



Committee and date
Northern Planning Committee
21st April 2026

Development Management Report

Responsible Officer: Tim Collard, Service Director - Legal and Governance

Summary of Application

Application Number: 24/02979/EIA	Parish:	Little Ness
Proposal: Erection of 2 No. additional poultry houses with associated feed bins, hardstandings and relocated access road associated with a reduction in stocking density across the whole poultry farm to the new higher welfare standards.		
Site Address: Foxholes Farm Poultry Unit Little Ness Shrewsbury Shropshire		
Applicant: Foxholes Farm Ltd		
Case Officer: Kelvin Hall	email: kelvin.hall@shropshire.gov.uk	

Grid Ref: 340808 - 320449

© Crown Copyright. All rights reserved. Shropshire Council AC0000808715. 2025 For reference purposes only. No further copies may be made.

Recommendation: **Grant planning permission** subject to the conditions as set out in Appendix 2, and to any amendments considered necessary to these; and the completion of a Section 106 agreement to secure continued HGV routing control, and to provide for long term biodiversity net gain.

REPORT

1.0 THE PROPOSAL

- 1.1 Foxholes Farm Poultry Unit is an established poultry rearing unit. It includes eight poultry houses together with ancillary buildings and infrastructure. This application seeks planning permission for the erection of two additional poultry houses with associated feed bins and hardstanding, and the relocation of part of the existing internal access road.
- 1.2 The application is being put forward in connection with a proposed reduction in the stocking density of the whole poultry farm to higher welfare standards. The proposed changes would result in a reduction in the stocking density of the birds from the current legal limit of 38kg/m² to a new higher welfare standard of 30kg/m².
- 1.3 The proposed development would result in the following:
- The existing 8 sheds would reduce from their current capacity of 450,000 birds, down to 356,400 birds
 - The proposed additional sheds 9 and 10 would be stocked at 44,550 birds per shed (89,100 birds)
 - The total capacity of the expanded site would be 445,500 birds in 10 sheds
 - Overall, the capacity of the site would reduce by 4,500 birds.
- 1.4 The two additional poultry houses would be identical to the existing ones in terms of their design and scale. They would each measure approximately 112.7 metres x 24.7 metres, with an eaves height of 3 metres and a ridge height of 6.3 metres. The buildings would have a steel portal frame, with external cladding of polyester coated profile sheeting in olive green colour to match the existing sheds. They would be fitted with an automated feeding system, automated drinkers, and fan assisted ventilation with high-speed roof fans and gable fans for emergency ventilation in hot weather. Heating for the proposed poultry units would be provided from the applicant's adjoining Anaerobic Digester Plant, as is the case for the existing sheds.
- 1.5 The proposal includes four feed bins which would be positioned between the two new poultry houses. These would each have a diameter of 3.5 metres and a height of 8.6 metres.
- 1.6 Vehicle access to the additional buildings would be via the existing access point to the east. At present the farm access road runs adjacent to the easternmost poultry building. The planning application proposes that this is re-routed further east, so that it runs adjacent to the two new buildings. The proposed siting of the two additional buildings and the re-routing of the access road is shown on the plan below:



- 1.7 Production process: The birds in the proposed additional sheds would be managed in line with the existing production process. No changes are proposed to the growing cycle; it is only the bird density that would be affected. The chickens would be reared from day old chicks through to finished table weight. The site operates on a 48-day cycle. Chicks are delivered to the site as day olds on day 1 of the rearing cycle and reared within the buildings for around 38 days. The first batch of birds are removed from the site at around day 30 (flock thinning), and the remainder are removed on day 37 and 38. Following the removal of the birds, the buildings are empty for 10 days for cleaning and preparation of the next batch of chicks. The cleaning process involves removal of the manure, followed by power washing of the buildings. Once washed, the buildings are dried using the heating system, and bedded with wood shavings in readiness for the next batch of birds. The site would operate with 7.5 flocks of birds per annum. All manure generated on the poultry unit is disposed of through the applicant's adjacent Anaerobic Digester (AD) plant.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 Foxholes Farm is located approximately 550 metres to the north of the village of Little Ness. The poultry rearing operation includes eight poultry buildings with associated feed bins, control rooms, an office, storage building, attenuation pond, and related infrastructure. The existing buildings are positioned in parallel rows and the proposed buildings would form an elongation of this row. The proposed two additional sheds would be sited to the east of the existing ones, on land which is currently used for arable cropping. Surrounding land is in agricultural use. To the east is a large digestate lagoon associated with the applicant's anaerobic digester plant. This plant is located to the west of the existing poultry buildings.

- 2.2 The nearest residential property to the proposed buildings is Milford House, approximately 490 metres to the east. There are also residential properties to the

south in Little Ness, the nearest of which is approximately 670 metres away. There are a number of public footpaths in the wider area, the nearest of which runs approximately 190 metres to the north of the proposed buildings.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The proposals comprise Schedule 1 EIA development and the Council's Scheme of Delegation requires that such applications are determined by Planning Committee.

4.0 COMMUNITY REPRESENTATIONS

The consultee comments and public representations are summarised below. The full comments can be viewed on the online planning register at: [Simple Search](#)

4.1 Consultee Comments

4.1.1 **Little Ness Parish Council** Supports the application.

This application is supported as it will result in fewer poultry, higher welfare standards, control of emissions, no additional traffic impact and maintains local employment.

10/10/25: *The comments of support still stand following re-consultation.*

4.1.2 **Environment Agency** No objection.

Comments 14/10/25

The ES advises that all manure from the poultry operation will be disposed of via the adjacent Anaerobic Digestion (AD) plant, which we regulate, and subsequently confirms that the digestate produced will then be used as a fertiliser and applied to agricultural land in accordance with a nutrient management plan.

The EIA previously confirmed a reduction in poultry numbers on the proposed site and as such a reduction in manure per annum to 4845 tonnes. As per our previous replies, we regulate this AD site (we control relevant emissions associated with such to land air and water from such), which is capable of accepting this waste, and operating in accordance with its permit. We have received no substantiated complaints to date. Any wider disposal from that facility may be subject to a deployment/digestate spreading 'permit to land spread' or use as 'product' (PAS 110, Quality Protocol standard). Even where the digestate is exempt from waste regulation it requires compliance with the Farming Rules for Water and Nitrate Vulnerable Zone requirements.

For information, EP holders are required to operate under a Manure Management Plan (MMP), which consists of a risk assessment of the fields on which the manure will be stored and spread, in cases where this is done within the applicant's land ownership. Note - The LPA should assess and consider any third-party land spreading. We don't require this within the EP application. However, other mechanisms would seek to control impacts to water from manure management. The MMP is used to reduce the risk of the manure leaching or washing into groundwater or surface water. The permitted farm would be required to regularly analyse the manure and the field soil to ensure that the amount of manure which will be applied does not exceed the specific

crop requirements i.e. as an operational consideration. More information may be found in appendix 6 of the document titled “How to comply with your environmental permit for intensive farming.” <https://www.gov.uk/government/publications/intensive-farming-introduction-andchapters>

Any Plan would be required to accord with The Farming Rules for Water and the Nitrate Vulnerable Zones (NVZ) Action Programme where applicable. All farmers and land managers are required to follow a set of rules to minimise or prevent water pollution. The rules cover planning nutrient applications; assessing pollution risks before applying fertilisers and manures; storing manures, preventing erosion of soils, and managing livestock. The full information can be found at: [How to comply with the Farming Rules for Water - GOV.UK](#)

It is an offence to break these rules and if they are breached the Environment Agency may take enforcement action in line with our published Enforcement and Sanctions Policy.

In Nitrate Vulnerable Zones, farmers must ensure that the amount of nitrogen in livestock manure applied to the farm (whether directly by grazing livestock and/or by spreading) does not exceed 170 kg per hectare. This is averaged over the whole area of the farm rather than per field. These loading limits only apply to livestock manure applied to the land and are separate from the 250 kg total nitrogen per hectare maximum field limit for organic manures.

Note: The proposed poultry units appear to be outside of a nitrate vulnerable zone but land associated with the spreading of digestate may fall within the nearby boundary.

Water Management: Clean Surface water can be collected for re-use, disposed of via soakaway or discharged to controlled waters.

Water contaminated with livestock manure e.g. derived from shed washings, is slurry. This is normally collected in tanks via impermeable surfaces. Any tanks proposed should comply with the Water Resources (control of pollution, silage, slurry and agricultural fuel oil) Regulations 2010 (SSAFO). Yard areas and drainage channels around sheds are normally concreted. The ES confirms that this is to be disposed of via the AD plant.

