to be observed that at about the time this proposal apparently germinated late last year, Cargill UK had announced an expansion of its business at Hereford and a requirement for more birds for slaughter. The fourth point is that the applicants do not appear, as is alleged to be the case, to be a key local employer, as stated in the application. No figures are given in the application, but the residents of Hopton Heath have not been able to identify any local employees outside the family unit.

- vi. My purpose in making these points is that the proposed development cannot be shown to improve the sustainability of rural communities by bringing local economic and community benefits. It may well bring benefits to the business of the applicants and its partner, but otherwise it appears to bring no local economic or community benefit. Notwithstanding the above points, strong as they are, there is another, more fundamental issue on the sustainability of the proposed development. This is that any permitted development should not have the effect of making pre-existing local businesses less sustainable. This is not stated expressly in C5 but is implicit within it. I refer, of course, to the likely impact of the proposed development on tourism. The site for the proposed development is surrounded by tourist accommodation, both cottages to let and bed and breakfast accommodation. Ashlea Pools Country Park is one of the closest properties to the proposed development site, and it has a number of holiday cottages to let as well as owner occupied units. It is a major player in the tourist market in South Shropshire, marketing itself both direct to the public and through Hoseasons. In all it is believed that there are at least 30 holiday units around all sides of the site except for the Beckjay side. Broadward Hall has a function suite. There are a number of cottages available for general non-holiday letting as well. It goes without saying that local tourism has a far bigger impact on the community than the poultry business is ever likely to have in terms of employment. Most of the owners of the accommodation derive direct employment from their efforts, and some need cleaners and ground staff etc. Without thriving tourism the local community and economy would be so much the poorer. It is considered that the environmental downside to the proposed development,

whether real or imagined, is likely to have a detrimental effect on tourism. The point was very cogently made by several people attending the meeting on 7 August. Permanent residents have objections to periodic smells and noise pollution emitting from the current poultry unit at Heath Farm, and it is inevitable that these problems are going to be exacerbated by having four large units so very much closer to the accommodation. Nevertheless, permanent residents generally put up with the occasional nuisance, simply because they have no choice. Those booking accommodation do have a choice, and they are likely to exercise it. The very presence of a poultry unit so close to accommodation is always going to be heavily influential in whether tourists book accommodation. Adverse sentiment is always likely to be magnified by the effects of the internet and the likes of TripAdvisor.co.uk. This produces an adverse effect on the sustainability of these businesses and local employment, an adverse effect that the proprietors of these businesses cannot have foreseen when setting up and investing in their businesses, some of them heavily. From the foregoing it will be apparent that on a balance of probabilities the grant of permission is likely to diminish the overall sustainability of the community.

vii. C. The environment. The following environmental aspects cause concern, and I will deal with each of them in turn:

- (a) Odour pollution
- (b) Noise pollution
- (c) Light pollution
- (d) Drainage and the impact on the natural environment
- (a) Odour pollution

The Odour Report dated 16 April 2014 from AS Modelling & Data is fundamentally flawed. Residents at Hopton Heath complain about odours emitting from the present poultry operation at Heath Farm, and I understand that complaints have been made from time to time to regulatory authorities. I have no information as to the outcome, and the complaints may well have been from residents outside our parish boundary. The Odour Report suffers from the fundamental defect that it does not take into account the cumulative effect of the odour from the existing site, but merely concentrates on the odour from the proposed development. Given the mature nature of the existing operation at Heath Farm, it should surely have been a simple matter to produce hard measurements and statistics on odour at the various receptor points. The opportunity has not been taken, although this application has been long in germination, and one has to question why. As things stand, it seems reasonable to assume that the cumulative odour from the two sites is likely to be such that at a number of houses measured as receptor points in Table 3b of the Odour Report the Environment Agency's benchmark for acceptability of 3.0 ou E /m<sup>3</sup> (based on the 98th percentile hourly mean measurement is likely to be exceeded. We must be sure that we understand what Table 3b of the Odour Report shows. It is admitting that nearly all properties in Hopton Heath, Broadward and Beckjay will suffer a level of odour above the benchmark limit for at least some days a year, even before the cumulative effect of the existing Heath Farm operation is taken into account: see last paragraph on p16. Residents are a captive market for odour: tourists are not. A model such as that relied on in the Odour Report is a model. It may be right: it may be wrong. The problem is that if it is wrong, any positive decision based upon it will most likely wreak irremediable damage to those affected. The Parish Council submission is that it has not been demonstrated that there will be no significant impact from the odour of the proposed development.

