

DECISION NOTICE

Mr Brisbane
c/o Mr Shaun Jones
HALLS HOLDINGS LTD
Halls Holdings House
Bowmen Way
Battlefield
Shrewsbury
SY4 3DR

Date: 24th May 2023

Our Ref: 22/03828/EIA
Your Ref: Painsbrook Farm -
Brisbourne

Dear Mr Brisbane c/o Mr Shaun Jones

DETERMINATION OF APPLICATION FOR PLANNING PERMISSION ACCOMPANIED BY EIA

Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) (England) Order 2015
Town and Country Planning (Environmental Impact Assessment) Regulations 2017

Location:	Painsbrook Farm, Painsbrook Lane, Hadnall, Shrewsbury Shropshire SY4 4BA
Proposed Development:	Construction of two free range poultry houses with feed bins and ancillary equipment
Application No.	22/03828/EIA
Date Received:	22nd August 2022
Applicant:	Mr Brisbane

Shropshire Council hereby **GRANT FULL PLANNING PERMISSION** subject to the conditions listed below.

STANDARD CONDITIONS

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.

CONDITIONS THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No development shall take place until a detailed hard and soft landscape scheme for the whole site has been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. The details shall include: Plant species, sizes, numbers and densities, method of cultivation and planting, means of protection and programme for implementation. This is for all grassed areas, tree, shrub, and hedgerow planting. The works will be implemented during the first planting season following commencement of development on site.

Reason: In order to mitigate the development successfully into the surrounding landscape.

4. No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. The maintenance shall be carried out in accordance with the approved schedule. The maintenance schedule shall include for the replacement of any plant (including trees and hedgerow plants) that is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective. The replacement shall be another plant of the same species and size as that originally planted shall be planted at the same place and within the first planting season following the requirement for the previous specimen's replacement.

Reason: In order to ensure a successful landscaping plan is established in consideration of the visual impacts on the surrounding landscape.

5. No development shall take place until a scheme of surface and polluted water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is brought into use.

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

6. Prior to the commencement of the development a scheme shall be submitted in writing detailing contingency measures to be adopted in the event that the operation of the scrubbing unit is not possible, such as plant breakdown, and set out procedures to ensure that the time without the use of air scrubbing unit is minimised. The poultry rearing operation shall be undertaken in accordance with the approved scheme.

Reason: to mitigate 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

CONDITIONS THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

7. Prior to first beneficial use of the development, evidence (prepared by a suitably qualified industry professional) shall be submitted to the LPA to confirm that the air scrubbers detailed in 'A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Existing and Proposed Free Range Egg Laying Chicken Houses and the Impact of Proposed Mitigation Measures at Painsbrook Farm, Painsbrook Lane, near Hadnall in Shropshire' by AS Modelling & Data, dated 27th July 2022 (submitted 23 January 2023), the 'Environmental Statement' by Halls dated September 2022 and shown on drawing number HPJ10707-202 Rev. D have been installed and are fit for purpose. The air scrubbers shall be maintained and operated thereafter, in accordance with the manufacturer's instruction for the lifetime of the development.

Reason: 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.

8. Prior to first use of the development, a plan showing the location, extent and specification for fencing of hedgerows as detailed in section 5.1.1 of the Ecological Impact Assessment by Churton Ecology dated 9 May 2021 has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details prior to first use of the site.

Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and section 174 of the NPPF.

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 surrounding residential amenity and/or any sensitive features. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To protect the amenity of the surrounding area.

CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

10. All external construction on site will be dark blue in colour in accordance with colour code BS18B29

Reason: In order to ensure the visual impacts of the development are acceptable in relation to the surrounding landscape.

11. No development shall take place until the passing place as detailed on Passing Bay Information Drawing no. HPJ10707-206 has been fully implemented and completed in accordance with the approved details and thereafter be kept clear and maintained at all times for that purpose.

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

12. The development hereby permitted shall not be brought into use until the areas shown on the approved Site Plan Drawing No. HPJ10707-202 Rev B for the access 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.

13. No birds shall be brought to any of the egg laying units hereby permitted, or to the existing egg laying unit, unless the associated air scrubbing unit is in effective working

order.

Reason: 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.

14. The poultry laying units hereby approved shall be limited to occupation by no more than 64,000 birds.

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.

