

Date: 23 March 2016  
Our ref: 180140  
Your ref: 153724



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## BY EMAIL ONLY

Dear Mr Banks

**Planning consultation:** Proposed redevelopment of existing poultry site. Removal of five existing poultry units and the erection of three replacement (larger) poultry units, feed bins and associated development.

**Location:** Wetmore Farm, Wetmore Onibury, Craven Arms, Herefordshire SY7 9BH

Thank you for your re-consultation on the above dated and received by Natural England on 29 February 2016 following further information.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

### **Wildlife and Countryside Act 1981 (as amended)**

### **The Conservation of Habitats and Species Regulations 2010 (as amended) (Habitats Regulations)**

Natural England has reviewed the further information provided with the consultation and the information provided by the Applicant in their email from Graham Clark dated the 3 March 2016.

### **Internationally and nationally designated sites**

The application site is within 10 km of the following European designated sites (also commonly referred to as Natura 2000 sites) and therefore has the potential to affect the interest features of those sites. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is within the stated distance of the following European sites:

- Downton Gorge Special Area of Conservation (SAC)
- River Clun SAC

The application site is also within 5 km of the following sites which are also notified at a national level as Sites of Special Scientific Interest (SSSIs).

- Downton Gorge
- River Teme
- Mortimer Forest
- Mocktree Quarry
- Burrington Farm Stream Sections

- Burrington Sections
- Church Hill Quarry
- View Edge Quarries

Please see the subsequent sections of this letter for our advice relating to SSSI features.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have<sup>1</sup>. The [Conservation objectives](#) for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

### **Downton Gorge SAC and River Clun SAC - advice**

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, ie the consultation does not include a Habitats Regulations Assessment.

In advising your authority on the requirements relating to Habitats Regulations Assessment, it is Natural England's advice that the proposal is not necessary for the management of the European site and that your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out.

### Air pollution

In the Modelling of Dispersion and Deposition of Ammonia report dated the 3 March 2016, Table 5 (page 19) indicates that the predicted maximum annual mean ammonia concentration for the majority of receptor points within the Downton Gorge SAC is above 4%, but that there will be an overall reduction in ammonia from the proposed development. In table 6 (page 21), the annual ammonia concentration and nitrogen deposition rate for receptor points within the Downton Gorge SAC are below 4%. We advise that the Authority discusses the air pollution modelling and results with the Environment Agency who are the government air pollution specialists. As this will require a permit we refer you to the EA guidance on [multiple permissions](#) and government guidance on doing [habitat regulations assessments](#).

### **SSSI - No objection – with condition**

This application is in close proximity to Downton Gorge SSSI, River Teme SSSI, Mortimer Forest SSSI, Mocktree Quarry SSSI, Burrington Farm Stream Sections SSSI, Burrington Sections SSSI, Church Hill Quarry SSSI and View Edge Quarries SSSI. However, given the nature and scale of this proposal, Natural England is satisfied that subject to the advice above on air quality and the condition advised below there is not likely to be an adverse effect on these site. We therefore advise your authority that subject to our advice above on air quality impacts and in the condition below these SSSIs do not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(l) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

### **Condition**

There is a watercourse adjacent to the site running from the north to the south along the eastern edge. This water course runs into the River Onny which is a tributary to the River Teme SSSI.

<sup>1</sup> Requirements are set out within Regulations 61 and 62 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 61 and 62 are commonly referred to as the 'Habitats Regulations Assessment' process.

The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process. This can be found on the Defra website <http://www.defra.gov.uk/habitats-review/implementation/process-guidance/guidance/sites/>.

- To avoid damage to the special interest of the River Temе SSSI surface water drainage will only be used for clean water disposal.

This condition is required to ensure that the development, as submitted, will not impact upon the features of special interest for which The River Temе SSSI is notified.

If your Authority is minded to grant consent for this application contrary to the advice relating to Downton Gorge SSSI, River Temе SSSI, Mortimer Forest SSSI, Mocktree Quarry SSSI, Burrington Farm Stream Sections SSSI, Burrington Sections SSS, Church Hill Quarry SSSI and View Edge Quarries SSSI contained in this letter, we refer you to Section 281 (6) of the *Wildlife and Countryside Act 1981* (as amended), specifically the duty placed upon your authority, requiring that your Authority;

- Provide notice to Natural England of the permission, and of its terms, the notice to include a statement of how (if at all) your authority has taken account of Natural England's advice, and
- Shall not grant a permission which would allow the operations to start before the end of a period of 21 days beginning with the date of that notice.

### **Other advice**

Natural England, as stated in previous correspondence, is not in a position to give a view on issues such as local sites, local landscape character or the impacts of the development on species or habitats of biodiversity importance in a local context.

As we advised in our previous correspondence, your authority should seek advice from the appropriate local record centre, Local Site scheme and other appropriate recording bodies to ensure that any decision made relating to this application is compliant with relevant national planning policies. You should also assess whether the proposal respects and, where possible, enhances local distinctiveness and be guided by your Authority's landscape character assessment where available, and the policies protecting landscape character in your local plan or development framework when determining the application.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Gillian Driver on 020 8026 0995 . For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely

*Gillian Driver*

Miss Gillian Driver  
Planning Adviser  
South Mercia Team