

North York Moors National Park Authority

Delegated decision report

Application reference number: NYM/2023/0042

Development description: excavation works to create earth bank slurry store

Site address: Cumboots Dairy Farm, Limestone Road, Burniston

Parish: Newby and Scalby

Case officer: Mrs Jill Bastow

Applicant: Cumboots Dairy Farm

fao: Mr James Emsley , Limestone Road, Burniston, Scalby, Scarborough, North Yorkshire, YO13 0PQ, United Kingdom

Agent: Mr Joseph Marshall

Prospect House Farm, Suffield Hill, Suffield, YO13 0BH, United Kingdom

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	PL02	The development hereby approved shall be only carried out in strict accordance with the detailed specifications and plans comprised in the application hereby approved.
3	MC00	The use of the existing slurry storage facilities shall permanently cease following the first use or completion of the development hereby approved, whichever comes first.

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

Document title

		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 MISC00	In order to comply with the provisions of Strategic Policy H of the North York Moors Local Plan which seeks to conserve and enhance the quality and diversity of the natural environment.

Informative(s)

Informative number	Informative code	Informative text
1	MC INFO0	<p>The proposed development must fully comply with the terms of the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (SSAFO) Regulations 2010.</p> <p>The applicant should also ensure the proposed development supports compliance with:</p> <ul style="list-style-type: none"> - The Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018 known as Farming Rules for Water (FRfW); - The Environmental Permitting (England and Wales) Regulations 2016 (EPR); - The Nitrate Pollution Prevention Regulations 2015 (NVZ). <p>Environmental good practice advice is available in The Code of Good Agricultural Practice (COGAP) for the protection of water, soil and air (produced by DEFRA).</p> <p>The applicant is advised to consider both the proposed development and existing on-farm slurry and manure storage to ensure compliance with the regulations (SSAFO, FRfW, EPR, NVZ).</p> <p>As a condition of SSAFO, you must notify the Environment Agency of a new, reconstructed or enlarged slurry store, silage clamp or fuel stores at least 14 days before starting any construction work. The notification must include the type of structure, the proposed design and construction.</p> <p>If the applicant intends to apply for a grant under the Farming Investment Fund – Slurry Infrastructure grant the proposed</p>

		development must also fully comply with the grant scheme rules. In this case the SSAFO notification to the Environment Agency will be satisfied by the submission of the grant application form.
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Consultation responses

Parish

No objection

Environment Agency

No objection but request informative advising that the proposed development must fully comply with the terms of the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (SSAFO) Regulations 2010.

Natural England

Not able to fully assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes or, provide detailed advice.

Defra have launched a Slurry Investment Scheme and Grant (SIG) which will allow pig, dairy and beef farmers producing slurry to access funding to contribute towards improving their slurry storage. This is a step by government to reduce nutrient pollution from agriculture. The infrastructure allowed under the grant will be subject to conditions and safeguards and underpinned by existing regulations. The degree of impact on the natural environment should be considered on a case-by-case basis, but in principle, Natural England support this scheme and expect that most projects will reduce nutrient pollution through better slurry management.

Environmental Health

No objection or comments

Forestry England

No comments

Third party responses

No comments received

Publicity expiry

Advertisement/site notice expiry date: 10 March 2023

View of the proposed slurry store location (to the left of the buildings) looking southwest from the road



View of the proposed slurry store location (to the right of the buildings) looking northeast from Swang Road



View of the proposed slurry store location (to the right of the buildings) looking northeast from Swang Road



Background

Cumboots Dairy Farm lies to the northwest of Scalby and to the southwest of Burniston, just within the eastern boundary of the National Park. The applicant seeks to upgrade their current system of storing slurry and manure in line with current regulations that require 6 months' worth of winter storage to avoid winter spreading, which in turn will help avoid run-off, land damage and nutrient wastage. The store will hold all slurry and manure for the housed livestock, the runoff from uncovered yards and wash down water from parlour cleaning.

Using the AHDB (Agriculture and Horticulture Development Board) Slurry Wizard tool to ascertain the slurry storage requirements for the farm, based on the current herd size and fluctuating young stock numbers, an earth bank store of 45 metres by 30 metres (overall top dimensions) and 33 metres by 18 metres (bottom dimensions) is proposed with an overall depth of 4 metres. The earth bank would be at a 35° slope incorporating a 750mm freeboard. The store will be lined with a high density polyethene, with a concrete access ramp for machinery to enter the store and clear it when required.

The slurry store would be located immediately to the south of the existing farm yard and livestock housing.

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 site of the proposed slurry store would be located immediately to the south of the existing livestock housing at the farm and in close proximity to the farm as a whole. As such in the wider landscape, particularly in view from the elevated Swang Road and Cumboots Brow to the west, it would be seen in the context of the farm group as a whole. Although views of the slurry store would be afforded from the public footpath passing close by to the north it is not considered that the development would be visually intrusive given the undulating landscape and the proposed grassed earth banks.

The slurry lagoon is proposed in line with The Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations, which came into effect in April 2018, and as such is considered to be necessary under Policy BL5. The SCAIL calculations submitted for the existing and proposed slurry storage demonstrate that the proposed slurry store will have lower levels of emissions than the existing stores on the farmyard. Providing that a condition is imposed requiring that the existing slurry store will no longer be used, then the development will not have an adverse effect on the nearby SSSIs.

In conclusion it is considered that the construction of the new slurry lagoon, provided that the use of the existing ceases, would not have an unacceptable landscape impact and would be of net benefit to the surrounding environment and ecology, in line with the policies of the Local Plan. Consequently, approval is recommended.

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

The Local Planning Authority has acted positively in determining this application by assessing the scheme against the Development Plan and other material considerations and subsequently granting planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.