

CLUNGUNFORD PARISH COUNCIL  
CLUNGUNFORD HOUSE CLUNGUNFORD  
Near CRAVEN ARMS SHROPSHIRE SY7 0QL  
Telephone: (01588) 660673 Fax: (01588) 660269  
Email: [jonathan.roberts@morgoedestates.com](mailto:jonathan.roberts@morgoedestates.com)

Mr Vincent Maher  
Development Management South  
Shropshire Council  
The Gateway  
The Auction Yard  
Craven Arms  
Shropshire SY7 9BW

3 March 2018

Dear Mr Maher

**Planning reference 17/04546/EIA**

**Construction of four poultry sheds and feed bins etc at Hopton Heath**

This objection is lodged by of Clungunford Parish Council ("CPC") in response to the latest round of consultation on the above application.

**It must be clearly understood that the CPC's objection of November 2017 is still maintained in its entirety and that, unless otherwise stated expressly, nothing in this additional letter of objection modifies or withdraws the comments made in that objection.**

This response merely comments on amendments to the proposals and other submissions made by or on behalf of the applicants subsequent to the November objection.

I should at the outset state that many of those who have objected previously have sought guidance from the CPC as to whether they should submit further letters or emails of objection. I have relayed to the them the substance of the useful discussion held with you, namely that Shropshire Council had already "taken the point" of their objections and that purely from a logistical view it was not necessary to repeat them in the light of the technical changes now made. Nevertheless, the feeling among many objectors is such that they fear that by their silence they may be taken to be ameliorating their stance on the proposals, and so I fear some will inevitably write further letters of objection. Equally, in the light of the advice given out, it should

not, as you will appreciate, be assumed that that the absence of further letters of objection is to be taken as withdrawal of objections previously submitted.

The latest comments made by Parish Council are set out below:

### **The ammonia problem**

Four years into this saga CPC is pleased that finally there is an acceptance by Shropshire Council's executive that there is a problem with ammonia. The somewhat larger problem with phosphates has not been addressed at all as yet, but let us look at these proposals.

The understanding of CPC is that scrubbers of the type proposed are not widely used in this country in the poultry industry on grounds of cost. There is not with the documentation supplied any expert report as to the efficacy of such scrubbers. All we have is effectively the manufacturer's advertising material. One would not, of course, expect such material to say the equipment was ineffective, but equally it can hardly be taken as an independent evaluation of the process.

CPC, as you know, is of the firm view that the application should be turned down on a number of grounds, and so to that extent consideration of the ammonia problem should be irrelevant, but if it became one of relevance, then it is quite unsafe for the Council to proceed without insisting upon expert reports detailing how these scrubbers work in this country and how effective they are. Plainly, it is quite wrong to rely purely upon what is in effect advertising material. Let us see the scientific evidence of efficacy: it is obtainable, after all, and the absence of it can only give rise to suspicion.

Should the development proceed and scrubbers be fitted, there is also the question of continuing maintenance and oversight, so that the scrubbers continue to operate at the claimed efficiency. These are matters that Shropshire Council is ill-equipped to enforce, and we know from cases elsewhere in the country that the Environment Agency is no better placed either. CPC has reminded Shropshire Council before, and does so again, that it is a basic tenet of planning law that conditions must not only be clear, but also they must be capable of enforcement.

The only new evidence submitted by the applicants in support of their position on ammonia appears to be lodging of the Environment Agency report of 3 March 2014, stating that no ammonia modelling was necessary. As CPC has already pointed out to the Inspector, this is the Environment Agency that did not appreciate the public interest in this site or its proximity to a watercourse leading to a SAC and which gave out an environmental permit based on a series of reports that have now been discredited. The noise report, for example, is now in its fifth incarnation! There must now be considerable question marks over the validity of the environmental permit for this site, but setting that aside, it is absolutely farcical that the applicants should submit the 3 March 2014 report in support of their position. It is to be hoped that even the Environment Agency would find that to be an embarrassment, and residents of Shropshire can only be thankful that Council officers have been more diligent on our behalf.

In the first application in respect of this site, which was, of course, refused on appeal, there was an offer from the applicants to introduce to their existing poultry units (subsequently extended by virtue of a subsisting and undisclosed planning consent) extraction devices that would have the effect of diminishing ammonia. It is noted that the offer now appears to play no part in the horse trading now desperately taking place to try and secure this consent. If the applicants were really serious about reducing their ammonia output, CPC would have expected the scrubbers to be placed on the existing units first to see how they fared.