- viii. (b) Noise pollution. The Noise Assessment Report of John Waring dated 18 July 2014 is woefully inadequate. The fundamental flaw is that the author assumes the nearest residence to be Heath Lodge, which he measures to be 425m away from the centre of the ventilation fans (his scaling incidentally shows the distance selected to be 400m). He equates Heath Lodge with Ashlea Pools, although his comments as to lack of permanent residency of the latter are wrong. The nearest residence is plainly Broadward Cottage, which is not reproduced at all on the author's plan of the environs. Broadward Cottage is the nearest residence at around 270m (or less) to the ventilation fans. In terms of the noisiest contemplated activity, namely feed delivery at the rear of the buildings, both Broadward Lodge and Broadward Cottage will be much nearer to the noise source than Heath Lodge. Further, as with the Odour Report, the author does not take into account any noise from the existing facility at Heath Farm. The evidence we have is that such activities as feed delivery can be heard as far away as Beckjay and occasionally even in Clungunford village. In as much as anything useful can be obtained from the Noise Assessment Report, we learn that complaints are likely to emanate from feed deliveries, both at Heath Lodge and Ashlea Pools (which is put forward as the comparable to Heath Lodge). It is an a fortiori case that complaints are ever the more likely from Broadward Cottage and Broadward Lodge, as the activity, which will take place on the eastern side of the buildings, is not screened by the buildings themselves (a factor which substantially mitigated the impact on Heath Lodge and Ashlea Pools). On the report as it stands fan noise levels at Heath Lodge and Ashlea Pools are borderline complaints level at 3dB during the night. Broadward Cottage and Broadward Lodge must inevitably be over the complaints level, being that much closer. There are further criticisms of the Noise Assessment Report. The delivery of and dispatch of birds may well take place during the night, according to other documents submitted with the application, and so the background noise should not be that applicable to the day but to the night. If this revision is made, the assessment level becomes 4dB instead of - 3dB. In other words, even at the chosen measurement point at Heath Lodge (and by way of chosen comparable at Ashlea Pools), the assessment is above the level at which complaints are likely. The impact at Broadward Cottage and Broadward Lodge will be greater still. Feed deliveries have been assessed as if taking place during the day and been found above the trigger level for complaints at Heath Lodge and Ashlea Pools. In fact, it would appear that deliveries take place at night at Heath Farm, and so it is reasonable to assume the same regime will apply to this site. If so, the noise levels are likely to be much higher and well beyond the accepted complaints level of 3dB. The Noise Assessment Report does not mention the impact of movements of HGVs at night on residents on the periphery of the roads leading to the development. Already residents complain of the noise as lorries brake, change gear and accelerate to deal with winding lanes and roads leading to the site, and naturally this is going to be exacerbated by the further traffic projected to arise from the proposal. From the foregoing the Parish Council submission is that the Noise Assessment Report, properly analyzed, demonstrates that there will be significant activity at the development which will generate noise at and beyond the 3 dB acceptable limit at a number of nearby properties. This is not a state of affairs that can be remedied by condition: it is a reason to reject the application in its entirety.
- (c) Light pollution: Whilst it is accepted that light from the poultry units themselves is unlikely to be a source of pollution if the projected automatic shutters are used, there is concern that lighting of the greater compound will cause light pollution. At present there is no lighting at all in the centre of this block of agricultural land. Any light will, therefore, be seen by residents as an intrusion and visible from a number of properties on the

periphery of the block. If the development were to use white light only and down-lighters, this would be less intrusive. It is accepted that per se light pollution could be dealt with adequately by condition, but taken in conjunction with other forms of pollution and taking into account the character of the area, any light pollution is unacceptable without cogent reasons to justify it. Sadly, this application has little by way of community benefit to commend it.

