

**From:**  
**To:**  
**Cc:** [Planning](#)  
**Subject:** RE: FW: NYM/2020/0562/FL - Burgate Farm slurry store  
**Date:** 16 August 2021 11:03:39

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Dear Hilary

The applicant has now submitted four different SCAIL assessments. These model the emissions from the new lagoon in a worst case scenario and at a more typical level, as well as the existing lagoon in both scenarios.

The applicant has confirmed that the new lagoon is to be a replacement for the existing lagoon, with the existing unit being repurposed to hold only dirty water from washings to ensure that this is appropriately handled to prevent pollution to water courses etc. The very dilute nature of these washings mean that it is unlikely that the repurposed existing lagoon will contribute significantly to levels of ammonia or other nitrogen emissions from the farm and thus it can be ruled out as point source when considering impacts post-development. We therefore need to focus only on the difference in potential emissions from the use of the proposed replacement lagoon compared to the existing situation as one will replace the other.

When considering the likely typical level, the new lagoon does not trigger significance thresholds for any of the surrounding designated sites. In addition, when comparing to the typical emissions from the existing lagoon (by calculating the difference between the impact of each scenario at the various receptor sites) the new lagoon will constitute a decrease in impact, or no change, at all of the sites included within the screening, meaning significant deleterious effects can be ruled out.

When taking into consideration the worst case scenarios provided, the new lagoon would constitute a potentially significant increase on emissions when considering the worst case scenario for this lagoon in isolation, with small breaches above the significance thresholds for several of the receptor sites. However, when comparing to the worst case emissions from the existing lagoon (by calculating the difference between the impact of each scenario at the various receptor sites) the replacement lagoon will constitute a decrease in potential impact for all receptor sites across the different pollutants considered, including ammonia, nitrogen deposition and acid deposition.

I am therefore able to determine that the proposed replacement lagoon will be likely to lead to a reduction in impact on all of the surrounding designated sites included within the screening as well as enabling the applicant to better manage and control his slurry and dirty water storage during wet months reducing the risk of threats to the surrounding aquatic environment. For the purpose of the Habitat Regulations I assert that;

- The proposals are not necessary for the management of any Natura 2000 sites however;
- The proposals will not have a Likely Significant Effect on any Natura 2000 sites, and therefore can be screened out from the need for further assessment.

In conclusion, the application is likely to be of benefit to the local environment and I therefore would offer the application my support.

Kind regards

Elsbeth

**Elsbeth Ingleby MA<sub>Cantab</sub> ACIEEM**

**Ecologist**

North York Moors National Park Authority

The Old Vicarage, Bondgate, Helmsley, York YO62 5BP

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**From:**  
**To:** [Planning](#)  
**Subject:** RE: NYM/2020/0562/FL  
**Date:** 16 July 2021 11:46 56

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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.

## **Annex - Generic advice on natural environment impacts and opportunities**

### **Sites of Special Scientific Interest (SSSIs)**

Local authorities have responsibilities for the conservation of SSSIs under [s28G of the Wildlife & Countryside Act 1981 \(as amended\)](#). The [National Planning Policy Framework \(paragraph 175c\)](#) states that [development likely to have an adverse effect on SSSIs should not normally be permitted](#). Natural England's SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the [Natural England Open Data Geoportal](#). Our initial screening indicates that one or more Impact Risk Zones have been triggered by the proposed development, indicating that impacts to SSSIs are possible and further assessment is required. You should request sufficient information from the developer to assess the impacts likely to arise and consider any mitigation measures that may be necessary.

### **Air quality impacts on SSSIs**

The interest features of affected designated sites may be sensitive to impacts from aerial pollutants. To determine any likely air quality impacts arising from this proposal, an initial screening for air quality impacts should be completed. Simple screening tools are available via the internet, such as the Simple Calculation of Atmospheric Impact Limits (SCAIL) model: <http://www.scaill.ceh.ac.uk/>. The results of this screening should inform the need for any further, more detailed assessment which may be required to fully assess the impacts of the proposal.

### **Biodiversity duty**

Your authority has a [duty](#) to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#).

### **Protected Species**

Natural England has produced [standing advice<sup>\[1\]</sup>](#) to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

### **Local sites and priority habitats and species**

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 171 and 174 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. The list of priority habitats and species can be found [here<sup>\[2\]</sup>](#). Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).

### **Ancient woodland, ancient and veteran trees**

You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 175 of the NPPF. Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. Natural England and the Forestry Commission have produced [standing advice](#) for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a SSSI or in exceptional circumstances.

