

# North York Moors National Park Authority

Parish: Eskdaleside-Cum-Ugglebarnby

App No: NYM/2020/0660/FL

**Proposal:** erection of general purpose agricultural building (Building 2 only)

**Location:** High Farm, Foss Hill, Ugglebarnby

**Applicant:** Messrs R & A Harland  
High Farm, Ugglebarnby, Whitby, YO22 5HX

**Agent:** Cheryl Ward Planning  
5 Valley View, Ampleforth, YO62 4DQ

**Date for Decision:** 29/10/2020

**Extended to:** 04/01/2021

## Director of Planning's Recommendation

**Approval** subject to the following condition(s):

1. TIME01 Standard Three Year Commencement Date  
The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. PLAN01 Strict Accordance With the Documentation Submitted or Minor Variations - Document No.s Specified  
The development hereby permitted shall not be carried out other than in strict accordance with the following documents:

| Document Description | Document No.  | Date Received    |
|----------------------|---------------|------------------|
| Location Plan        | Building 1    | 3 September 2020 |
| Elevations           | Drawing No. 1 | 3 September 2020 |
| Roof Plan            | Drawing No. 2 | 3 September 2020 |

  
or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.
3. MISC00 The management of the farming practices on site shall at all times take place in accordance with the those set out in section 2.3.1 of the Ammonia Emissions Report by Promar International and dated 23 Jan 2021 to ensure a reduction in ammonia emissions from the site.
4. MISC00 At no point should the total head of cattle on the holding exceed 238 unless otherwise agreed in writing with the Local Planning Authority.
5. MISC03 Building to be Removed if Not Used for Agriculture  
If the use of the building for the purposes of agriculture within the unit permanently ceases within five years from the date on which the development was substantially completed, the building shall be removed from the land and the land shall, so far as is practicable, be restored to its condition before development took place unless the Local Planning Authority has otherwise agreed in writing or unless planning permission for change of use of the building to a purpose other than agriculture has been approved.

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6. DRGE00 The building hereby approved should be adequately guttered with collected rainwater being directed to storage or soakaway as appropriate to avoid running onto the yard and potentially becoming contaminated by stock or machinery movements.

**Informative(s)**

1. MISCINFO  
2 Coal Referral Area  
The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

**Reason(s) for Condition(s)**

1. TIME01 To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2. PLAN01 For the avoidance of doubt and to ensure that the details of the development comply with the provisions of Policies A and C of the NYM Local Plan, which seek to conserve and enhance the special qualities of the NYM National Park.
3. MISC00 To secure the proposed management improvements that will produce a reduction in emissions of ammonia from the site in line with the requirements of Strategic Policy E and Policy ENV7 which seek to ensure that developments do not have an unacceptable impact on air quality.
4. MISC00 To secure the proposed management improvements that will produce a reduction in emissions of ammonia from the site in line with the requirements of Strategic Policy E and Policy ENV7 which seek to ensure that developments do not have an unacceptable impact on air quality.
5. MISC03 In order to comply with the provisions of Strategic Policy A and Policy BL5 of the North York Moors Local Plan which seeks to ensure that there is a functional requirement for the building in the long term to justify an exception being made to normal planning policies which seek to restrict new development in the countryside.
6. DRGE00 To avoid pollution of watercourses and to comply with the provisions of Policy ENV7 of the North York Moors Local Plan, which seeks to ensure that new development has satisfactory provision for the separation and disposal of clean and dirty water.

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**Consultations**

**Parish** – 28 January 2021 -Please be advised that the parish council is unable to respond to this amended application as currently meetings have been cancelled due to Covid19 lockdown regulations.

8 January 2021 - The parish council resolved to reiterate the comments it made about the drainage issues that it submitted in response to the previous application last year, and I copy the response below:

"Eskdaleside cum Ugglebarnby Parish Council Resolved No Objections to the building itself; however, it has concerns with regards to drainage from the building and would like to it to be ensured that there is adequate draining from the building. Unfortunately, there is history of foul water from the fields and farm flowing into the nearby beck and Tom Bell's Lane."