Buildings which have roof or side ventilation extraction fans present, may deposit aerial dust on roofs or “clean” yards which is washed off during rainfall, forming lightly contaminated water. The Environmental Permit will normally require the treatment of such water, via french drains, swales or wetlands, to minimise risk of pollution and enhance water quality.

In determining this current poultry application, we recommend that you are satisfied with the assessment of cumulative impacts of intensive agricultural developments in the local catchment area. Your assessment should include the direct disposal of ‘waste’ from the operation (spreading on site or to third party land), as well as any indirect environmental impacts from associated treatment facilities such as anaerobic

digestion.

Water Resources - The applicant should ensure they have adequate water supply for the poultry operation. If a new borehole is required on site with a water abstraction exceeding 20m³ per day, a water abstraction licence will be required from the Environment Agency.

Comments 3/3/25

The updated Environmental Statement includes a section on Farm Waste Management. This confirms a reduction in poultry numbers on the proposed site and as such a reduction in manure per annum to 4845 tonnes. It advises that manure waste will continue to be disposed of via the AD plant at Foxholes Farm. The AD plant is regulated by us under an Environmental Permit (EA/EPR/BB3606LZ). We are not aware of any substantiated noise or odour complaints associated with the AD Plant.

Comments 5/9/24

The proposal seeks consent to add two additional poultry sheds to an existing poultry operation. This is to help improve welfare standards for the birds by reducing numbers within the existing sheds.

The Environmental Statement advises that each additional building will accommodate 44,550 birds. There are 8 existing sheds on site with a current total capacity of 450,000 birds. Post development, the capacity will be reduced to 445,500 birds.

Environmental Permitting Regulations: *The threshold for regulation of poultry farming under the Environmental Permitting (England and Wales) Regulations (EPR) 2016, as amended, is 40,000 birds. The Environmental Permit (EP) controls day to day general management, including operations, maintenance and pollution incidents. The Environmental Permit (EP) will include the following key areas:*

- *Management – including general management, accident management, energy efficiency, efficient use of raw materials and waste recovery.*
- *Operations - including permitted activities and Best Available Techniques (BAT).*
- *Emissions - to water, air and land including to groundwater and diffuse emissions, odour, noise and vibration, monitoring.*
- *Information – records, reporting and notifications.*

Our consideration of the relevant environmental issues and emissions as part of the EP only apply to the proposed poultry installation and where necessary any Environment Agency regulated intensive farming sites.

Existing Environmental Permit: *An Environmental Permit (consolidated variation reference EPR/MP3430WS/V002) was issued to Foxholes Farm Limited on the 8 July 2016. The permit variation was to allow the operator to increase broiler numbers from 390,000 to 450,000.*

No changes to the infrastructure were required as the extra birds were to be distributed evenly throughout the existing eight poultry buildings. There was also a minor change to reflect the practice of the used litter and wash water now being transferred to the

anaerobic digester plant which is on the same farm.

The consolidated permit variation controls the day-to-day management and operations of the installation to ensure that the facility complies with the Best Available Techniques documentation (called BREF). The documentation is available on the government website at: Intensive farming: comply with your environmental permit - GOV.UK (www.gov.uk)

An Environment Agency led permit variation took place on the 19 October 2020 in order to ensure compliance with an updated Best Available Techniques (BAT) Conclusions document which was issued on 21 February 2017.

Complaints: *We are not aware of any substantiated noise or odour complaints associated with this farm.*

Permit variation: *The applicant will need to apply for a further variation to the existing permit to take into account the two proposed poultry buildings and extend the installation boundary.*

Ammonia emissions: *We would need to run an ammonia screening exercise to check that the proposal would not cause an ammonia pollution impact on nearby designated habitats. It is acknowledged that bird numbers are decreasing, however the extra two buildings may change the dimensions of the overall ammonia emission plume from the site.*

We would recommend that the applicant contacts our National Permitting Service (NPS) to seek pre-permit application ammonia screening advice for nearby nature conservation sites. See - <https://www.gov.uk/guidance/intensive-farming-risk-assessment-for-your-environmental-permit>

Ammonia may be emitted from livestock and from manure, litter and slurry, and may potentially impact on local people or nature conservation sites i.e. vegetation/habitat (permits may be refused if critical loads to the environment are exceeded).

Our ammonia screening assessment is made in line with our current guidance available at: <https://www.gov.uk/guidance/intensive-farming-risk-assessment-for-your-environmental-permit#pre-application-discussion>

With regard to 'cumulative impact', we undertake a screening approach based on the potential impact of the proposed intensive poultry farm on designated nature conservation sites. Where required, we carry out an 'in-combination' calculation of other intensive poultry farms regulated by the Environment Agency, and other permitted installations which may emit ammonia, in the area. The same approach applies to cases when detailed ammonia modelling may be required to determine the risk to nature conservation sites.

There may be other poultry or livestock farms not regulated by the Environment Agency in the area. These are not considered as part of the permit determination with

respect to any 'in combination assessment' and HRA.

Environmental Permit Controls

The EP will control relevant point source and fugitive emissions to water, air and land; including odour, noise, dust, from the intensive poultry farming activities within the permit 'installation boundary'.

Based on our current position, we would not make detailed comments on these emissions as part of the current planning application process. It will be the responsibility of the applicant to undertake the relevant risk assessments and propose suitable mitigation to inform whether these emissions can be adequately managed.

For example, management plans may contain details of appropriate ventilation, abatement equipment etc. Should the site operator fail to meet the conditions of a permit we will take action in-line with our published Enforcement and Sanctions guidance.

Odour and Noise: *As part of the permit determination, we do not normally require the applicant to carry out odour or noise modelling. We require a 'risk assessment' be carried out and if there are sensitive receptors (such as residential properties or businesses) within 400 metres of the proposed installation boundary then odour and noise management plans are required to reduce emissions from the site.*

An Odour Management Plan (OMP) and Noise Management Plan (NMP) should help reduce emissions from the site, but it will not necessarily completely prevent all odour and noise. A Management Plan should set out the best available techniques that the operator intends to use to help prevent and minimise odour and noise nuisance, illustrating where this is and is not possible.

There is more information about these management plans at: Intensive farming: comply with your environmental permit - GOV.UK (www.gov.uk)

A management plan will not necessarily completely prevent all odours, or noise, or at levels likely to cause annoyance. The OMP can reduce the likelihood of odour pollution but is unlikely to prevent odour pollution when residents are in proximity to the units and there is a reliance on air dispersion to dilute odour to an acceptable level. In addition, the OMP/NMP requirement is often a reactive measure where substantiated complaints are encountered. This may lead to a new or revised OMP/NMP to be implemented and/or other measures to be in place.

Note - For the avoidance of doubt, we do not 'directly' control any issues arising from activities outside of the permit installation boundary. Your Public Protection team may advise you further on these matters. However, a management plan may address some of the associated activities both outside and inside of the installation boundary. For example, a NMP may include feed delivery lorry operation hours / vehicle engines to be switched off when not in use on site.

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

Bio-aerosols and dust: Intensive farming has the potential to generate bio-aerosols (airborne particles that contain living organisms) and dust. It can be a source of nuisance and may affect human health.

Sources of dust particles from poultry may include feed delivery, storage, wastes, ventilation fans and vehicle movements.

As part of the permit determination, we do not normally require the applicant to carry out dust or bio-aerosol emission modelling. We do require a 'risk assessment' be carried out and if there are relevant sensitive receptors within 100 metres of the installation boundary, including the farmhouse or farm worker's houses, then a dust management plan is required.

A dust management plan (DMP) will be required similar to the odour and noise management plan process. This will secure details of control measures to manage the risks from dust and bio-aerosols. Tables 1 and 2 and checklist 1 and 2 in 'assessing dust control measures on intensive poultry installations' (available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/297093/geho0411btra-e-e.pdf) explain the methods the operator should use to help minimise and manage these emissions.

Note - For any associated human health matters you are advised to consult with your Public Protection team and/or Public Health England (PHE).

Manure Management (storage/spreading): Manure disposal within the applicant's ownership (fields) is controlled through the Environmental Permit.

As part of the permit determination we do not require a Manure Management Plan. However, EP holders are required to operate under a Manure Management Plan, which consists of a risk assessment of the fields on which the manure will be stored and spread, in cases where this is done within the applicants land ownership. It is used to reduce the risk of the manure leaching or washing into groundwater or surface water. The permitted farm would be required to regularly analyse the manure and the field soil to ensure that the amount of manure which will be applied does not exceed the specific crop requirements i.e. as an operational consideration. More information may be found in appendix 6 of the document titled "How to comply with your environmental permit for intensive farming."

<https://www.gov.uk/government/publications/intensive-farming-introduction-and-chapters>

Any Plan would be required to accord with The Farming Rules for Water and the Nitrate Vulnerable Zones (NVZ) Action Programme where applicable.

