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Shropshire Council
The Gateway
The Auction Yard
CRAVEN ARMS
SY7 9BW

Your Ref: 14/05323/FUL
Our Ref: gc_270115_14_05323_FUL

27 January 2015

Dear Grahame

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

This detailed response is in addition to the standard response from the AONB Partnership already posted to the Council planning website.

The Shropshire Hills AONB Partnership objects to this application. The development would introduce some major industrial scale buildings into a high quality area of landscape, within the AONB and very close to a Registered Parkland. It also has the potential adversely to affect the River Clun, and assessment of a number of factors in the application documents is not adequate. Our detailed comments are set out below.

1 Landscape:

The proposed development sits in a lowland setting in the Kemp Valley. The proposed mitigation measures detailed in the Landscape and Visual Impact Assessment (LVIA) may lessen the impact at field level and roadside, but we are concerned that it may not be sufficient to screen the development from the surrounding hills of the Shropshire Hills AONB.

The Landscape Assessment part of the LVIA draws on the Shropshire Landscape Typology as baseline information, and includes many photographs with description. It does not however make any reference to the Shropshire Hills AONB or identify landscape receptors (as distinct from visual receptors), and nor does it assess thoroughly and transparently the potential effects of the development on receptors and the way conclusions regarding significance of impact are reached. We believe the LVIA is not compliant with the nationally accepted guidance on LVIA in this and other respects.

The National Planning Policy Framework is quite clear that general policies within the Framework supporting particular types of development activity do not over-ride the location-specific policies protecting AONBs. Indeed the very first policy paragraph within NPPF, Para 14 on the 'golden thread' of sustainable development, highlights through footnote 9 AONBs as an exception to a presumption in favour of development, as one of a few types of special area where "*specific policies in this Framework indicate development should be restricted.*"

The specific policy in Para 115 of the Framework states:

115. Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are

important considerations in all these areas, and should be given great weight in National Parks and the Broads.

The buildings in this application would cover nearly 4,000 sq m and represents a significant increase of the farmstead footprint. This is therefore clearly a 'major development' under the definition of the Town and Country Planning (Development Management Procedure) (England) Order 2010, and so para 116 of NPPF also applies:

116. Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest.

Consideration of such applications should include an assessment of:

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

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

2 Visual impact

The LVIA does not define or map any zones of visibility of the development, and the definition of visual receptors seems inadequate, especially regarding the exclusion of Walcot Hall. A clear and transparent assessment of the significance of visual impacts on the receptors is not provided in the LVIA, as recommended in the Guidance.

3 Historic Landscape:

The proposed development is to be located only approximately 60 metres from the Grade II Registered Park and Garden of Walcot Park. This parkland is of special historic interest in England and thus to be of national importance and an important feature within the AONB. Other than passing reference in the "Archaeological Desk Based Assessment" there is no assessment of impact on the Registered Park itself (the key historic feature). We consider the development would have a considerable negative impact and is inappropriate in the setting of this parkland.

The specific policy in Para 129 of the National Planning Policy Framework (NPPF) states:

129. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Also Planning Policy Statement 5 is still applicable, and states:

Registration is a 'material consideration' in the planning process. Planning for the Historic Environment means that planning authorities must consider the impact of any proposed development on the landscapes' special character.

Shropshire Council's SAMDev Policy MD13: The Historic Environment states:

In accordance with Policies CS6 and CS17 and through applying the guidance in the Historic Environment SPD, Shropshire's heritage assets will be conserved, sympathetically enhanced and restored by:

- 1. Ensuring that proposals which are likely to either directly or indirectly affect the significance of a heritage asset, including its setting, are accompanied by a Heritage Assessment. (emphasis added)*

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

4 Biodiversity:

The River Kemp is major tributary of the River Clun and is thus upstream from the River Clun Special Area of Conservation (SAC) and the River Teme Site of Special Scientific Interest (SSSI). The River Clun is designated as a SAC for its freshwater pearl mussel interest; it is of international significance and is one of only three rivers in England so designated.

The proposed development is located adjacent to the River Kemp - a watercourse failing to achieve "Good Ecological Status" as required by the EU Water Framework Directive (WFD). Furthermore, Natural England considers the River Clun SAC to be in 'Unfavourable Condition' and therefore failing to meet its statutory target. The qualifying feature for the River Clun SAC is the freshwater pearl mussel, and the International Union for Conservation of Nature (IUCN) identifies the freshwater pearl mussel as a 'Critically Endangered' 'Red List' species. In this context, the River Clun pearl mussel population represents a unique genetic resource requiring special measures to ensure its future survival.