Whilst officers are rightly concerned about the environmental impact of this proposal, no account is being taken of the impact of the applicants' existing activities.

As Shropshire Council will be aware, CPC has already submitted to Herefordshire Council its fears about breach of planning law relating to the operation of the anaerobic bio-digester at Heath Farm. Permission for the bio-digester was given on the basis that its operation was ancillary to the running of Heath Farm. Clearly, the power out-put from the bio-digester is now running at almost twice the level originally envisaged, leading CPC to conclude that the main business and planning use of Heath Farm is now as a power station rather than agricultural. The ever-voracious bio-digester is fed, of course, by poultry manure and maize. The applicants'

monocultural growing activities seem to be limited to maize on their own land and elsewhere where they have arrangements, locally and otherwise. The poultry manure comes from their existing operations, but, the questions must be asked, and from where else? At the time of that submission CPC had no clear evidence that poultry manure was being imported from outside Heath Farm, but it is now admitted by the applicants' agent that the manure from the new installations will reduce the need to import manure from elsewhere. The inference is clear that importation is taking place. The public has no idea where the digestate currently being produced is being taken or spread. Certainly, there are no controls limiting its use to elsewhere than the Clun Valley. Such lack of control gives rise to a danger of the uncontrolled build up of ammonia.

Against this backcloth, it is patently going to be impossible for Shropshire Council to be sure that manure *derived* from this proposed site is being exported from the Clun Valley. In any event, the question must be asked as to whether it is morally right to transport the problem elsewhere, especially when the "elsewhere" is almost certainly within Shropshire due to high transport costs on a low value commodity.

## **Noise**

The latest noise report of Matrix Acoustics of 6 February 2018 does not deal adequately with the impact of the scrubber unit. It relies merely upon figures produced by the manufacturer. There is no independent test on these units to ascertain what their impact is.

More relevant, still the Matrix Acoustics report does not take issue with the conclusion drawn by **noise.co.uk** in its report of 7 November 2017. Plainly there is a substantial risk that there will be an unacceptable noise impact from this proposal.

The noise report repeats and seemingly feeds off the incorrect transport movement figures relied upon by the applicants. We return to this below, but that this should still be occurring four years on from the start of these proceedings is quite remarkable and does lead CPC to question the findings.

It has already been noted that this is the fifth form of noise report we have had over the course of the two applications. Whilst CPC would by no means agree that this is a single issue matter, as the applicants seem to think on a very narrow reading of the Inspector's report, does not the fact we have now had five reports indicate that there is potential problem with noise? The Inspector seemed to think so, and even after proposed mitigations, the report from **noise.co.uk** commissioned by CPC concluded there was a problem. The instructions given to **noise.co.uk**, by CPC, incidentally, were that they were to conduct an independent review of the proposals. They are highly regarded – and expensive – experts in their field. On the balance of probabilities, the independence of their conclusion is to be preferred to that of Matrix, which has been commissioned by the applicants, and let us not forget that previous adverse reports submitted by the applicants have been jettisoned. CPC submits that the evidence favours the objectors' case.

The obvious comment has to be made that even the Matrix report does not conclude there will be no impact. It endeavours to down-play the impact, but nevertheless there will be an impact, and this is just the sort of general disturbance to peace and quiet that the Inspector sought to protect locals against. It should also be borne in mind that we are examining arguments here based on modelling. The modelling may be right or it may be wrong: if it is wrong, the consequences for residents will be appalling.

## **Odour**

The odour report does not appear to have been updated to deal with the impact of the scrubbers. If the scrubbers do impact on or mitigate odour, where is the independent evidence to support the assertion?

The odour report does, it must be remembered, confirm that there will be an impact when the manure is removed from the buildings (page 18 of the report of 16 April 2014). It ignores the odour already experienced by residents of Hopton Heath when the existing sheds at Heath Farms are cleaned. Taken across the two sites, if this development proceeds, residents can look forward to over 16 days per annum of

deeply unpleasant odours. In the planning balance this seems neither fair nor acceptable.

The odour report does not deal with the position of manure in transit, which is when local residents are most likely to notice odour. The manure will be taken back to Heath Farm by tractor and trailer for use in the bio digester, and it will pass very close to Heath Lodge in transit in its raw state. On removal from the bio digester, presumably again by tractor and trailer, it will pass a number of houses within the locality as it proceeds to its destination. This is an additional burden for local residents to bear.