Note: All manure arising from the site will be disposed of via the adjacent AD plant (see Site Waste Management Plan).

Pollution Prevention: Developers should incorporate pollution prevention measures to

protect ground and surface water. We have produced a range of guidance notes giving advice on statutory responsibilities and good environmental practice which include Pollution Prevention Guidance Notes (PPG's) targeted at specific activities. Pollution prevention guidance can be viewed at: <https://www.gov.uk/guidance/pollution-prevention-for-businesses>

Flood Risk: Based upon our flood map for planning the site falls within flood zone 1 and is at lowest risk of fluvial flooding. We make no comment on surface water drainage but advise you contact the LLFA in this respect.

4.1.3 **Natural England** No specific comments to make.

Natural England have been consulted on the application on a number of occasions, in response to the submission of additional information. Their most recent comments are summarised below. Following that, and for reference, their initial comments of November 2024 and which were based on the Council's initial Habitat Regulations Assessment are provided.

Comments 17th December 2025, 18th March 2025 and 25th March 2026

Natural England is not able to provide specific advice on this application and therefore has no comments to make on its details. Although we have not been able to assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes, further advice is offered along with references to Standing Advice.

Comments 12th November 2024 [based upon a HRA assessment which has now been superseded]:

Natural England considers that without appropriate mitigation the application would have an adverse effect on the integrity of Hencott Pool and/or Fenemere Midland Meres and Mosses Ramsar <https://designatedsites.naturalengland.org.uk/>

In order to mitigate these adverse effects and make the development acceptable, mitigation measures should be secured as set out in the Appropriate Assessment, that the poultry laying units shall be limited to occupation by 445,500 birds across 10 broiler units.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

A lack of objection does not mean that there are no significant environmental impacts. Natural England advises that all environmental impacts and opportunities are fully considered and relevant local bodies are consulted.

Further advice on mitigation

The Appropriate Assessment concludes 'No AEOL' and Natural England concurs with this conclusion. Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended).

Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

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 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 in any planning permission given.

4.1.4 **SC Ecology** No objection, subject to conditions.

Conditions and informatives have been recommended to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17.

Habitats Regulations Assessment

This application has been considered under the Habitats Regulations Assessment process in order to satisfy the Local Authority duty to adhere to The Conservation of Habitats and Species Regulations 2017 (known as the Habitats Regulations). [See Appendix 1]

Following Stage 1 screening, Shropshire Council concluded that the proposed development will not result in an adverse effect on Fenemere (part of Midland Meres and Mosses Ramsar Phase 1) or Hencott Pool (part of Midland Meres and Mosses Ramsar Phase 2) via airborne ammonia emissions or nitrogen deposition.

Biodiversity Net Gain

A net gain of 1.86 (10.56%) habitat units and 0.42 (100.79%) hedgerow units will be provided on-site. Because the BNG is considered to be significant, a s106 will be required to secure the BNG for 30 years. The s106 will include a monitoring fee – using our monitoring fee calculator, this would be £18,281.11.

Other sites

Version 6 of the Ammonia Emissions: Impact Assessment (Isopleth, February 2026) calculates the following impacts in relation to ammonia emissions and nitrogen deposition upon SSSIs within 5km and Ancient Woodlands within 2km:

Site	Distance from site	Existing PC % of Cle	Proposed PC % of Cle	Difference between existing and proposed	Existing PC % of Clo	Proposed PC % of Clo	Difference between existing and proposed
Lin Can Moss SSSI	3.4km	6.1	5.9	-0.26	6.4	6.1	-0.27
Shrawardine Pool SSSI	4.1km	6.3	3.4	-0.16	3.7	3.6	-0.17

Vales Wood AW	1.3km	24.3	22.5	-1.83	19.0	17.5	-1.43
------------------	-------	------	------	-------	------	------	-------

PC = Process Contribution; CLe = Critical Level; CLo = Critical Load

The proposal will result in a betterment at all sites. No further assessment or mitigation is therefore required.

The level of survey work carried out is appropriate. Conditions are recommended to require the prior approval of any external lighting; and to require that working is carried out in accordance with the submitted Method Statement.

- 4.1.5 **Historic England** Do not wish to offer any specific advice.
- 4.1.6 **SC Conservation** No comments to make relevant to historic environment matters.
- 4.1.7 **SC Archaeology** No comments on this application in regard to archaeological matters.
- 4.1.8 **ESP – landscape consultant** Raise a number of concerns with the Landscape and Visual Assessment.

The LVA has not been prepared in a manner in compliance with national guidance, due to a lack of detail regarding the assessment of both the landscape and visual effects. As a result of the above we do not consider that the assessment of landscape and visual effects has been carried out to a compliant standard for an EIA project in accordance with GLVIA3. We do not consider that its findings are sufficient to support making an informed planning decision or that the proposals comply with the Council's Local Plan policies on landscape and visual amenity.

It is recommended that, prior to determination of the application, the LVA be amended to:

- *Include details on the competency of the author;*
- *Review the LVA methodology in the light of the concerns raised;*
- *Clarify whether predicted effects are adverse or beneficial;*
- *Provide additional information to all photosheets, and replace image for viewpoint 1, in accordance with Landscape Institute's Technical Guidance Notes on Visual Representation of Development Proposals*
- *Identify landscape and visual effects based on appropriate methodology, to include for assessment at construction, completion, and post completion stages;*
- *Provide an assessment of visual effects from our recommended additional viewpoint, and update proposed mitigation accordingly;*
- *Provide an assessment of cumulative landscape and visual effects*
- *Include landscape and visual effects in its scope, incorporating the potentially increased effects assessed following the recommendations above*

It is also recommended that details of the proposed hedgerow planting together with any further mitigation arising from the recommended LVA amendment above is submitted or secured through planning condition if preferred.

Additional comments following receipt of further information from the applicant:

We have reviewed the responses and actions detailed by LVIA Ltd dated 22.9.24 in relation to our comments in the recent LVA review (ESP 13.11.24). LVIA Ltd have responded to one of our comments, and we note their confirmation that the 'LVA was undertaken by a chartered landscape architect' although no more information is provided. However, we do not consider that the remaining responses detailed by LVIA Ltd adequately respond to our original concerns.

4.1.9 SC Public Protection No objection.

Comments following re-consultation

We have no further comments on this application.

Original comments:

Environmental Protection have reviewed the information and comments made by the Environment Agency with this application. The site already has an environmental permit which will be adapted to the new layout. This will also control any noise or odour generated within the boundary of the site. It is not anticipated that there will be significant noise or odour generated off the site so we have no comments regarding noise or odour.

4.1.10 SC Highways Development Control No objection.

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Shropshire Council as Highway Authority has concluded that the proposed development is acceptable subject to the development being constructed in accordance with the approved details and the imposition of conditions to cover the following matters:

- *Submission of a Construction Method Statement for approval*
- *Completion of parking, loading, unloading, and turning areas prior to use of buildings*

The development proposes the erection of a further two poultry units within the existing site to bring the total number of buildings to 10 units, but the additional units are to cater for a lower stocking density over the whole of the site/business in response to new higher welfare standards.

As a result of the proposal, it is stated that the number of birds will decrease by 4,500. The supporting information has tabulated the existing and proposed/anticipated traffic movements associated with the proposed development and clarifies that there will be a 'modest reduction in traffic generation' associated with a reduced overall flock size.

The poultry business has been the subject of a number of earlier applications where

the traffic generation, routing of these vehicles and provision of highway works has been assessed and undertaken. The current proposal clarifies a reduction in vehicular movements and on this basis, it is considered that there are no sustainable Highway grounds upon which to base an objection. It is advised however that the management, the frequency of HGV movements and routing of the associated vehicles continues to adhere to the earlier approved conditions and routing agreement which may require further revision to account for the latest change in stocking volumes.

4.1.11 **SC Rights of Way** No comments to make on the application.

4.1.12 **SC Drainage** No objection.

The proposals are unlikely to significantly increase flood risk and therefore are acceptable.

Groundwater flooding

SC mapping indicates that the area immediately adjacent and around the site has a high to moderate risk of groundwater flooding. However, boreholes surrounding the site indicate that groundwater levels are deep in this area. This suggests that the mapping in this area may not be accurate.

Pluvial flooding

SC mapping indicates a risk of flooding in areas around existing buildings, in the vicinity of the proposed sheds and around the existing attenuation pond. If this does occur, it is likely to be managed by the existing infiltration drainage.

Infiltration

The proposed scheme depends on linear infiltration drainage and an infiltration basin to supplement the existing attenuation pond. Soakaway test results are indicative of a good soil infiltration rate.