- (d) Drainage and impact on the natural environment: It is well known in South Shropshire planning circles that considerable efforts are being made to preserve the freshwater pearl mussel beds close to the site of the proposed development. The water course running at the south side of the site leads directly to the River Clun at a point upstream from the mussel beds. The Ashlea Pools are drained by this watercourse, which takes also much run off water from fields. It is not "a dry ditch", as represented to the Parish Council by the applicants and their agent at their meeting with the Parish Council. Evidence from a former owner of the site (Mr Geoffrey Rollason) informs us that the site, at precisely the end of the field where the development is proposed, used to be called "The Bog" because of its propensity to retain water. This is confirmed by one of the Parish Councillors (Mr Bert Bason MBE), the former farm manager of the Rocke Estate and also previous owners of the field, whose knowledge of the site goes back 80 years. The owners of the adjacent field to the north of the site inform us that the eastern end of their field is very wet. The site is believed to have benefited from drainage works over a century or more ago. Several large land drains (9 inch pipes) discharge into the River Clun close to this site, and it is thought that one or more of them serve this site and land beyond. There is concern that the considerable earthworks involved in the proposal will disturb the natural drainage, poor as it is, for surrounding land, but the greater concern is that the application takes little account at all of the mussel beds and the SAC and the potential impact of the development upon them. On page 63 of the Environmental Statement it is agreed that "there is the potential for indirect impacts to occur". What is proposed is by no means a fool proof method of protecting the SAC against possible escapes or emissions from the development site. There does not appear to be within the proposal any provision for staff toilets and washing facilities. We understand that for purposes of farm assurance approval there must be provision for toilets and hand washing facilities on site (Red Tractor Poultry Standards - Broilers and Poussin — Condition AM9.3). A similar requirement would exist for reasons of staff welfare. We know from the drawings that dirty water from the units themselves is to be deposited into a 6,000 litre tank (referred to as 5,000 litre on the plan) and thence removed from the site, but there is no mention made of foul drainage. We can only assume that facilities such as these have not been mentioned to preclude possible objections from Natural England, who appear to have been objecting even to the extension of even very modest residential toilet facilities throughout the whole of the Clun Valley. There is no mention of provision of foot dips at the farm entrance and entrances to the poultry houses (/oc cit, Condition AM9.2) and the method of disposal of contaminated waste. Farm and other vehicles entering and leaving the site should be cleansed and disinfected (Condition AM9.6). No mention is made of provision for this, nor of how the waste washings would be directed to the dirty water tank rather than be allowed to escape through the soakaways. The proposals for ground and surface water drainage are for drainage to soakaways in what is an already wet field. In the Flood Risk and Drainage Assessment of June 2014 it is stated that "The proposed surface water drainage soakaways have been designed for a 1 in 10 year event + 20% climate change. Any exceedence (sic) flows and the 1 in 100 year storm event run-off will be directed towards the adjacent ditchcourse running along the

southern site boundary." The problem with this design is that within the last seven years in the village we have had two 1 in 50 year rainfall events. With the ever present threat of climate change it seems inevitable that the ditch at the south of the site will be called upon to discharge from the site from time to time. The flow of the water course into the River Clun leaves the SAC exposed to a potentially cataclysmic event through pollution from this site. It seems to the Parish Council to be an unacceptable risk. The same remarks apply to any drainage from this site that might occur through historic drainage systems. The applicants have in effect no control over these conduits as they are not in their ownership when they leave the eastern boundaries of the site. The application does not appear to deal at all with the Clun Catchment Nutrient Management Plan propounded by The Environment Agency and Natural England, which is currently in consultation. This plan is designed to bring about the necessary improvements in the quality of water in the River Clun to enable the mussel bed to thrive.

- ix. D. Highways aspects. The concern of the Parish Council is that the access is at a long, straight section of the B4385 road where vehicles have been known to gather speed: it is, however, a long straight section with a dip. There seems to be scope for accidents as slow moving vehicles, whether they are articulated lorries or tractors and trailers, emerge into the road. The greatest danger is likely to arise from traffic travelling from Hopton Heath toward Bucknell, where speeding traffic may not be able to see emerging traffic until it is too late. This is a significant risk.
  
- x. In summary Clungunford Parish Council considers the application should be rejected on the following grounds as expanded above:
  - A. Scale and situation
  - B. Sustainability
  - C. The environment, particularly
    - (a) Odour pollution
    - (b) Noise pollution
    - (c) Light pollution
    - (d) Drainage and impact on the natural environment
  - D. Highways aspects

**APPENDIX 4****HABITAT RISK ASSESSMENT****Assessment (HRA) Screening Matrix**

Application name and reference number:

14/03290/EIA Proposed Poultry Units South East Of Hoptonheath Shropshire Construction of four poultry sheds and feed bins, ancillary works, formation of new vehicular access, erection of biomass building and associated landscaping.
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Date of completion for the HRA screening matrix:

19th August 2015
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HRA screening matrix completed by:

Nicola Stone Assistant Biodiversity Officer 01743-252556
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**Table 1: Details of project or plan**

Name of plan or project	14/03290/EIA Proposed Poultry Units South East Of Hoptonheath Shropshire Construction of four poultry sheds and feed bins, ancillary works, formation of new vehicular access, erection of biomass building and associated landscaping.
Name and description of Natura 2000 site and Nationally designated site which has potential to be affected by this development.	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>

River Teme SSSI

The River Teme (441 ha) is designated as a Site of Special Scientific Interest (SSSI) along its whole length. In addition, the SSSI includes the lower reaches of the River Clun. The features for which the SSSI is of special interest are: Type VI sandstone river with mudstones and hard limestones; Type VII river showing mesotrophic status derived from an oligotrophic catchment; Otter; Twaite Shad; White-clawed Crayfish; Freshwater Pearl Mussel; Riffle Beetle Assemblage.

## Description of the plan or project

Construction of four poultry sheds and feed bins, ancillary works, formation of new vehicular access, erection of biomass building and associated landscaping. The proposed application will house an additional 216,000 broiler chickens. The application site currently has 8 poultry units which house 295,000 birds.

SC Ecology has identified the following potential effect pathways which have been addressed by the applicant with appropriate supporting documents:

1. *Possible impact of ammonia emissions on the River Clun SAC.*
2. *Possible increase in sediment flow to the southern stream impacting upon the designated features of the SAC.*
3. *Run-off from fields leading to a potential increase in phosphate and nitrogen deposition.*
4. *Increase on phosphate/nitrogen from spreading additional digestate on the land.*

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)?

Applications for dwellings or employment projects generating waste water are being assessed against an interim guidance note agreed with NE and EA.

Planning proposal 14/03290/EIA has demonstrated that, providing the application is granted permission, there will be a net loss in the existing overall ammonia deposition by -14% of nitrogen per year within a 3km x 3km modelled area. There are other intensive agricultural applications within the River Clun catchment however due to the net reduction in ammonia deposition SC Ecology considers that this application does not need to be assessed in combination with applications in the River Clun catchment.

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 sites providing appropriate conditions are on the decision notice.

Please refer to reasoned statement below.

**Statement**

Natural England has formally responded to this planning application in a letter dated 18<sup>th</sup> August 2014, 12<sup>th</sup> November 2014, 7<sup>th</sup> January 2015 and 24<sup>th</sup> April 2015. Natural England must be formally re-consulted on the amended HRA (dated 19<sup>th</sup> August 2015) and comments must be received prior to a planning decision being made.

**Justification;**

The information provided by the applicant is summarised below and listed under the appropriate potential effect pathway;

**1. Possible impact of ammonia emissions on the River Clun SAC**

- Pre-application report from the Environment Agency 13/03/2014
- The Environment Agency has granted a permit for the works proposed under planning application 14/03290/EIA.
  - The EA, as a more competent authority, has screened out the ammonia impacts from the proposed development on SAC, SPA and Ramsar sites within 10km; SSSIs within 5km; NNRs, LNRs & LWS within 2km. The EA have stated that detailed modelling is not required. The Habitats Regulations enables Shropshire Council, under Regulation 61, to rely on the 'evidence and reasoning' of another competent authorities when completing their assessment. Shropshire Council can therefore assume that the Environment Agency has taken into account the River Clun SAC and any in-combination affects.
  - SC Ecology would request that Natural England provides evidence in the form of a written response from the EA detailing why the EA does not consider designated sites which have been notified in the interest of species when completing their HRA for an intensive agricultural unit permit. (Please note SC Ecology also aims to gather this information from the EA).

**Supporting Evidence;**

- Additional detailed Ammonia Modelling report prepared by Steve Smith (30<sup>th</sup> January 2015) has been submitted in support of this application.
  - If the additional poultry units are granted planning permission the applicant is proposing to upgrade the existing 8 poultry houses fitting heat exchanger units. Heat exchangers significantly reduce ammonia emissions from poultry houses; 0.034kg-NH3 birdplace/year without heat exchangers reduced to 0.0221kg-NH3 birdplace/year with heat exchangers. Heat exchangers result in a considerably drier litter which suppresses the production of ammonia.