## **Transport**

The applicants' agent has criticized CPC in its November objection for overstating the number of traffic movements.

With respect the agent should look at his own reports. The Highways Statement of June 2014, which is still being relied upon, massively understates the transport movements to and from the site. This does not appear to have been updated for this application. The table on page 12 records the likely movements to and from the site. However, as is made clear in the text below the table, a lorry, for example, going to and from the site should be treated as two movements, and on this basis the table is manifestly wrong, as the author is recording the lorry visit (or other vehicular visits) as a single movement. This is seriously misleading. The movements recorded in the table should each be doubled.

The noise report from Matrix dated 6 February 2018 relies upon the same flawed data: see pages 6 and 7. Consequently, the findings of the noise report relative to transport are flawed.

The transport report also does not take into account the fact manure will be removed first to Heath Farm and then out of the Clun Valley i.e a double movement. As the numbers for just one leg of that journey are recorded in the table and there understated by half, the true figure for tractor movements will be four times what is there recorded.

## **Landscape**

We appear to have come a long way from the early days of the first application, when it was propounded by the applicants that the site would only be visible from the upstairs window of one property in Hopton Heath. It is now at least acknowledged that the site will be visible from a number of properties and a number of public vantage points. The number of properties admitted to is even now by no means comprehensive, but there is now acceptance of there being a landscape problem.

The conclusions made in the Supplementary Landscape and Visual Impact Assessment of Alan Moss of January 2018 are highly subjective and inevitably self-serving, but even then it is conceded that the impact will be moderate or worse.

The Inspector in her report had before here little evidence on landscape and concluded that the development would only be of a limited impact. She did note the Council's concerns about impact on the footpaths on high ground to the east and west, but she did not have particular evidence before her. Not surprisingly, the residents of Hopton Heath and all others who know the area do not share the Inspector's apparent lack of concern. The representations from the public, both in relation to the first and this second application are to one effect, namely that this is an industrial development in a rural setting, and this application must, of course, be looked at afresh in its entirety.

Shropshire Council rightly called for an independent review of the evidence originally before it in this application, which was the same as that before the Inspector on appeal from the first application. The review by ESP Limited in October 2017 criticized previous work submitted on landscape matters and called for a more detailed assessment, and the Alan Moss report of January 2018 is a response to that. In the opinion of CPC the January 2018 report does nothing to persuade objectors that this proposal is anything other than a development incongruous in its setting. Objectors rely upon the evidence of their own eyes – not upon the opinion of a commissioned commentator. It is a great shame that Shropshire Council did not

commission ESP Limited to carry out the landscape assessment, so that we could be sure of a truly independent approach.

By way of comment on the Alan Moss report of January 2018 the position of CPC is that in the short term the planting proposed will do nothing to shield the development from those properties affected and from recreational users of the footpaths identified. In the long term the proposed planting will be of marginal efficacy for much of the year, if a broad mix of native species is used. To be effective, a much, much larger area would have to be planted for it to have any hope of success as a screen, and if total conifer cover is proposed, then the whole site will look totally out of place in its landscape setting. On the southern side of the site the planting is likely to be particularly ineffective simply because the applicants do not control many of the trees and hedges that are to be retained, as they are outside their ownership. They could be cut down tomorrow. As far as long term views are concerned from the footpaths to the east and west, and particularly so those to the east (the Herefordshire Trail), not even the planting proposed is going to shield the development. Visitors and recreational users of these paths do not wish to look at industrial units.

The Alan Moss report of January 2018 yet again does enter into a discussion on the suitability from a landscape point of view of alternative sites at Heath Farm.

Finally, CPC will remind Shropshire Council of two matters, which seem to have been lost in the mass of detail:

(a) We should all remember that under policy C5 the development must *in limine* show that it maintains and enhances countryside vitality and character. Nothing in the Alan Moss report of January 2018 or indeed any of the documents submitted with this application shows that this application comes close to satisfying that test and

(b) An Inspector has already decided that a similar application for smaller poultry sheds on the land to the east of this block “.... represents an unacceptable visual intrusion into the landscape as the application shows the erection of two large, industrial type buildings in an area of gently rolling countryside.....” (refusal 1/01830/0 dated 19 December 1991). The landscape has not changed since and if anything, given the development at Heath Farm, it has become more precious.

Curiously, the applicants do not even mention this highly material piece of planning history anywhere in their application.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J.R.', with a small dot at the end.

**Jonathan Roberts**

Chairman, Clungunford Parish Council