Exceedance flows

The Applicant has demonstrated that, should the capacity of existing attenuation pond and infiltration basin be exceeded during the 100 year + 45% CC event, resultant exceedance flows would be contained within land owned by the Applicant.

Dirty Water Management

Dirty water from the proposed sheds will be managed and discharged to an existing slurry lagoon. The site Environment Agency permit the site under Environmental Permitting Regulations.

The proposals are unlikely to significantly increase flood risk and therefore are acceptable.

4.2 **Public comments**

4.2.1 The application has been advertised by site notice and in the local press. Objections have been received from one member of the public. The full representation can be

viewed on the public register. A summary of the matters raised is below.

- The claim that the number of poultry at the site would not increase merits rigorous investigation; it is open to an increase in the density of the birds again once built
- the Environmental Statement states that the development exceeds the Schedule 1 85,000 bird threshold, so presumably the intention is, or at least was, to increase the capacity of the site
- slower growing birds would produce more manure and ammonia over their longer lifespan than the existing stock, which needs to be factored into all the calculations
- Shropshire Council is legally obliged to assess cumulative impacts of any planning application of this sort. It is clearly failing in this duty in considering multiple planning applications for IPUs and extensions in isolation from each other and in ignoring how it is proposed that the increased volumes of manure are to be dealt with
- Council has publicly stated that the environmental permit (EP) for the AD unit will deal with any risks of pollution from the increased volumes of poultry manure; however EPs are granted in isolation from each other and do not take into account cumulative impacts – which should be part of the planning process
- EP permitting process addresses only the processes going on within the boundary of the AD unit and takes little account of what happens to the resulting digestate, which contains just as many polluting nutrients as the manure did originally
- Freedom of Information requests have confirmed that AD units in North Shropshire are already taking more waste and poultry manure than they are permitted for; Council should undertake an assessment of the AD units in Shropshire and nearby, their capacities, how much poultry manure they are already receiving and how/where the digestate is disposed of before granting any more permissions
- The additional manure from all three applications would add to the cumulative diffuse agricultural pollution of local water courses and the whole River Severn catchment
- Council is making the following assumptions: that there is capacity to receive larger quantities of poultry manure at local AD units; that the increased nutrients are somehow exported from the River Severn catchment; that any third party company receiving and moving the manure to take elsewhere outside the catchment is not disposing of the manure/digestate in another river catchment which is suffering from excess nutrients
- It is thereby failing in its legal duty to assess cumulative and downstream impacts
- The recent Finch case (Finch v Surrey County Council UKSC 2024) applies to this type of agricultural development. It needs to be taken into account when considering downstream effects such as disposal of manure and also upstream effects (such as sourcing poultry feed)
- the increased volumes of manure also increase air pollution in the form of ammonia and subsequent PM2.5s, fungi, endotoxins and dust
- Ammonia scrubbing units which have been fitted on a few recent sheds are only partially efficient; they produce large quantities of water contaminated with

- sulphuric acid which needs to be disposed of (another downstream impact) and they do not reduce air pollution from the clearing, storing and transportation of poultry manure
- SC recognised air pollution impacts in its guidance on ammonia emissions published in 2018: the very high number of permitted intensive livestock units in Shropshire; an increase in the number of planning applications submitted per year for both EA permitted and non-permitted livestock units, which produce ammonia emissions; a relatively high number of internationally and nationally designated wildlife sites, together with ancient woodlands and local wildlife sites scattered across this largely rural county, which are protected by law and/or planning policy; ‘clusters’ of LSUs existing and proposed in proximity to designated wildlife sites; very high background levels of ammonia in the county with examples of international wildlife sites already at c. 200% to 600% of their Critical Levels or Critical Loads (i.e. the levels of ammonia and loads of nitrogen deposition above which species will be lost and habitats damaged);
 - There is already a massive cluster of IPU in NW Shropshire with approximately 165 poultry sheds containing well over 5 million birds, (not including the site at Felton Butler currently facing a judicial review)
 - Government is also now aware of the increasing risks of ammonia and PM2.5 pollution to local populations and is issuing new planning guidelines
 - SC should pause approvals while it compiles its own data on the scale of the situation, the various risks and develops clearer policy guidance.
 - The “higher welfare” claims amount to welfare-washing rather than genuine welfare improvement
 - Reduction in stocking density is a marginal improvement over existing legal requirements
 - Other recognised higher-welfare measures (such as slower-growing breeds and avoiding thinning) are not proposed, undermining claims of a welfare-driven development
 - proposed thinning regime is criticised as stressful for birds and inconsistent with higher-welfare assurance schemes
 - lack of clarity over bird numbers, including whether stated figures refer to initial stocking or final numbers after mortality and thinning, raising concerns that impacts may be understated
 - enforceability of stocking density is questioned
 - need to ensure mechanism for dealing with any changes to stocking density is clarified
 - would set a precedent for other sites to increase number of sheds under the pretext of improving welfare standards
 - application does not include a greenhouse gas emissions statement
 - inaccurate numbers have been put forward in relation to bird number increases, including a previous 50,000 bird increase, the impacts of which were never properly assessed
 - number of birds being stocked may have been in breach of the Welfare of Farmed Animals regulations

5.0 THE MAIN ISSUES

- 5.1
- Environmental Impact Assessment
 - Planning policy context; principle of development
 - Siting, scale and design; impact upon landscape character
 - Historic environment considerations
 - Traffic and access considerations
 - Ecological considerations
 - Pollution and waste management considerations
 - Residential and local amenity considerations
 - Animal welfare considerations
 - Other considerations

6.0 OFFICER APPRAISAL

6.1 Environmental Impact Assessment

6.1.1 The proposal relates to the intensive rearing of poultry. The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 specify that Environmental Impact Assessment (EIA) is mandatory for these types of applications where the number of birds is 85,000 or more. The proposed development is Schedule 1 EIA development as it exceeds this threshold. The application is accompanied by an Environmental Statement as required by the 2017 Regulations. This includes a number of technical assessments prepared by specialist consultants. These include: Noise Assessment; Ecological Assessment; and Flood Risk Assessment.

6.2 Planning policy context; principle of development

6.2.1 Planning applications are required to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan includes the Core Strategy and the SAMDev Plan. The proposed development is located in an area of countryside, and Core Strategy Policy CS5 states that development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to specified proposals including: agricultural related development. It states that proposals for large scale new development will be required to demonstrate that there are no unacceptable adverse environmental impacts. Whilst the Core Strategy aims to provide general support for the land-based sector, it states that larger scale agricultural related development including poultry units, can have significant impacts and will not be appropriate in all rural locations (para. 4.74). Core Strategy policy CS13 states that, in seeking to develop and diversify the Shropshire economy, emphasis will be placed on matters such as supporting rural enterprise and diversification of the economy, in particular areas of activity which include the agricultural and farm diversification sectors.

6.2.2 The National Planning Policy Framework (NPPF) is a material planning consideration and sets out a presumption in favour of sustainable development and there are three overarching objectives to achieving this: economic; social; and environmental. The NPPF states that significant weight should be given to the need to support economic growth and productivity (para. 85). In respect of development in rural areas, it states

that planning decisions should enable the sustainable growth and expansion of all types of business; and the development and diversification of agricultural and other land-based rural businesses (para. 88).

6.2.3 The proposal can be supported in principle in relation to policies relating to rural economic development and agriculture. However, planning policies also recognise that poultry units can have significant impacts and these matters are assessed below.

6.2.4 Relationship between planning and permitting processes: The existing poultry site operates under an Environmental Permit (EP) which has been issued by the Environment Agency (EA). The EA have advised that this EP will need to be varied so that it includes the additional two buildings.

6.2.5 The EP regulates the day-to-day general management of the operation, including any pollution incidents, and noise and odour issues. Paragraph 201 of the NPPF states that the focus of planning decisions should be on whether the proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). It adds that planning decisions should assume that these regimes will operate effectively. Nevertheless, the EIA regulations require that likely effects of the development on the environment are identified and taken into consideration in the decision-making process. These effects will include matters that are also regulated by the EA.

6.2.6 Manure arising from the poultry operation is taken to the applicant's adjacent anaerobic digester plant. This plant has planning permission in place and is also regulated by the EA under an EP.

6.3 Siting, scale and design; impact on landscape character

6.3.1 Core Strategy policy CS6 seeks to ensure that development is appropriate in scale and design taking into account local context and character, having regard to landscape character assessments and ecological strategies where appropriate. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan policy MD2 requires that development contributes to and respects locally distinctive or valued character and existing amenity value, and demonstrates how good standards of sustainable design and construction have been employed. SAMDev Plan policy MD7b states that applications for agricultural development should be of a size/scale which is consistent with its required agricultural purpose, and where possible are sited so that it is functionally and physically closely related to existing farm buildings.

