

North York Moors National Park Authority

Delegated decision report

Application reference number: NYM/2020/0562/FL

Development description: excavation of land to create slurry lagoon

Site address: Burgate Farm, Harwood Dale,

Parish: Harwood Dale

Case officer: Mrs Hilary Saunders

Applicant: Mr John Cook

Burgate Farm, Harwood Dale, Scarborough, YO13 ODS, United Kingdom

Agent:

Director of Planning's Recommendation

Approval subject to the following: / Refusal for the following reason(s)

Condition(s)

Condition number	Condition code	Condition text
1	TIME01	The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2	PLAN02	The development hereby approved shall be only carried out in strict accordance with the detailed specifications and plans comprised in the application hereby approved or in accordance with any minor variation thereof that may be approved by the Local Planning Authority.
3	LNDS00	The bunds around the slurry lagoon hereby approved shall be grass seeded no later than the first planting and seeding seasons following the first use or completion of the development, whichever is the sooner, or in accordance with a programme agreed by the Local Planning Authority.
4	LNDS01	Prior to the development being brought into use details of a landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for tree or hedge planting along the northern boundary of the lagoon and shall specify plant species,

		sizes and planting densities for any new areas of planting. The approved details shall be carried out no later than the first planting season following the occupation of the buildings, or completion of the development, whichever is the sooner, or in accordance with a programme agreed by the Local Planning Authority. The approved landscaping scheme shall be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
--	--	---

Reason(s) for condition(s)

Reason number	Reason code	Reason text
1	TIME01	To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2	PLAN00	The development hereby approved shall be only carried out in strict accordance with the detailed specifications and plans comprised in the application hereby approved or in accordance with any minor variation thereof that may be approved by the Local Planning Authority.
3 & 4	LNDS00	In order to comply with the provisions of Policy ENV1 of the North York Moors Local Plan which seeks to conserve and enhance the quality and diversity of the natural environment.

Consultation responses

Parish

None received

Highways

None received

Natural England

21 August 2020 - Natural England is not able to assess this case as there is insufficient information provided in relation to air quality impacts.

16 July 2021 -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.

Third party responses

None

Publicity expiry

Site notice expiry date – 10 September 2020

View looking south towards existing buildings and slurry pit



View of existing slurry pit with proposed to left of picture



Background

This application is for the construction of a new slurry lagoon at Burgate Farm in Harwood Dale.

Burgate Farm is a working dairy farm, located in a valley bottom approximately one kilometre east of Harwood Dale village. It is barely visible from the road and is accessed via single track lane which passes through two other farms/properties before terminating at Burgate Farm. The main farm comprises a traditional stone under slate farmhouse with a range of traditional stone under pantile agricultural buildings forming a courtyard with an extensive range of modern farm buildings beyond.

This application seeks approval for a slurry store which is capable for storing 4564m³ measuring 76m x y 27m and being 4m deep.

The lagoon will be surrounded by earth banks at a maximum of 45 degrees. The lagoon will be clay lined and located adjacent an existing lagoon and in close proximity to the man group of farm buildings. The lagoon is required to provide more storage capacity to minimize winter spreading and allow for very wet winters.

In support of the application the following information has been submitted:-

Existing slurry lagoon receives both cow slurry and run-off water from open cow areas, silage clamps etc. However, if wet winters the volumes of rain water necessitate a partial emptying of the lagoon in February. Although this is permissible, we would prefer to spread later when the ground is drier.

Proposed plan is to use existing lagoon purely for storage of run-off water (the drains currently all empty there) and to use the new facility to store the cow slurry. It is not our intention to keep more cows. . Our provisional plan, once the Government have announced their proposals, is to install a slurry separator to remove the solids and to the store the separated slurry liquor in the new lagoon under a floating cover. However, we would like to dig the new lagoon now to ensure that we have sufficient storage to cope with wet winters.

We keep c. 380 dairy cows on our farm. They graze from April to October and are housed from November to March. The slurry that they produce during the housing period, plus the slurry that they produce when they are back on the yard during summer whilst they wait to be milked, is scraped into our existing slurry lagoon. We empty the lagoon three times during the summer period onto our grasses after we have cut them for silage.

Would like to stress that we are not planning to keep more animals. The aim of this proposal was to allow us to better manage the slurry that we already produce.

Main issues

Local Plan

Strategic Policy H - Habitats, Wildlife, Biodiversity and Geodiversity - seeks to ensure the conservation, restoration and enhancement of habitats, wildlife, biodiversity and geodiversity in the North York Moors National Park is given great weight in decision making and goes on to state that development proposals that are likely to have a harmful impact on protected or valuable sites or species will only be permitted where it can be demonstrated that there are no alternatives, there are suitable mitigation measures, any residual harmful impacts have been offset through appropriate habitat enhancement and the wider sustainability benefits of the development outweigh the harm to the protected or valuable interest.

Policy BL5 – Agricultural Development seeks to permit new agricultural buildings where the scale is appropriate to its setting and will not have an adverse impact on the special qualities of the National Park; there is a functional need for the development; it can be demonstrated that there are no suitable existing buildings available; the building is designed for the purposes of agriculture and is related physically and functionally to existing buildings; the proposal will not significantly harm local amenity; and in the absence of existing screening, a landscaping scheme is provided.

Material Considerations

Landscape impact

The site of the proposed lagoon is well situated within the context of the farm group and whilst covers a large area, would not be visually intrusive in the wider landscape.

There is a footpath to the north of the site which would be unaffected.

The sides of the lagoon would be bunded and whilst the wider landscape impact would be minimal, it is considered that the development would benefit from some tree planting along the northern boundary, to provide some screening from the public footpath.

Ecology

The proposal is required in order to better manage the slurry and dirty water produced to prevent a pollution incident. And it is considered important to support this principle with the aim of ensuring our watercourses are not affected by pollution from slurry wash off at inappropriate times of year.

Unfortunately this is one of the circumstances where measures to aid improving water quality are in conflict with measures to minimise and improve air quality impacts. An additional slurry store will lead to a greater surface area of slurry in storage and, in the absence of any mitigation measures, inevitably an impact on the amount of ammonia released into the atmosphere from the site. As a significant number of our designated

sites in the proximity of the application site already exceed the critical level of ammonia that is likely to lead to significant impacts on the habitat, any increase in ammonia (and consequently nitrogen and acid deposition) in the area could be deleterious to the notified habitats.

However, 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 would 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, the new lagoon would 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.

Consequently, it is considered that the proposed replacement lagoon would 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. Therefore for the purpose of the Habitat Regulations it is asserted 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.

Conclusions

On balance the Authority has concluded that the construction of the new slurry lagoon would not have an unacceptable landscape impact and would be of net benefit to the surrounding environment and ecology. Consequently approval is recommended.

Pre-commencement conditions

N/A

Explanation of how the Authority has worked positively with the applicant/agent

Approval (No Amendments Required)

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.