### **Protected landscapes**

For developments within or within the setting of a National Park or Area of Outstanding Natural Beauty (AONB), we advise you to apply national and local policies, together with local landscape expertise and information to determine the proposal. The National Planning Policy Framework (NPPF) (paragraph 172) provides the highest status of protection for the landscape and scenic beauty of National Parks and AONBs. It also sets out a 'major developments test' to determine whether major developments should be exceptionally be permitted within the designated landscape. We advise you to consult the relevant AONB Partnership or Conservation Board or relevant National Park landscape or other advisor who will have local knowledge and information to assist in the determination of the proposal. The statutory management plan and any local landscape character assessments may also provide valuable information.

Public bodies have a duty to have regard to the statutory purposes of designation in carrying out their functions (under (section 11 A(2) of the National Parks and Access to the Countryside Act 1949 (as amended) for National Parks and S85 of the Countryside and Rights of Way Act, 2000 for AONBs). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Heritage Coasts are protected under paragraph 173 of the NPPF. Development should be consistent the special character of Heritage Coasts and the importance of its conservation.

### **Landscape**

Paragraph 170 of the NPPF highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland or dry stone walls) could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Landscape Institute](#) Guidelines for Landscape and Visual Impact Assessment for further guidance.

#### **Best and most versatile agricultural land and soils**

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 170 and 171). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in [GOV.UK guidance](#). Agricultural Land Classification information is available on the [Magic](#) website on the [Data.Gov.uk](#) website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#), and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

#### **Access and Recreation**

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

#### **Rights of Way, Access land, Coastal access and National Trails**

Paragraphs 98 and 170 of the NPPF highlights the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way, coastal access routes and coastal margin in the vicinity of the development and the scope to mitigate any adverse impacts. Consideration should also be given to the potential impacts on any nearby National Trails, including the England Coast Path. The National Trails website [www.nationaltrail.co.uk](http://www.nationaltrail.co.uk) provides information including contact details for the National Trail Officer.

#### **Environmental enhancement**

Development provides opportunities to secure net gains for biodiversity and wider environmental gains, as outlined in the NPPF (paragraphs 8, 72, 102, 118, 170, 171, 174 and 175). We advise you to follow the mitigation hierarchy as set out in paragraph 175 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal.

Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

**From:**  
**To:**  
**Cc:**  
**Subject:** RE: New application post - NYM/2020/0562/FL - Burgate Farm, Harwood Dale - Natural England  
**Date:** 09 June 2021 12:22:15

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Dear Hilary

Based on the SCAIL outputs submitted, the emissions from the proposed slurry store are modelled to be above significance thresholds (1% of critical levels/loads for SACs and SPAs, 4% from SSSIs) for the following sites;  
Castlebeck and Scar Woods SSSI – Ammonia (NH<sub>3</sub>) and nitrogen deposition  
North York Moors SPA - Ammonia (NH<sub>3</sub>), nitrogen deposition and acid deposition  
North York Moors SAC - Ammonia (NH<sub>3</sub>), nitrogen deposition and acid deposition  
Hayburn Wyke SSSI - nitrogen deposition  
Beast Cliff - Whitby (Robin Hood's Bay) SAC - Ammonia (NH<sub>3</sub>)

We would therefore require further information before the application can be determined. I should note at this point, that I am currently awaiting feedback from Natural England with regard to threshold limits that should be used, based on a query relating to a different agricultural application, however the potential change would only relate to Natura 2000 sites (SACs and SPAs) and not SSSIs, and so there would still be sites affected in this case.

Typically the next step at this point, is for us to request that the applicant carries out 'in combination modelling'. This is an assessment of other sites that are 'in development' or have only been brought into use since the background data is sourced (2018) and would therefore contribute, along with the proposed development, to a net increase in the background levels. If the 'in combination' impact exceeds 20% of the critical load (for SAC/SPAs) or 50% of the critical load (for SSSIs) then further detailed modelling would be required to assess pathways and receptor sites in more detail to determine the precise impact expected.

It is understood that this process can sometimes be confusing and costly to applicants, and so, considering that the breaches above significance thresholds are not overly excessive, it may be possible that specific measures could be incorporated into the proposed plans to reduce the level of emission from the proposed store to below the level that would be considered significant. To do this the applicant would need to consider what measures could be implemented - such as slurry covers, acidification etc - and what reduction factor this would have on the emissions as currently modelled, producing a figure/s which can then be added into the SCAIL model as bespoke values. I must flag up that emissions are modelled as constituting over 3% of the environmental assessment level (EAL) of ammonia and the nitrogen deposition critical load for the North York Moors SAC and SPA (for which the significance threshold is currently deemed to be 1%) so significant reductions would need to be made to bring emissions below this level.