6.3.2 Site design and context: The submitted Landscape and Visual Assessment (LVA) notes that there would be no loss of landscape elements and that the proposed additional sheds would not be an uncharacteristic feature, such that the level of landscape effect can be considered to be negligible. The LVA considers that the visual change would be generally localised and limited.

6.3.3 The Council's landscape consultant considers that the LVA has not been prepared in

line with national guidance and consider that its findings are not sufficient to inform a planning decision. They have made a number of recommendations as set out in the consultee section above.

- 6.3.4 The case officer has undertaken a site visit to view the site and consider the likely impacts on landscape and visual receptors. The existing buildings are relatively large in area. However, the visual envelope is generally limited as they are set relatively low in the surrounding landform; and due to the distance to the nearest receptors. The nearest public viewpoint is a public footpath that is approximately 190 metres from the site. The proposed buildings would match the existing buildings in terms of scale, design and colour. In addition, they would be arranged in line with the existing row of poultry buildings, and these would provide the context and backdrop to changes in the landscape. The buildings would not be an incongruous feature in the landscape. Mitigation measures put forward include the management and retention of the native tree and hedgerow planting around the site boundary. In addition, it is proposed that new hedgerow would be provided.
- 6.3.5 The comments of the Council's landscape consultant have been taken fully into account in the case officer's assessment of the proposal. Notwithstanding any limitations of the LVA, the case officer is of the opinion that the proposed development has been satisfactorily designed to minimise its impact on the landscape and on visual receptors. The proposal would result in some adverse landscape and visual effect. However, taking into account the existing context of the site, including the existing buildings and landform, these would be limited. This matter is discussed further in the planning balance section.
- 6.3.6 Sustainability considerations: The existing Foxholes Farm enterprise already benefits from renewable energy technologies. Manure from the poultry units would continue to be used as feedstock for the existing on-farm anaerobic digester AD plant, which then generates renewable heat and power. This offsets grid electricity demand. The surface water drainage strategy takes into account climate change allowances, ensuring resilience to future weather variability. The AD plant produces digestate which is used on the applicant's farmland as a fertiliser and soil conditioner. This offsets the need to import artificial fertilisers.
- 6.3.7 The Environmental Statement states that chicken represents the lowest-carbon form of terrestrial meat production. The proposal would contribute towards greenhouse gas emissions. Nevertheless, it represents a comparatively low emission food production system. The proposed use of existing renewable energy infrastructure and climate-resilient design is a positive aspect of the proposal.
- 6.4 **Historic environment considerations**
- 6.4.1 The nearest designated heritage asset is the Grade II* listed Church of St Martin in Little Ness, approximately 680 metres to the south-west. No concerns have been raised by the Council's Historic Environment team, and the proposal does not raise any significant issues in respect of potential impacts on heritage assets.
- 6.5 **Traffic and access considerations**

- 6.5.1 Core Strategy policy CS6 requires that all development is designed to be safe and accessible. SAMDev Plan policy MD8 states that development should only take place where there is sufficient existing infrastructure capacity. The NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe (para. 116).
- 6.5.2 The application proposes that there would be a small reduction in the number of birds being reared at the site. As a consequence, there would be a small reduction in traffic generation, reducing from 1,208 heavy vehicles per annum to 1,193. It is not proposed to change the access arrangements from the public highway. As such, the proposal does not raise significant highways concerns. The Council's Highways Officer has raised no objections. A HGV routing agreement is in place for the existing operation, which is secured via a Section 106 agreement (as varied). This requires that HGVs only enter and exit the site via an approved route. Should planning permission be granted for the current application this Section 106 should be updated to ensure that it also applies to the extended site.
- 6.5.3 Construction phase: It is anticipated that the construction period would last for approximately 30 weeks. This phase would include the importation of stone, concrete and building materials, etc. by HGV. In order to minimise disruption on the highway network a condition should be imposed to require that a Construction Method Statement is submitted for approval, as recommended by the Council's Highways Officer.
- 6.6 **Ecological consideration**
- 6.6.1 Core Strategy policies CS6 and CS17 seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan policies MD2 and MD12 require that developments enhance, incorporate or recreate natural assets. Policy MD12 states that proposals which are likely to have a significant adverse effect, directly, indirectly or cumulatively, on specified ecological assets should only be permitted if it can be clearly demonstrated that there is no satisfactory alternative; and the social or economic benefits of the proposal outweigh the harm to the asset.
- 6.6.2 Paragraph 187 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment through the protection, enhancement and recovery of sites of biodiversity and priority species. Paragraph 193 states that if significant harm to biodiversity cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 6.6.3 Assessment of direct ecological impacts: The buildings would be sited on land which currently comprises arable land and modified grassland. The ecological survey that has been undertaken has identified that the habitats affected by the proposed development are of low intrinsic biodiversity value. Surveys for great crested newt in ponds in the area returned a negative result. No signs of other protected species or notable species were recorded. The Council's Ecologist has confirmed that the survey

work carried out is acceptable.

- 6.6.4 In line with legislation, the proposal will need to provide a minimum of 10% biodiversity net gain (BNG). The planning application proposes ecological enhancements including the provision of a new pollen and nectar rich arable field; a new hedgerow; and bat and bird boxes. It is calculated that this would provide BNG of 10.56% which exceeds the legal requirement. The Council's Ecologist has raised no concerns in relation to this. The BNG would be secured for at least 30 years, and a Section 106 agreement would be required for this purpose.
- 6.6.5 Assessment of indirect ecological impacts: Poultry rearing operations result in the release of ammonia emissions and these can have a significant impact on ecology over a wide area, either directly or through nitrogen deposition. Indirect impacts may also arise as a result of the use of manure which is generated as part of the poultry rearing operation. The proposed development would result in a reduction in the number of birds being reared at the site. The poultry farm would continue to produce standard birds. There would be no change to either their growth rate or the duration of each rearing cycle. The proposal would therefore lead to a reduction in emissions and manure generation. The manure produced would continue to be treated in the adjacent on-farm AD plant. As there would be less manure being produced, there would be a consequential lowering of the amount of digestate from the anaerobic digester which is directly related to the proposed development.
- 6.6.6 Manure management: In terms of ecological receptors, all manure generated from the poultry enterprise would be used as feedstock for the on-site AD plant, in line with the current practice. The digestate produced by the AD plant would be applied to agricultural land in accordance with nutrient management plans, as per current practice. The proposal would not result in any increase in nutrient loadings to agricultural land or airborne ammonia emissions and nitrogen deposition above that which is already occurring. In terms of indirect effects from the application of digestate there would therefore be no adverse effect on site integrity of Fenemere or Hencott Pool Ramsar sites.
- 6.6.7 The proposed development has the potential to adversely affect internationally important sites for nature conservation through airborne emissions and nitrogen deposition. Under the Habitats Regulations, the likelihood and significance of these potential effects must be investigated. The Council's Habitat Regulations Assessment (HRA) is included in Appendix 1 below. The modelling shows that the proposal would result in reductions in concentrations of ammonia and nitrogen at both Fenemere and Hencott Pool Ramsar sites. In undertaking the HRA, the Council has followed Natural England's guidance. Overall, the proposal would result in a betterment. The HRA concludes that there would be no adverse effect on these two sites. The proposal has therefore screened out of the need for further assessment.
- 6.7 **Pollution and waste management considerations**
- 6.7.1 Core Strategy policy CS18 seeks to reduce flood risk and avoid adverse impact on water quality and quantity. Policy CS6 requires that development safeguards natural resources, including soil and water.

6.7.2 Surface and foul water drainage

A Flood Risk Assessment has been submitted as part of the planning application. This confirms that the site lies in an area where there is low risk of flooding. Surface water from the existing poultry sheds drains into an attenuation pond at the site. It is proposed that run-off from the proposed two buildings would be managed through infiltration to the ground via filter drains and through a new infiltration basin which would be constructed alongside the existing attenuation pond. The Council's Drainage team have raised no concerns regarding this arrangement and officers are of the view that this is an appropriate scheme.

6.7.3 Dirty water from the sheds would be drained to below-ground sealed tanks. These would be emptied at the end of each rearing cycle, and the water would be stored in an existing slurry lagoon which is situated immediately to the east of the proposed buildings. This process would be regulated under the Environmental Permit.