18 October 2020 - Eskdaleside cum Ugglebarnby Parish Council Resolved No Objections to the building itself; however, it has concerns with regards to drainage from the building and would like to it to be ensured that there is adequate draining from the building. Unfortunately, there is history of foul water from the fields and farm flowing into the nearby beck and Tom Bell's Lane.

**Natural England** – 4 February 2021 - Natural England is not able to fully assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes or, provide detailed advice on the application. If you consider there are significant risks to statutory nature conservation sites or protected landscapes, please set out the specific areas on which you require advice.

The lack of detailed advice from Natural England does not imply that there are no impacts on the natural environment. It is for the local authority to determine whether or not the proposal is consistent with national and local environmental policies. Other bodies and individuals may provide information and advice on the environmental value of this site and the impacts of the proposal on the natural environment to assist the decision making process. Generic advice is provided in the Annex attached.

10 December 2020 - Natural England is not able to fully assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes or, provide detailed advice on the application. If you consider there are significant risks to statutory nature conservation sites or protected landscapes, please set out the specific areas on which you require advice.

The lack of detailed advice from Natural England does not imply that there are no impacts on the natural environment. It is for the local authority to determine whether or not the proposal is consistent with national and local environmental policies. Other bodies and individuals may provide information and advice on the environmental value of this site and the impacts of the proposal on the natural environment to assist the decision making process. Generic advice is provided in the Annex attached.

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14 September 2020 - NOT ABLE TO PROVIDE DETAILED ADVICE

Natural England is not able to fully assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes or, provide detailed advice on the application. If you consider there are significant risks to statutory nature conservation sites or protected landscapes, please set out the specific areas on which you require advice.

The lack of detailed advice from Natural England does not imply that there are no impacts on the natural environment. It is for the local planning authority to determine whether or not the proposal is consistent with national and local environmental policies. Other bodies and individuals may provide information and advice on the environmental value of this site and the impacts of the proposal on the natural environment to assist the decision making process.

Generic advice is provided in the Annex attached.

**Advertisement Expiry Date – 20 October 2020**



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**Background**

High Farm is a long established dairy farm, located in the centre of Ugglebarnby village to the south side of the main road through the village. The farm is set into the slope of the land, near to the top before it drops away to the west of the farm across a relatively steeply sloping field onto a local Public Right of Way known as Tom Bell's Lane.

This application is for the smaller of two applications submitted alongside of each other for construction a general purpose livestock buildings including a covered feed area which links up to the existing cubical housing. The two proposals together result in the replacement of part of the area of the silage pit and would mean that the open feed yard area to the front of the silage pit is no longer required as a feed area thereby improving the levels of dirty run off from the farm.

The proposed link building measures 6.09m by 12m with the height to eaves being 4.57m and 7.05m to the ridge. The leanto element of this building is 32m long and 4.57m wide, 3.76m to the eaves and 4.57m to the point where it attaches to Building 1 at eaves level. The building will be constructed with concrete panel walls and Yorkshire Boarding with a dark grey sheeted roof. It is to be located within the existing operational area of the farm and therefore can be easily connected to the existing slurry lagoons. The other application is for a larger building to which this building will attached.

The applications (NYM2020/659/FL & NYM2020/0660/FL) are part of a drive to improve environmental conditions for the site and for livestock with regard to reducing dirty water run-off from the site by providing a covered feed area. There is no proposed increase in herd size as a result of this application; however there will be a reduction in the straw usage across the site and a reduction in hauling feed /bedding to the site.