By installing heat exchangers on the existing units there will be a reduction of -35% ammonia deposition per year. With the addition of 4 new poultry units there will still be an overall net reduction of ammonia deposition by -14% per year.

Please refer to table 4 page 15 of Steve Smith's report – *Average annual nitrogen deposition rates*. Predicted annual mean nitrogen deposition rates from the existing and proposed scenarios have been summed over the 3km x 3km modelling domain and along the lengths of the two tributaries to the River Clun. Please note tributary A runs from the west-north-west to the east-south-east and lies to the south of the existing poultry unit, and the smaller Tributary B runs from Decoy Wood to the north of the existing unit eastwards towards the River Clun passing the south of the site of the proposed unit. The modelling shows that the Modelling Domain (3km x 3km) will have a reduction of 229.17 kg nitrogen per year (-14%) if the additional 4 units are granted planning permission. Tributary A will have a reduction of 104.57 (-30%) kg nitrogen per year and Tributary B 0.71kg (-1%) kg nitrogen per year if the planning permission is granted.

## **2. Possible increase in sediment flow to the southern stream impacting upon the designated features of the SAC.**

### ***Supporting Evidence;***

- Along the bank of the ditch is a natural earth bund which runs 90% of the length of the site. At its highest point it is 60cm. This will act as a natural bund reducing run-off of sediment.
- Safeguarding from sediment flow during development will be aided by the construction of a Hytex Terrastop silt fence prior to the commencement of works. Primary and secondary fences will be installed to provide optimum protection. Silt fences will be checked immediately after heavy rainfall and at least once a day during prolonged rainfall.
- Additional native species hedge planting/meadow creation will be created buffering the application from the un-named ditch this will reduce sediment and nutrient run off. Natural England was not satisfied that the retention of a 20m buffer strip from the ditch to the application site had scientifically proven value for the reduction of pollution on the River Clun SAC. The applicant is now proposing to take 6 hectares of land out of agricultural production. This means that there will be a reduction of fertiliser application on 6 hectares of land. (this needs to be secured under a condition for the lifetime of the development). The farm is in stewardship agreement with Natural England consisting of 7ha of buffer strips and arable reversion to grassland on areas of high run off risk to the watercourse. Habitat creation areas are not in the Nitrogen Vulnerable Zone and nitrogen application rates to the land may have previously been as high as 220 kg nitrogen /ha/y. Therefore by removing this fertiliser/manure application there will be an additional reduction of 1,320kg of nitrogen. This is a considerable proportion of both the existing and proposed nitrogen deposition over the entire 3km x 3km modelled domain and since the reduction would be closest to Tributary B, it would help lead to a considerable decrease in nitrogen run of into the tributary.

### **A) Run-off from fields leading to a potential increase in phosphate and nitrogen deposition.**

#### ***Supporting Evidence;***

- ➔ Drainage Details for the proposed development, including Soakaway Design, Plan, and Soil Infiltration Rates have been provided by the applicant.
  - Comments from Shropshire Council Flood and Water Management Team, Mr Bruce Bartlett, state that the surface water drainage provision is acceptable.
  - Surface water run-off (clean water) will be directed to appropriately designed soakaways.
  - All dirty water produced by the proposed development will be collected by a sealed drainage system connected to an underground pumping chamber. This will be located underneath the yard area. Dirty water will be pumped out and taken by slurry tanker to Heath Farm where it will

- be pumped into dedicated storage facilities at the AD site before being used in the existing Anaerobic Digester.
- Spill kits will be stored within the site compound during and post construction and all spills will be cleaned up accordingly and if necessary reported.
- All chemical waste will be stored to EA guidelines

**B) Increase on phosphate/nitrogen from spreading digestate on the land.**

- There will be no spreading of digestate from the new proposed poultry sheds within the Clun catchment. In addition, as previously stated, by taking out 6ha of land from agricultural production there will be a reduction of fertiliser application of 1,320 kg of Nitrogen per annum.

**Conclusion**

Providing the following conditions are on the decision notice and are appropriately enforced Shropshire Council has concluded that the proposed development will not impact on the integrity of the River Clun SAC. Please note that a legal agreement has been prepared in order to provide a robust mechanism for delivering the proposed mitigation / enhancement measures, including prior installation of heat exchangers on the existing poultry buildings prior to the construction of the new units, and change in management of 6ha of agricultural land for the lifetime of development (please contact Grahame French for more information regarding this legal agreement).