6.7.4 Manure management: The generation of manure from the poultry operation is an indirect effect of the proposal which is required to be assessed as part of the EIA process. The current application would result in a reduction in the number of birds and a consequent reduction in the amount of manure produced, from approximately 4,894 tonnes per annum to approximately 4,845 tonnes. All manure generated from the poultry enterprise would be used as feedstock for the adjacent AD plant, as is the case at present. The submitted Environmental Statement (ES) confirms that the AD plant has sufficient capacity to process all poultry manure that would arise. AD treatment would produce digestate which is then used as a fertiliser and soil conditioner on the farm, for which the farm has a high demand. As there would be a smaller quantity being taken to the AD plant than at present, there are no concerns over the capacity of the plant. The AD plant is operated under an Environmental Permit which is regulated by the Environment Agency.

6.7.5 The submitted ES includes an assessment of indirect effects which may arise from the use of manure and digestate. Manure would be treated in the AD plant. The ES notes that the nutrients of manure, which include nitrogen and phosphate, are largely retained in the digestate following the AD process. The resultant digestate would be applied to the agricultural land in accordance with nutrient management plans which include GPS-controlled technology. This reduces the risk of over-application, thereby minimising potential impacts on the environment, particularly ground and surface waters. The ES states that nutrient loadings would remain in line with current baseline operations, and there would be no increase in environmental risk as a result of the proposal.

6.7.6 For this particular application it is proposed that digestate is applied only to fields at the applicant's landholding. Digestate is applied to each field only once per year. There are legal controls in place to protect water quality from such applications to land. These legal controls apply irrespective of where such spreading takes place. These controls include the Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations (the Farming Rules for Water) and the Nitrate Vulnerable Zones Regulations. Practical guidance is provided through the Defra Code of Good

Agricultural Practice. As part of these controls, digestate spreading is not undertaken within 10 metres of watercourses or 50 metres from groundwater abstraction points, in order to protect water quality. The EA have not raised any concerns regarding the proposals for manure management.

6.7.7 Taking the above into account, together with the nutrient management and regulatory controls in place, the potential for nutrient leaching or runoff to watercourses or groundwater is low and would not be likely to result in significant environmental effects. A condition can be imposed on the planning permission to require that manure is taken to an AD facility or other suitable licensed waste management facility in line with the applicant's proposals. Subject to this, it is concluded that the manure management proposals are satisfactory, and would not result in unacceptable impacts on the environment.

6.8 Residential and local amenity considerations

6.8.1 Core Strategy policy CS5 requires that proposals for large scale new agricultural development demonstrate that there are no unacceptable adverse environmental impacts. Policy CS6 requires that developments safeguard residential and local amenity. SAMDev Plan policy MD7b states that planning applications for agricultural development will be permitted where it can be demonstrated that there would be no unacceptable impacts on existing residential amenity.

6.8.2 Noise: A Noise Impact Assessment has been submitted as part of the planning application. This has concluded that the noise emissions from the ventilation fans on the proposed additional buildings would be considered to be a 'low impact' under the relevant noise standard, during the day, evening and night periods. The EA has advised that it is not aware of any substantiated noise complaints associated with the site. Officers conclude that the proposal would not result in adverse impacts from noise emissions. It is noted further that noise emissions are controlled under the EP.

6.8.3 Odour: The Environmental Statement includes an Odour Impact Assessment. The odour report has used a dispersion model to predict likely odour levels, acknowledging that the proposal would result in a reduction in the number of birds at the site. This concludes that there would be no material difference in odour levels between the proposed extended poultry operation and the existing operation. Furthermore, it states that the proposed development is unlikely to lead to odour levels at the nearest receptors which would be regarded by the EA as unacceptable. The EA has advised that it is not aware of any substantiated odour complaints associated with the existing poultry operation. Based upon the findings of the applicant's odour assessment, odour would continue to be perceived at some receptors in the area on occasion. However, officers conclude that the proposal would not result in unacceptable levels of odour impact. As above, it is noted additionally that odour emissions are controlled under the EP.

6.8.4 Indirect impacts – odour and dust

Odour and dust impacts may potentially arise through the management of manure and storage and spreading of digestate. The ES includes an assessment of the potential environmental effects of these operations. Manure would be treated in the adjacent AD

plant, in line with current arrangements. The ES notes that the resultant digestate typically produces much lower odour than raw manure. At present, the digestate is applied to farmland using low-emission techniques such as dribble bars or direct injection which reduces surface exposure. This practice would continue. Spreading on each field only takes place once a year and follows best available techniques. The ES concludes that the potential for amenity impacts from odour and dust is therefore low and not significant. Officers concur with this conclusion.

6.9 **Animal welfare considerations**

6.9.1 Matters relating to animal welfare are controlled through other regimes. These include the Animal Welfare Act 2006 and the Welfare of Farmed Animals (England) Regulations 2007 the requirements of which are enforced by other bodies. Nevertheless, animal welfare concerns are capable of constituting a material consideration in the planning process. The proposed development would result in a significantly lower stocking density of birds than at present, and consequently an improvement in welfare conditions. This is a benefit of the proposal.

6.9.2 A planning condition can be imposed to specify the maximum number of birds that can be housed in the buildings. This would ensure that the welfare benefits from a reduced density are secured. Detailed welfare inspection and enforcement remain the responsibility of other bodies such as the Animal and Plant Health Agency and the Environment Agency.

6.10 **Other considerations**

6.10.1 A public representation suggests that inaccurate numbers have been used in relation to bird number increases. Planning permission for the erection of two additional poultry buildings was granted in 2017, ref. 16/04594/EIA. The application stated that it was for a 100,000 increase in bird numbers, but the documents did not specifically state what the maximum number of birds over the whole site would be. However, following a file review, the case officer is satisfied that consultees were aware that the proposal would result in a maximum of 450,000 bird places. The representation also suggests that the farm may have been in breach of the Welfare of Farmed Animals regulations. However there is no evidence of this.

6.11 **Planning benefits**

6.11.1 The proposed development would result in an investment in buildings and infrastructure of approximately £1.5 million. This includes groundworks and concrete, buildings, and internal equipment fitting. These economic benefits include employment of contractors during the construction phase. The proposed development would also help to secure the existing 3 full time jobs on the site.

7.0 **PLANNING BALANCE AND CONCLUSION**

7.1 Foxholes Farm is an established broiler unit which accommodates 450,000 birds in eight rearing buildings. The applicant proposes to move to a higher welfare standard which involves reducing the density of birds within the buildings. As part of this, the planning application seeks planning permission for two additional poultry houses which would be located adjacent to the existing ones, of identical scale and design. The lower density would apply to all of the buildings, resulting in an overall reduction of

birds at the site of 4,500 to 445,500 at any one time. The detailed assessments that have been submitted as part of the EIA have demonstrated that the potential impacts of the proposal can be satisfactorily mitigated. The additional two poultry buildings would result in some adverse landscape and visual effects. These can be mitigated to some degree through additional landscaping, and the residual adverse effects would be outweighed by the benefits of the proposal including those set out in section 6.11 above. The proposal is predicted to result in minor reductions in odour levels at sensitive receptors. Noise levels would not be adverse or unacceptable. The arrangements for managing surface water are acceptable. The proposal would provide a minimum of 10% biodiversity net gain as required by legislation, and would not result in adverse effects on designated ecological sites, either directly, indirectly or in combination with other projects. Traffic levels would be expected to reduce slightly, and HGV routing can continue to be controlled through a Section 106 agreement as at present. There would be no changes to the current arrangements for the management of manure arising as part of the process. This would involve treating this in the adjacent anaerobic digester plant to create digestate which would be spread on the applicant's fields once per year as a fertiliser, an operation which is controlled under environmental regulations. This is an acceptable and beneficial arrangement and would not result in significant effects on the environment.

7.2 Detailed operational matters would continue to be controlled under an Environmental Permit to be issued by the Environment Agency. Spreading of resultant material onto farmland is also subject to regulation under other legislation. Overall, officers conclude that the proposed development is in line with the Development Plan and national planning policy and as such it is recommended that planning permission is granted subject to conditions and a Section 106 agreement.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

9.0 Financial Implications

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

10.0 Artificial Intelligence (AI)

AI can be used to support our work and to create content by bringing together or summarising responses to consultation. The report writer remains responsible for ensuring that the content of the report is factually accurate and that the use of AI is responsible and lawful. All original documents remain unaltered on the planning register should you wish to view them in full.