**Main Issues**

Policy BL5 - Agricultural Development states that Development of new agricultural buildings and structures or extensions to existing buildings will only be permitted where:

The form, height and bulk of the development is appropriate to its setting and will not have an adverse impact on the landscape and special qualities of the National Park;

There is a functional need for the development to sustain the existing primary agricultural or forestry activity and the scale of the development is commensurate with that need;

It can be demonstrated that there are no suitable existing buildings available to support the existing business;

The building is designed for the purposes of agriculture and uses appropriate materials with subdued colours and non-reflective surfaces;

The site is related physically and functionally to existing buildings associated with the business unless there is an exceptional agricultural need for a more isolated location;

The proposal will not significantly harm local amenity in terms of noise, odours or level of activity either individually or in combination with the existing agricultural activity; and

In the absence of existing screening, a landscaping scheme is provided which is appropriate to the character of the locality and retains existing and/or introduces new planting to reduce the visual impact of the proposal on the wider landscape and encourages biodiversity.

The Authority will impose a condition on appropriate planning permissions requiring the removal of the building or structure if it is no longer required for agricultural purposes.

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The proposal is located on land that has already been altered, to build up the sides of the silage pit and is located adjacent to the main operational area of the farm. It will be seen in the context of the existing farm from all visible angles in the wider landscape. The siting, scale, form, colour and materials are appropriately designed for the purposes of agriculture and the setting as required by Policy BL5 and Part 5 of the supplementary planning documents.

This new facility will improve the environmental impacts of the unit by allowing better separation of clean and dirty water and feeding of animals under cover which will lead to a reduction in spoilt feed and therefore a reduction in the overall amount of feed required.

**Comments from the Authority's Ecologist**

These applications propose the installation of two new agricultural buildings for use for feeding of cattle and dairy cubicles to replace external straw bedded yards. Building one (0659/FL) has a floor area of 592m<sup>2</sup> whilst building two (0660/FL) has a floor area of 219m<sup>2</sup>, leading to a combined additional internal floor area of 811m<sup>2</sup>. All livestock produce gaseous emissions which can contribute to local air pollution impacts on surround site of natural environment importance. Natural England has produced Impact Risk Zones for sites designated as important for nature, including SSSIs, SACs and SPAs. The application for building one has triggered the risk zones for air pollution due to potential impacts it may have on surrounding designated sites due to its size and location.

Whilst I accept that the applications clearly state that it is not anticipated that livestock numbers will increase as a result of this application, and that the buildings are to replace open air feed lots where livestock are likely to be similarly concentrated within a restricted area, we do not have sufficient information available to estimate how moving the emission sources to an internal environment will affect emission dispersal from the site and therefore whether local air quality will be positively, negatively or neutrally affected by the proposed buildings. I would therefore request that a SCAIL assessment is carried out (this can be done by following this link; <http://www.scail.ceh.ac.uk/>) to screen the likely impact of the proposals on local air quality in isolation and therefore enable us to determine whether further information is required to determine the relative impact, whether positive or negative of the proposals. As a minimum this assessment will need to be carried out on the basis of the larger building (building one) which triggered the risk zone, however I would strongly recommend that both buildings are included in the assessment to give an accurate reflection of the emissions from the new development in its entirety which would be required should 'in combination assessment' be required. If the applicant has access to information relating to the impact of enclosing feed and cubicle areas on air quality in comparison to open straw bedded cubicle and feed areas from a recognised credible and authoritative source that they wish to submit as supporting information then that would be helpful.

**Ecologist's FINAL response following the submission of further SCAIL information and further mitigation which will lead to a reduction in ammonia emissions as a result of the approval of this building.**

I have now had time to consider both the detailed outputs of the SCAIL modelling and the Ammonia Emissions Report as produced by Promar International.