A whole farm approach to emissions may be more practicable in identifying whether reductions are possible in other areas (eg housing etc), whereby all ammonia producing parts of the farm are modelled, including cattle buildings, existing slurry store etc as a 'before' and then an 'after' scenario with the difference between the two situations being assessed for significance against the critical loads of the designated sites. Of course it must be borne in mind that measures proposed under the planning application to enable the store to be approved, would then be conditioned under planning legislation and therefore it would be very unlikely that government support subsidies could be used to pay for them to be implemented as they would be legally required under the planning consent.

Other options the applicant may wish to consider, is whether there is further scope for separation of clean and dirty water on the farm (guttering on all buildings directed to clean storage or soakaways) which would reduce the quantity of waste needing to be stored, potentially reducing the size of the store needing to be built which will also help to reduce emissions.

I hope that is helpful and not too confusing! I have attached the SCAIL report with the breaches of significance thresholds highlighted in case that is useful. If it would be helpful to discuss please let me know.

Many thanks

Elsbeth

**Elsbeth Ingleby MA<sub>Cantab</sub> ACIEEM**

**Ecologist**

North York Moors National Park Authority  
The Old Vicarage, Bondgate, Helmsley, York YO62 5BP

**From:**  
**To:** [Planning](#)  
**Subject:** RE: NYM/2020/0562/FL  
**Date:** 26 May 2021 16:45:57

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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.

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Guidance on soil protection is available in the Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#), and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

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You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

Date: 21 August 2020  
Our ref: 325745  
Your ref: NYM/2020/0562/FL



Mrs H Saunders  
North York Moors National Park Authority

Customer Services  
Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

**BY EMAIL ONLY**

Dear Mrs Saunders

**Planning consultation: Application for excavation of land to create slurry lagoon  
Location: Burgate Farm, Harwood Dale**

Thank you for your consultation on the above dated 19 August 2020 which was received by Natural England on 19 August 2020.

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.

**Insufficient information provided**

There is insufficient information to enable Natural England to provide a substantive response to this consultation as required under the Town and Country Planning (Development Management Procedure) (England) Order 2015. Please provide the information listed below and re-consult Natural England. Please note that you are required to provide a further 21 day consultation period, once this information is received by Natural England, for us to respond.

**Natural England is not able to assess this case as there is insufficient information provided in relation to air quality impacts.**

Manure stores, slurry lagoons and livestock sheds are a major source of emissions of ammonia which is directly toxic to vegetation and especially to lower plants (mosses, liverworts and lichens). Ammonia is also a major contributor to the deposition of nitrogen, which reduces habitat biodiversity by promoting the growth of a relatively small number of the more vigorous plant species which then out-compete the other species present.



Our Impact Risk Zones<sup>1</sup> have identified that interest features of designated sites: Cattlebeck & Scar Woods Site of Special Scientific Interest (SSSI), North York Moors Site of Special Scientific Interest (SSSI), North York Moors Special Area of Conservation (SAC), North York Moors Special Protection Area (SPA), Robin Hood's Bay: Maw Wyke to Beast Cliff Site of Special Scientific Interest (SSSI), Beast Cliff-Whitby (Robin Hood's Bay) Special Area of Conservation, Hayburn Wyke Site of Special Scientific Interest (SSSI) and Biller Howe Dale Site of Special Scientific Interest (SSSI) may be sensitive to impacts from aerial pollutants, such as those emitted from this proposed development.

The consultation documents provided do not include any assessment of air quality impacts. In order for us to advise on this case, please provide the following information:

- Area of Slurry Lagoon (m<sup>2</sup>)
- Type of Slurry Lagoon: Undisturbed Pure Slurry or Stirred Slurry and/or with added water

The above information will inform the need for initial screening for air quality impacts: if the Slurry Lagoon is above 750m<sup>2</sup>, air quality screening should also be carried out before re-consulting Natural England. Simple screening tools are available via the internet, such as the Simple Calculation of Atmospheric Impact Limits (SCAIL) model: <http://www.scail.ceh.ac.uk/>. The results of screening should inform the need for any further, more detailed assessment which may be required to fully assess the impacts of the proposal. Where screening results indicate a more detailed assessment is necessary this should also be carried out and completed prior re-consulting Natural England.

Natural England has not considered any other matters at this stage. We will provide advice on all relevant matters upon receipt of this information.

Should the developer wish to explore options for avoiding or mitigating effects on the natural environment with Natural England, we recommend that they use our [Discretionary Advice Service](#).

Please send further correspondence, marked for my attention, to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk) quoting our reference 325745

Yours sincerely

Dominic Rogers  
Consultations Team

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<sup>1</sup> SSSI Impact Risk Zones layer within Statutory Land Based Designations on Magic Map available at: <http://magic.defra.gov.uk/>