11. Background

Relevant Planning Policies

Central Government Guidance:
NPPF

Core Strategy and Saved Policies:
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles

CS13 - Economic Development, Enterprise and Employment
CS17 - Environmental Networks
CS18 - Sustainable Water Management
MD2 - Sustainable Design
MD7B - General Management of Development in the Countryside
MD8 - Infrastructure Provision
MD12 - Natural Environment

Relevant Planning History:

09/01778/FUL Erection of five poultry units and ancillary works including creation of new access and off-site highway improvements. REFUSE 27th May 2010
12/01419/EIA Erection of 3 poultry rearing sheds; 2 control rooms, 7 feed bins, office/store building, water tower, vehicular access, road improvement works (in Great Ness & Little Ness) earth bund and landscaping scheme GRANT 24th October 2012
13/00881/AMP Re-alignment of feed bins and small increase in floor area by erection of general purpose store between sheds 1 and 2 GRANT 8th March 2013
13/00967/SCR Proposed new Anaerobic Digestion Plant EAN 13th March 2013
13/01316/MAW Erection of a 500kWe Anaerobic Digester (AD) plant for the purpose of farm diversification and for the production of renewable energy GRANT 4th July 2013
13/03098/AMP Non Material Application following grant of planning permission ref.
13/01316/MAW to relocate the transformer and CHP and reposition the infrastructure within the site. Erection of a 500kWe Anaerobic Digester (AD) plant for the purpose of farm diversification and for the production of renewable energy GRANT 9th September 2013
13/04456/AMP Proposed non-material amendment to previously approved planning permission reference 12/01419/EIA for the erection of 3 poultry rearing sheds; 2 control rooms, 7 feed bins, office/store building, water tower, vehicular access, road improvement works (in Great Ness & Little Ness) earth bund and landscaping scheme GRANT 16th November 2013
14/02385/EIA Erection of three poultry rearing buildings, eight feed bins and other ancillary buildings, landscaping including ground modelling and tree planting GRANT 18th July 2016
15/00771/MAW Construction of farm lagoon to store digestate with lined reception pit for safe out-loading; erection of a 1.8m security fence around the lagoon GRANT 9th June 2015
15/01035/MAW Variation of Condition No 3 (approved documents) attached to Permission 13/01316/MAW (erection of Anaerobic Digester (AD) plant) to allow for the removal of building and re-arrangement of two approved buildings (retrospective) GRANT 14th April 2015
15/02159/MAW Erection of extension to storage clamps for Anaerobic Digester (AD) Plant GRANT 31st January 2017
15/04234/PSPPA Installation of 250kw roof mounted solar array comprising of 961 solar panels evenly distributed on the west roof slopes of the three sheds to the west of the site PNR 10th December 2015
16/04594/EIA Erection of two additional poultry rearing buildings and one general purpose agricultural building, plus associated hardstanding and works; application under Section 73a of the Town and Country Planning Act 1990 (retrospective) for the revised siting of six poultry rearing buildings, office building and the revised routing of part of the access track (revised scheme) GRANT 11th August 2017
17/02290/FUL Erection of grain storage building with drying facilities GRANT 2nd August 2017
17/04627/VAR Variation of Condition No. 3 (approved plans) attached to Planning Permission 17/02290/FUL dated 02 August 2017 GRANT 22nd March 2018

19/02743/AGR Erection of a grain storage building GRN 2nd August 2019

Appeal

10/01833/REF Erection of five poultry units and ancillary works including creation of new access and off-site highway improvements. DISMIS 30th June 2011

12. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SHI247TDJHF00>

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

Cabinet Member (Portfolio Holder) - Councillor David Walker

Local Member: Cllr Ed Potter

Appendices

APPENDIX 1 – HRA

APPENDIX 2 - Conditions

APPENDIX 1 – HABITAT REGULATIONS ASSESSMENT

1.0 INTRODUCTION

The proposal described below has the potential to adversely affect a designated site of international importance for nature conservation. The likelihood and significance of these potential effects must be investigated.

This is a record of the Habitats Regulations Assessment (HRA) of the project at Foxholes Farm Poultry Unit, Little Ness, Shrewsbury, Shropshire (24/02979/EIA) undertaken by Shropshire Council as the Local Planning Authority. This HRA is required by Regulation 61 of the Conservation of Habitats and Species Regulations 2017, in accordance with the EC Habitats Directive (Council Directive 92/43/EEC) before the council, as the 'competent authority' under the Regulations, can grant planning permission for the project. In accordance with Government policy, the assessment is also made in relation to sites listed under the 1971 Ramsar convention.

Date of completion for the HRA screening matrix:

31st March 2026

HRA screening matrix completed by:

Shropshire Council

2.0 HRA STAGE 1 – SCREENING

This stage of the process aims to identify the likely impacts of a project upon an international site, either alone or in combination with other plans and projects, and to consider if the impacts are likely to be significant. Following case law (*People Over Wind v Coillte Teoranta C-323/17*), any proposed mitigation measures to avoid or reduce adverse impacts are not taken into account in Stage 1. If such measures are required, then they will be considered in stage 2, Appropriate Assessment.

2.1 Summary Table 1: Details of project

Name of plan or project	24/02979/EIA Foxholes Farm Poultry Unit, Little Ness, Shrewsbury, Shropshire
Name and description of Natura 2000 site	<p><u>Fenemere</u></p> <p>Fenemere Midland Meres and Mosses Ramsar Phase 1 (16.34ha) is a particularly rich and interesting mere with eutrophic water. Fenemere is also important for its rich aquatic invertebrate fauna. It is included within the Ramsar Phase for its open water, swamp, fen, wet pasture and Carr habitats with the species <i>Cicuta virosa</i> and <i>Thelypteris palustris</i> .</p> <p><u>Hencott Pool</u></p> <p>Most of Hencott Pool Midland Meres and Mosses Ramsar Phase 2 (11.5ha) is swamp carr on very wet peat dominated by alder <i>Alnus glutinosa</i> and common sallow <i>Salix cinerea</i> with frequent crack willow <i>Salix fragilis</i>. Although there are considerable areas of bare peat beneath the trees, there is a rich flora of fen plants. It is included in the Ramsar Phase for its Carr habitat and the species <i>Carex elongata</i> and <i>Cicuta virosa</i>.</p>
Description of the plan or project	Erection of 2 No. additional poultry houses with associated feed bins, hardstandings and relocated access road associated with a reduction in stocking density the whole poultry farm to the new higher welfare standards.
Is the project or plan directly connected with or necessary to the management of the site?	No

Are there any other projects or plans that together with the project or plan being assessed could affect the site?	No (see section 3.3)

2.2 Are Significant Effects Likely?

Fenemere lies approximately 3.8km from the site and Hencott Pool lies approximately 8.5km from the site.

The proposal is for a reduction in bird numbers from 450,000 broilers in 8 sheds to 445,500 broilers in 10 sheds.

Emissions modelling

Version 6 of the Ammonia Emissions: Impact Assessment (Isopleth, February 2026) calculates the following impacts in relation to ammonia emissions and nitrogen deposition upon Fenemere and Hencott Pool.

Fenemere

Existing Process Contribution %age of Critical Level: 6.3%
Proposed Process Contribution %age of Critical Level: 6.2%
Difference in Critical Level between existing and proposed: -0.09%

Existing Process Contribution %age of Critical Load: 3.3%
Proposed Process Contribution %age of Critical Load: 3.2%
Difference in Critical Load between existing and proposed: -0.05%

Hencott Pool

Existing Process Contribution %age of Critical Level: 1.0%
Proposed Process Contribution %age of Critical Level: 0.9%
Difference in Critical Level between existing and proposed: -0.04%

Existing Process Contribution %age of Critical Load: 1.0%
Proposed Process Contribution %age of Critical Load: 1.0%
Difference in Critical Load between existing and proposed: -0.04%

The modelling shows that the proposal will result in reductions in the process contribution percentages of the Critical Level (ammonia) and Critical Load (nitrogen) at both Fenemere and Hencott Pool.

Dominant emission source

Following Natural England's *Air pollution and development: advice for local authorities* guidance, Isopleth have provided the following information in relation to dominant sources of emissions.

The existing layout accounts for 0.063µg/m³ at Fenemere, as compared with the baseline (which includes this contribution) of 3.07 µg/m³. The existing contribution is therefore much less than 25% of the existing total at Fenemere ... Similarly, the existing layout accounts for 0.01 µg/m³ at Hencott Pool, as compared with the baseline (which includes this contribution) of 2.8 µg/m³. The existing contribution is therefore much less than 25% of the existing total at Hencott Pool.

The existing layout accounts for 0.328kgN/Ha/year at Fenemere, as compared with the baseline (which includes this contribution) of 36.84kgN/Ha/year. The existing contribution is therefore much less than 25% of:

- *the existing total deposition to Forest or Moorland*
- *the total Deposition Grid Average*
- *the Deposition Grid Average attributable to agriculture*

Similarly, the existing layout accounts for 0.051 kgN/Ha/year at Hencott Pool, as compared with the baseline (which includes this contribution) of 19.95kgN/Ha/year. The existing contribution is therefore much less than 25% of:

- *the existing total deposition to Forest or Moorland*
- *the total Deposition Grid Average*
- *the Deposition Grid Average attributable to agriculture*

The existing Foxholes site is therefore not a dominant source in relation to these two receptors and based on the trends at these sites this is not expected to change. If the baseline emissions are under 25% of all critical loads and levels, emissions reduction measures are possible and in this case this has been achieved through reduction in the number of birds at the site, resulting in an overall reduction in impacts (i.e. a betterment).

