

North York Moors National Park Authority

Delegated decision report

Application reference number: NYM/2022/0700

Development description: excavation of land to create slurry lagoon

Site address: Butter Park Farm, Egton Grange

Parish: Egton

Case officer: Miss Lucy Gibson

Applicant: SJ & JE Welford

fao: Mr Steven Welford, Butter Park Farm, Egton Grange, Whitby, North Yorkshire,
YO22 5AZ,

Agent: BHD Partnership

Airy Hill Manor, Waterstead Lane, Whitby, YO21 1QB

Director of Planning's Recommendation

Approval subject to the following:

Condition(s)

Condition number	Condition code	Condition text												
1	TM01	The development hereby permitted shall begin not later than three years from the date of this decision.												
2	PL01	The development hereby permitted shall be carried out in accordance with the following approved plans: <table border="1"> <thead> <tr> <th>Document Description</th> <th>Document/Drawing No.</th> <th>Date Received</th> </tr> </thead> <tbody> <tr> <td>Proposed plans</td> <td>D12336-03</td> <td>26 September 2022</td> </tr> <tr> <td></td> <td>D12336-04</td> <td>26 September 2022</td> </tr> <tr> <td></td> <td>D12336-05</td> <td>26 September 2022</td> </tr> </tbody> </table>	Document Description	Document/Drawing No.	Date Received	Proposed plans	D12336-03	26 September 2022		D12336-04	26 September 2022		D12336-05	26 September 2022
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3	MC00	The use of the existing slurry tanks shall permanently cease following the first use or completion of the development hereby approved, whichever comes first. The existing tanks shall be removed within 12 months of the use ceasing and the land restored to its former condition.												
4	LD25	Prior to the development being brought into use, full details of the proposed boundary treatment to the site, including the size and species of any hedging or trees, be submitted to and approved in writing by the Local Planning Authority. The boundary treatment works shall then be implemented in accordance with the approved details. The boundary treatment shall be maintained in perpetuity.												
5	AC19	No external lighting shall be installed in the development hereby permitted.												

Reason(s) for condition(s)

Reason number	Reason code	Reason text
1	RSN TM01	To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2	RSN PL01	For the avoidance of doubt and to ensure that the details of the development comply with the provisions of Strategic Policies A

		and C of the North York Moors Local Plan, which seek to conserve and enhance the special qualities of the National Park.
3	RSN MISC09	In order to return the land to its former condition and comply with the provisions of Strategic Policy A of the North York Moors Local Plan which seeks to conserve and enhance the landscape of the National Park.
4	RSN LD01	In order to comply with the provisions of Strategic Policy C of the North York Moors Local Plan which seeks to ensure that new development incorporates a landscaping scheme which is appropriate to the character of the locality and retains important existing features.
5	RSN AC01	In order to enable the Local Planning Authority to retain control over future alterations to the property in the interests of safeguarding the existing form and character of the building in line with North York Moors Local Plan Strategic Policies A and C, which seek to enhance and conserve the special qualities of the National Park and secure high quality design for new development that does not detract from the quality of life of local residents; in accordance with Policy ENV4 which seeks to protect dark night skies.

Informative(s)

Informative number	Informative code	Informative text
1	MC INFO0	The slurry lagoon proposal associated with this development will require an environmental permit under the Environmental Permitting (England & Wales) Regulations 2016, from the Environment Agency, unless an exemption applies. The applicant is advised to contact the Environment Agency on 03708 506 506 for further advice and to discuss the issues likely to be raised. You should be aware that there is no guarantee that a permit will be granted. Additional 'Environmental Permitting Guidance' can be found at: https://www.gov.uk/environmental-permit-check-if-you-needone .

Consultation responses

Parish

No objections

Natural England

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.

Environment Agency

No objections

Third party responses

None received.

Publicity expiry

Advertisement/site notice expiry date: 08 November 2022



This photograph looks towards the north east and show the proposed siting of the slurry lagoon in the adjacent field at Butterpark Farm.

Background

Butter Park Farm is located approximately 2 miles south west of Egton Bridge. The farm is a working dairy farm comprising a mix of modern and traditionally constructed agricultural buildings and consists of approximately 220 hectares of land with 160 cows and young stock. A Public Right of Way runs through the centre of the steading.

This application seeks planning permission for the excavation of land and construction of a new slurry lagoon. The slurry store would be dug into the field adjacent the track and building to the south east of the farmyard. The lagoon would measure 45m x 40m with a total depth of approximately 4 metres. The excavated material from the construction of the lagoon would be used to form compacted earth bund walls which would be seeded, with a dark green safety fence and gate around the perimeter.

Main issues

Local Plan

The most relevant policies contained within the NYM Local Plan to consider with this application are Strategic Policy C (Quality and Design of Development), Strategic Policy H (Habitats, Wildlife, Biodiversity and Geodiversity) and Policy BL5 (Agricultural Development).

Strategic Policy C seeks to maintain and enhance the distinctive character of the National Park, and states that development will only be supported where it is of a high quality design; the siting, orientation, layout and density complement existing buildings; the scale, height, massing and form are compatible with surrounding buildings and not have an adverse impact upon the amenities of adjoining occupiers; sustainable design and construction techniques are incorporated; there is a good quality landscaping and planting scheme and local wildlife and biodiversity is enhanced.

Strategic Policy H 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 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.

Discussion

The new slurry lagoon is required to increase the level of slurry storage at the farm, reducing costs from the purchase of nitrogen and to comply with government guidance to provide at least six months storage for current stock numbers.

Whilst the farm is set within the open countryside with landscape views to the east and south, the lagoon would be dug into the ground and would be seen in the context of the existing farm buildings. The field where the slurry storage is proposed to be sited also sits slightly lower in the topography of the land. Further to this, a landscaping scheme is proposed along the east and south of the development to further knit the development into the landscape. As the details of the proposed species were not submitted, a condition has been applied to the decision notice to ensure these details are approved at a later date.

The proposed lagoon falls within an impact risk zone for air pollution for Arnecliffe and Park Hole Woods and the North York Moors designated sites. Therefore, a SCAIL assessment was required to determine the potential impacts of the proposed development on the designated sites. The initial SCAIL assessment results showed that the levels of deposition would be significantly above the acceptable threshold. However, following numerous discussions with the Authority's Ecology team, a corrected SCAIL assessment was calculated which demonstrated that the levels of Nitrogen deposition would be significantly lower than the existing levels should the existing lagoons be decommissioned. Therefore, provided that the use of the existing lagoons would cease, the Ecology team are supportive of the development.

In view of the above, the proposed slurry lagoon would not harm local amenity or result in unacceptable harm to wider landscape views and would be of net benefit to the surrounding environment and ecology. As such, approval is recommended.

Pre-commencement conditions

N/A.

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.