Over recent years the River Clun has been subject to extensive studies, and understanding of the situation relating to pearl mussels and the processes contributing their decline (and that of the River Clun SAC) has improved greatly in recent years. These studies have established that the mussels are now in critical decline and unlikely to survive unless the pressures contributing to the deterioration of the SAC are reversed. Studies include the River Clun SAC Nutrient Management Plan (NMP) <https://www.gov.uk/government/publications/nutrient-management-plan-river-clun> and the River Clun SSSI/SAC Restoration Strategy <http://www.shropshirehillsaonb.co.uk/wp-content/uploads/2012/03/River-Clun-Restoration-Strategy-v3b.pdf> and <http://www.shropshirehillsaonb.co.uk/wp-content/uploads/2012/03/Jacobs-River-Clun-Restoration-Strategy.pdf>. This recent research considers the main reason for decline to be intensification of land management practices, particularly those that lead to elevated levels of nutrients, sediment and pesticides.

We do not consider the information supplied to be adequate to cover relevant concerns regarding impact on the water environment, and have concerns that the applicant has not sufficiently addressed the issues clearly articulated in the aforementioned studies. The application makes no reference to the fact the site is situated upstream of the River Clun SAC, or to the River Clun Nutrient Management Plan which defines challenging catchment-wide targets for phosphates, nitrates and sediment. It is important that the applicant clarifies what measures will be put in place to ensure that the targets set in the NMP and for the River Clun SAC are met both during development and operational phases.

Specifically, we are concerned that the reference to a 'ditch' adjacent to the proposed development downplays its significance as a watercourse. This watercourse is in fact the River Kemp and is mapped as 'Main River' by the Environment Agency and therefore a key receptor and pathway to the River Clun SAC.

Due to the connectivity of the proposed development to the Clun SAC it should be recognised that any water resources impact has the potential to be severe. The applicant's Surface Water Management Plan indicates an intention to divert surface flows to the River Kemp via an attenuation pond. There is no assessment of the attenuation pond in relation to its ability to remove pollutants before it discharges to the River Kemp, and this should be clarified in relation to the River Clun NMP.

Allied to the above, the application makes no reference to management of essential poultry shed disinfection and washing during operation. It is not clear whether washings are to be disposed of via the attenuation pond or by other means. Again this should be clarified.

Furthermore, it is unclear how the poultry waste will be disposed of. If disposed of locally (or elsewhere in the catchment) there is potential for increased N and P load of the River Clun. The application makes no reference to this eventuality. Mitigation measure should be defined to ensure River Clun NMP targets are safeguarded.

Significant financial resources have been directed at the River Clun to help meet statutory targets, and the AONB Partnership has been closely involved with project work on the river for some years. This development is of concern and should it go ahead without the necessary safeguards it would put in jeopardy the conservation objectives set for returning the River Clun SAC to favourable condition.

The following policies apply regarding biodiversity and the natural environment and support the need for more detailed consideration of these matters:

Policy MD12 Natural Environment: 4.115 Policy MD12 sets out in detail the level of protection offered to Shropshire's natural assets.

*Internationally and nationally important sites of wildlife conservation and geological interest as well as legally protected habitats and species will be afforded the highest level of protection in line with the relevant legislation and policy. Development proposals affecting or involving the following will be assessed in accordance with the relevant legislation and national policy; European and nationally designated wildlife sites (Special Protection Areas (SPA), **Special Areas of Conservation (SAC)**, Ramsar and Sites of Special Scientific Interest (SSSIs) and all candidate designations;*

Shropshire Council SAMDev Policy MD12: The Natural Environment states:

In accordance with Policies CS6, CS17 and through applying the guidance in the Natural Environment SPD, the conservation, enhancement and restoration of Shropshire's natural assets will be achieved by:

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

i. the special qualities of the Shropshire Hills AONB;

ii. locally designated biodiversity and geological sites;

iii. priority species;

iv. priority habitats;

v. important woodlands, trees and hedges;

vi. ecological networks;

vii. geological assets;

viii. visual amenity;

ix. landscape character and local distinctiveness

(emphasis added)

Yours sincerely

George Chancellor
Chair

On behalf of Shropshire Hills AONB Partnership