

# North York Moors National Park Authority

Parish: Eskdaleside-Cum-Ugglebarnby

App No: NYM/2021/0177/FL

**Proposal:** variation of condition 4 of planning approval NYM/2020/0659/FL to clarify that the restriction on number of cattle does not include those under 6 months of age

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

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

**Agent:** Cheryl Ward Planning  
24 Westfield Mews, Kirkbymoorside, York, YO62 6BA, United Kingdom

**Date for Decision:** 06/05/2021

**Extended to:**

## Director of Planning's Recommendation

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

- 1        TIME15        The development hereby permitted shall be commenced before the 15 February 2024.
  
- 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 over 6 months of age on the holding exceed 238 unless otherwise agreed in writing with the Local Planning Authority.

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**Application Number: NYM/2021/0177/FL**

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- 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.
- 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        Coal Referral Area  
 2                    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        PLAN00        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.
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**Application Number: NYM/2021/0177/FL**

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- 5        MISC00        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.

### **Consultations**

#### **Borough/District -**

**Parish** – We are planning on having a parish council meeting in April - lockdown restrictions lifting permitting. Please can we request an extension to respond.  
[Agreed but no further response received]

**Natural England** – Natural England currently has no comment to make on the variation of condition 4.

**Site Notice/Advertisement Expiry Date** – 15 April 2020



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**Application Number: NYM/2021/0177/FL**

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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.

Permission was granted for the same works submitted here under NYM2020/0659/FL which was for the larger 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 the silage pit is no longer required as a feed area thereby improving the levels of dirty run off from the farm.

The proposed building measures 32m by 18.5m with the height to eaves being 4.57m and 7.05m to the ridge. 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 second application is for a smaller lean-to building off the side of this one and will provide a link to the cubical house.

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

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**Application Number: NYM/2021/0177/FL**

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This revised application has been submitted to clarify the wording of Condition 4 which looks to limit the number of cattle on the holding to the existing level. The data provided with the application, however did not include calves under 6 months old and therefore the condition needs to be clarified to confirm that the same data is pulled through to the proposed condition.

**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.

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 in relation to the already approved buildings**

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

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**Application Number: NYM/2021/0177/FL**

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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 to original application 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.

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

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**Application Number: NYM/2021/0177/FL**

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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.

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

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**Application Number: NYM/2021/0177/FL**

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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.

It has to be remembered that calves under 6 months of age do also produce ammonia, however in this instance as part of the general life cycle of the stock on the farm it is not considered that the revised condition will have a detrimental impact on the business operating from the site or their overall emission limitations.

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 confirmed to the applicant/agent that the development is likely to improve the economic, social and environmental conditions of the area.