15. No feed stuffs will be delivered to the site outside the hours of 8am - 6pm Monday - Saturday or at any times during a bank holiday.

Reason: In the interests of surrounding residential amenity

16. All manure generated on site will be removed off site in sealed and covered trailers for processing at the Anaerobic Digestion plant (AD) at Lea Hall Energy, Lea Hall Farm, Lea Cross, Shrewsbury, Shropshire, SY5 8HY; or, in the event of this Anaerobic Digestion plant not being available, another Anaerobic Digestion plant.

Reason: In consideration of the amenity of the surrounding area and environmental considerations.

Schedule 1 - Approved plans, drawings, documents

Description	Reference	Date Received
Location Plan	HPJ10701-201, Rev. A	18.11.2022
Detail Drawing	HPJ10707-206	18.11.2022
Detail Drawing	HPJ10707-205, Rev. C	18.11.2022
Block Plan	HPJ10707-202, Rev. D	17.01.2023
Combination	HPJ10707-203, Rev. C	17.01.2023
Combination	HPJ10707-204, Rev. C	17.01.2023
Other Plans	HPJ10707-207	17.01.2023

INFORMATIVES

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.

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.

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.

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.

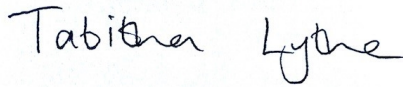
All vegetation clearance, tree removal and scrub removal and/or conversion, renovation and demolition work in buildings [or other suitable nesting habitat] should be carried out outside of the bird nesting season which runs from March to August inclusive.

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 your proposed project requires **Building Regulations Approval** or you are unsure whether it does please contact us on **01743 258710**, email buildingcontrol@shropshire.gov.uk or visit our website <https://www.shropshire.gov.uk/building-control/> for pre-application advice and a competitive fee.

As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Service's "Fire Safety Guidance for Commercial and Domestic Planning Applications" which can be found using the following link: <http://www.shropshirefire.gov.uk/planning-applications>

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A handwritten signature in black ink that reads "Tabitha Lythe". The signature is written in a cursive style with a large initial 'T' and 'L'.

Tabitha Lythe
Planning and Development Services Manager

Date of Decision: 24th May 2023

NOTES

Conditions

You will see that your decision notice includes a number of conditions:

- You must comply with all of the conditions. If you are unclear about any of them, please contact the Planning Officer who dealt with the application.
- Some of the conditions may require you to submit further information to the Council for approval. Most conditions will need to be complied with before you start work on site.
- If you think any of the conditions are unreasonable you may appeal to the First Secretary of State, through the [Planning Inspectorate](#).
- Please also ensure that you comply with the requirements of any Legal Agreement that may accompany the planning permission.

Informatives

Your decision notice includes a number of informatives. This gives you some extra guidance and advice which will help the development process. Please note your Decision Notice gives permission only under the Town and Country Planning Acts. You may need other approvals, for example under the Building Regulations, or Party Wall Act, or permission from your neighbour to go onto his/her land.

Amendments

If you need to alter your approved drawings please send full details to us regardless of how small the alteration is. Your case officer will determine whether this can be agreed through a simplified exchange of correspondence or whether a revised application needs to be submitted. Further guidance can be found at www.shropshire.gov.uk/planning . You should not commence work until the amendment has been approved in writing by the Council.

Appeals to the Secretary of State

If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then the applicant can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

An appeal must be made within six months of the date of this notice, or 12-weeks if the scheme is for that of "household" development, or minor commercial application, or within 8 weeks in the case of advertisement appeals. The appeal must be made on a form which can be obtained from the Planning Inspectorate at Customs Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online through the Planning Portal website at www.planningportal.gov.uk/pcs

Where an enforcement notice has been served on the same, or substantially the same, development as in the application within 2 years of the date the application was made, the period for receiving an appeal is 28 days of the date on the decision notice or the date by which the LPA should have decided the application. Where an enforcement notice was served after the decision notice was issued or after the end of the period the LPA has to determine the

application, the period for receiving an appeal is within 28 days of the date the enforcement notice was served (unless this extends the normal 12 week deadline).

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority (appeals@shropshire.gov.uk) and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council requiring the Council to purchase the interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 (as amended).