It is therefore concluded that the site does not emit 25% or more of the critical level or critical load, and that the Foxholes site is not a dominant source of air emissions in relation to the above two receptors and emissions reduction can be taken into account.

In-combination effects

Because the proposal will result in a reduction in the process contributions towards both Fenemere and Hencott Pool, in accordance with Natural England's guidance an in-combination assessment is not required.

Indirect impacts

All manure generated from the poultry enterprise would be used as feedstock for the on-site Anaerobic Digester (AD) plant, in line with the current practice. The digestate produced by the AD plant would be applied to agricultural land in accordance with nutrient management plans, as per current practice. The proposal would not result in any increase in nutrient loadings to agricultural land or airborne ammonia emissions and nitrogen deposition. In terms of indirect effects from the application of digestate there will therefore be no adverse effect on site integrity of Fenemere or Hencott Pool.

2.3 Screening Conclusion

Following Stage 1 screening, Shropshire Council has concluded the proposed development will result in a reduction in ammonia emissions and nitrogen deposition.

There will be no adverse effect on Fenemere (part of Midland Meres and Mosses Ramsar Phase 1) or Hencott Pool (part of Midland Meres and Mosses Ramsar Phase 2).

4.0 FINAL CONCLUSION

Following Stage 1 screening, Shropshire Council concluded that the proposed development will not result in an adverse effect on Fenemere (part of Midland Meres and Mosses Ramsar Phase 1) or Hencott Pool (part of Midland Meres and Mosses Ramsar Phase 2) via airborne ammonia emissions or nitrogen deposition.

APPENDIX 1 – GUIDANCE ON COMPLETING THE HRA SCREENING MATRIX

The Habitats Regulations 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 Habitats Regulations Assessment of Local Development Documents (Revised Draft 2009).

Habitats Regulations Assessment Outcomes

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

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

Duty of the Local Planning Authority

It is the duty of the planning case officer, the committee considering the application and the Local Planning Authority as a whole to fully engage with the Habitats Regulations Assessment

process, to have regard to the response of Natural England and to determine, beyond reasonable scientific doubt, the outcome of the 'significance' test and the 'integrity' test before making a planning decision.

APPENDIX 2 - Conditions**STANDARD CONDITION(S)**

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

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

2. The development shall be carried out strictly in accordance with the approved plans, drawings and documents as listed in Schedule 1 below.

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- o a traffic management and hgv routing plan and local community protocol
- o the parking of vehicles of site operatives and visitors
- o loading and unloading of plant and materials
- o storage of plant and materials used in constructing the development
- o the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- o wheel washing facilities

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area.

4. No development shall take place (including demolition, ground works and vegetation clearance) until a landscaping plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) Planting plans, creation of wildlife habitats and features and ecological enhancements e.g. hibernacula, hedgehog-friendly gravel boards and amphibian-friendly gully pots;
- b) Written specifications for establishment of planting and habitat creation;
- c) Schedules of plants/seed mixes, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
- d) Implementation timetables.

Native species used are to be of local provenance (Shropshire or surrounding counties). The plan shall be carried out as approved.

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

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

5. The development hereby permitted shall not be brought into use until the areas shown on Proposed Site Plan Drawing no. IP/FFL/03 for parking, loading, unloading, and turning of vehicles has been provided properly laid out, hard surfaced and drained. The space shall be maintained thereafter free of any impediment to its designated use.

Reason: To ensure the provision of adequate vehicular facilities, to avoid congestion on adjoining roads and to protect the amenities of the area.

6. The development hereby permitted shall not be brought into use until the drainage system, which includes the provision of the infiltration basin, has been completed. The drainage system shall be operational at all times.

Reason: To ensure satisfactory surface water drainage and minimise flood risk.

7. The external colour of the approved poultry buildings and feed bins shall match those of the adjacent poultry buildings and feed bins.

Reason: To provide an acceptable appearance in order to minimise adverse impacts on landscape character.

8. All site clearance, development and biodiversity enhancements shall occur strictly in accordance with pages 19-20 (lighting) and pages 21-22 (reptiles) of the Preliminary Ecological Appraisal (Craig Emms and Linda Barnett, July 2024).

Reason: To ensure the protection of and enhancements for wildlife.

9. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under a separate planning condition). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note GN08/23: Bats and Artificial Lighting At Night, GN01/21: The Reduction of Obtrusive Light and Guidance Note 9/19: Domestic exterior lighting: getting it right. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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

10. The poultry units at the site shall be limited to occupation by 445,500 birds across 10 broiler units.

Reason: To ensure that the restriction on the maximum number of birds to be kept in the buildings at any one time can be satisfactorily enforced, in order to prevent adverse impact on biodiversity from ammonia emissions consistent with the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Policy MD12 and the policies of the National Planning Policy Framework.

11. Bird removal from the site shall take place on no more than 48 days per year. Of these, no more than 44 days shall involve bird removal between 2300 hours and 0700 hours. When transporting birds a maximum of two HGV movements per hour may occur between the hours of 2300 and 0700.

Reason: To protect the health and wellbeing of residents along the access route to the installation.

12. (a) All manure arising from the poultry buildings hereby permitted shall be taken to an anaerobic digester or other suitable disposal or management facility.
(b) Records of the destination of each load of manure arising from the poultry buildings hereby permitted shall be made and these shall be made available to the local planning authority on request.
Reason: To minimise adverse impacts on local amenity and avoid pollution to groundwater.

13. (a) There shall be no more than 8 bird growing cycles per calendar year.
(b) Records of the start and finish date of each growing cycles shall be made and shall be made available to the local planning authority on request.
Reason: To ensure that the number of bird growing cycles does not increase significantly over that proposed in order to limit the potential for adverse impacts due to odour and ammonia emissions.

Informatives

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

2. This planning permission is subject to mandatory Biodiversity Net Gain. Please see <https://www.gov.uk/guidance/meet-biodiversity-net-gain-requirements-steps-for-developers> for more information. Development must not commence until you have submitted and obtained approval for a Biodiversity Gain Plan.

3. Drainage advice: The filter drains, acting as soakaways, should be located at least 5m away from the foundations of the poultry houses. As indicated in the Flood Risk Assessment and Surface Water Management Plan, the use of geotextiles within the filter drains is not recommended.

4. Highways advice:

Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

- construct any means of access over the publicly maintained highway (footway or verge) or
- carry out any works within the publicly maintained highway, or
- authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or
- undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details

<https://www.shropshire.gov.uk/roads-and-highways/road-network-management/application-forms-and-charges/>

Please note Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided

with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.

Mud on highway

The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

No drainage to discharge to highway

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

5. Ecology advice:

Nesting birds informative

The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent.

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal, scrub removal and/or conversion, renovation and demolition work in buildings (or other suitable nesting habitat) should be carried out outside of the bird nesting season which runs from March to August 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 or buildings cannot be clearly seen to be clear of nests then an appropriately qualified and 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.

If during construction birds gain access to any of the building and begin nesting, work must cease until the young birds have fledged.

General site informative for wildlife protection

Widespread reptiles (Adder, Slow Worm, Common Lizard and Grass Snake) are protected under the 1981 Wildlife and Countryside Act (as amended) from killing, injury and trade and are listed as Species of Principle Importance under Section 41 of the 2016 NERC Act. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under section 41 of the 2006 Natural Environment and Rural Communities Act. Reasonable precautions should be taken during works to ensure that these species are not harmed.

The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season (March to October) when the weather is warm.

Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife.

The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife.

Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

Any common reptiles or amphibians discovered should be allowed to naturally disperse. Advice should be sought from an appropriately qualified and experienced ecologist if large numbers of common reptiles or amphibians are present.

If a Great Crested Newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.

If a hibernating hedgehog is found on the site, it should be covered over with a cardboard box and advice sought from an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (01584 890 801).

Hedgerows are more valuable to wildlife than fencing. Where fences are to be used, these should contain gaps at their bases (e.g. hedgehog-friendly gravel boards) to allow wildlife to move freely.

6. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990. The S106 may include the requirement for a financial contribution and the cost of this should be factored in before commencing the development. By signing a S106 agreement you are legally obliged to comply with its contents, irrespective of any changes to Planning Policy or Legislation.

7. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £1298 per request, and £186 for existing residential properties.

Failure to discharge pre-start conditions will result in a contravention of the terms of this permission; any commencement may be unlawful and the Local Planning Authority may consequently take enforcement action.