1. No works shall be carried out other than in accordance with the approved plans. Details of any further works shall be submitted to the Local Planning Authority and approved in writing prior to those works being carried out.

**Reason: To ensure reduction of nutrient rich run-off and sediment entering the watercourse, to protect the River Clun SAC, a European protected site.**

2. The proposed surface water drainage scheme shall be installed in accordance with the approved drainage details prior to the first occupation of any of the development hereby approved. Details of the flow control structure shall be submitted for approval prior to the commencement of the works.

b. No proposed soakaway shall be placed within 20m of any watercourse

**Reason: To ensure that the surface water drainage system is adequate, to minimize flood risk and to protect watercourses from potential pollution.**

3. No development or clearance of vegetation shall take place until a Wildlife Protection (mitigation) plan has been submitted to and approved in writing by the local planning authority. The plan shall include:
  - a) An appropriately scaled plan showing 'Wildlife/habitat Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented;
  - b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
  - c) A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (dormice/nesting birds);
  - d) Persons responsible for:
    - i) Compliance with legal consents relating to nature conservation;
    - ii) Compliance with planning conditions relating to nature conservation;
    - iii) Installation of physical protection measures during construction;
    - iv) Implementation of sensitive working practices during construction;
    - v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
    - vi) Provision of training and information about the importance of 'Wildlife protection zones' to all construction personnel on site.

All construction activities shall be implemented in accordance with the approved details and timing of the plan unless otherwise approved in writing by the local planning authority.

**Reason: To protect features of recognised nature conservation importance.**

4. No development or clearance of vegetation shall take place until a scheme of landscaping is submitted and agreed in writing by the local planning authority and these works shall be carried out as approved. The submitted scheme shall include:
- a) Means of enclosure, including all security and other fencing
  - b) Hard surfacing materials
  - c) Minor artefacts and structures (e.g. lighting)
  - d) Planting plans, including wildlife habitat and features (e.g. dormouse boxes, bird and bat boxes, bat lighting plan)
  - e) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment)
  - f) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate. Native species used to be of local provenance (Shropshire or surrounding counties)
  - g) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works (fenced buffer of 20m)
  - h) Implementation timetables

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

5. A habitat management plan shall be submitted to and approved by the local planning authority prior to the occupation of the development. The plan shall include:
- a) Description and evaluation of the features to be managed;
  - b) Ecological trends and constraints on site that may influence management;
  - c) Aims and objectives of management;
  - d) Appropriate management options for achieving aims and objectives;
  - e) Prescriptions for management actions;
  - f) Preparation of a works schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually);
  - g) Personnel responsible for implementation of the plan;
  - h) Monitoring and remedial/contingencies measures triggered by monitoring.

The plan shall be carried out as approved, unless otherwise approved in writing by the local planning authority, for the lifetime of the development.

**Reason: To protect features of recognised nature conservation importance.**

6. No digestate or other waste material derived from the development hereby approved shall be spread within 30m of any watercourse or ditch on land under the control of the applicant within the catchments of the River Teme or River Clun.

**Reason: To ensure reduction of nutrient rich run-off and sediment entering the Folly Brook, to protect the River Clun Special Area of Conservation, a European protected site and the River Teme SSSI.**

#### The Significance test

SC Ecology has identified that the proposed works in application No. 14/03290/EIA for the Proposed Poultry Units South East Of Hoptonheath, Shropshire - construction of four poultry sheds and feed bins, ancillary works, formation of new vehicular access, erection of biomass building and associated landscaping has potential effect pathways that could have a likely significant effect on the River Clun SAC (as detailed above). The Habitat Regulation Assessment process cannot be satisfied and an Appropriate Assessment is required.

**The Integrity test**

An Appropriate Assessment has been undertaken and mitigation has been proposed and secured through that planning process which should mean that the proposal will not have an adverse effect on the integrity of the River Clun SAC.

**Conclusion;**

SC Ecology has concluded that the proposed works under planning application No 14/03290/EIA, Proposed Poultry Units South East Of Hoptonheath, Shropshire - Construction of four poultry sheds and feed bins, ancillary works, formation of new vehicular access, erection of biomass building and associated landscaping, will not adversely affect the integrity of the European Designated Site at the River Clun SAC or the River Teme SSSI providing the development is implemented in accordance with the above conditions and submitted documents.

**Conclusions**

Natural England should be provided with SC Ecologist Draft2 HRA. 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:

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.