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My concerns with regards to this development related to the potential for harmful emissions of ammonia from the development and the potential impact these may have on surrounding designated sites which are vulnerable to elevated levels of ammonia and other pollutants due to deleterious impacts on notified habitats and species. When considering the outputs of the SCAIL modelling, it is clear that the **background levels** of some or all of ammonia (NH<sub>3</sub>), nitrogen deposition and acid deposition **exceed** the critical level/load for the following designated sites: North York Moors SSSI, SAC and SPA, Littlebeck Wood SSSI, Whitby-Saltwick SSSI, Biller Howe Dale SSSI, Robin Hoods Bay:Maw Wyke to Beast Cliff SSSI and Beck Hole SSSI. It is important to note that the process contribution of the development has not been considered, since the modelled emissions of the new development is equivalent to that modelled from the existing buildings, and are therefore incorporated into the background level readings (pre-date 2018).

With regard to the Habitat Regulations I therefore assert that;

- The development is not necessary for the management of any European designated site; and that
- The development **may** lead to a Likely Significant Effect on a European designated site, since the development could maintain an existing exceedance of critical thresholds above which deleterious impacts on habitats and species is expected.

A Habitat Regulations Assessment is therefore required.

As the application site is not located on, or adjacent to, any designated site, and no increase in stock numbers or vehicle movements which may be remote from the site are expected, direct impacts, non-aerial vectors and aerial vectors remote from the application site can be screened out of further assessment. When carrying out this Habitat Regulations Assessment, it is therefore only necessary to consider the indirect impact of the development through the elevated levels of aerial pollutants on the notified habitats and species or their supporting habitat of the designated sites.

The Ammonia Emissions Report provided by Promar International has assessed that there are benefits of the development over the existing baseline conditions, with improved building design and herd management methods estimated to deliver a likely 10% reduction in ammonia emissions from the development when compared to the current situation. Moving the feed lots indoors will also reduce spoiling of feed (and therefore costs/emissions sourced from its manufacture and transport) and eliminate diffuse pollution currently running from the feed lot site onto surrounding land thereby removing a potential water pollutant and removing a source of further ammonia emissions. Several other management actions are also detailed, each of which will lead to an expected decrease in ammonia emissions of between 7 and 20%.

Although it is noted that in combination the reduction in emissions may not equal the addition of each of these savings if measured in isolation, it is clear that, if the management recommendations and new building design is implemented as proposed, there will be a **net reduction in emissions** from the holding compared to the current situation. This net reduction will contribute to one of the conservation objectives for the North York Moors SAC and SPA which sets out to; *“Restore the concentrations and deposition of air pollutants to below the site-relevant Critical Load or Level values given for these features of the site on the Air Pollution Information System”*. In the absence of other impacts, the development may therefore be considered beneficial for the condition of the nearby European designated sites.

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It is therefore possible to **rule out a Likely Significant Effect** on the nearby European designated sites; the North York Moors SAC and SPA. As a net reduction in ammonia emissions is also likely to be beneficial for the conservation status of surrounding SSSIs as well, and certainly cannot be considered detrimental to any, we can also further rule out any risk of harm to nationally designated sites.

I would therefore support this application, provided that section 2.3.1 of the Ammonia Emissions Report by Promar International and dated 23 Jan 2021 is conditioned to secure the proposed management improvements that will produce this reduction in emissions.

**Conclusion**

The proposed building will allow for the existing stock on the farm to be housed and managed in a more appropriate manner which will lead to a reduction of levels of dirty water and wasted feed and bedding from the site which will therefore have environmental benefits.

The design and location of the proposed building is considered to be appropriate, being located alongside the existing steading and constructed of similar materials. A landscaping plan which included the planting of trees along the hedge boundary of Tom Bell's Lane accompanied the earlier application on the site for a new slurry lagoon which has been constructed and therefore no additional landscaping is considered to be required as part of this application.

The proposal is considered to meet the requirements of Policy BL5 and the proposed conditions will ensure that the holding is managed in accordance with the improvements stated within the Ammonia Emissions Report to secure environmental improvements and therefore approval for the proposal is recommended.

**Explanation of how the Authority has Worked Positively with the Applicant/Agent**

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and have sought further clarification of the improvements that would result in farming practices as a result of approving this application, so as to deliver sustainable development.