

North York Moors National Park Authority

District/Borough: Scarborough Borough Council
Parish: Eskdaleside-Cum-Ugglebarnby

Application No. NYM/2017/0633/FL

Proposal: construction of slurry lagoon

Location: High Farm, Foss Hill, Ugglebarnby

Decision Date: 21 November 2017

Consultations

Parish – No objection with the following comments:

- Advise NYMNPA and NYCC on the damage caused to Tom Bell Lane by the farmer using approximately 500m of the Lane to move the herd between fields twice a day.
- Can some alternative agreement be made, ie a cow path within the bounds of the Fields to prevent damage to the Lane which, during wet weather, is very difficult to negotiate.

Environmental Health Officer -

Environment Agency - We have no objections in principle to the proposed development from a planning perspective, however please make the applicant aware of the following: 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 and as amended 2013. 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).

The applicant is advised to review the existing on-farm slurry and manure storage and ensure compliance with the SSAFO Regulations.

The applicant must inform the Environment Agency, verbally (Tel: 03708 506 506) or in writing, 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, and once an agreed proposal has been constructed we will ask you to send us a completed WQE3 notification form before you start using the facility.

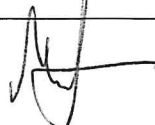
Natural England – No objection. Based on the plans submitted, Natural England considered that the proposed development will not have significant adverse impacts on designated sites North York Moors Special Area of Conservation, Special Protection Area and Special Scientific Interest and has no objection.

Site Notice Expiry Date – 31 October 2017

Others – Alison Fisher, 98 Outgang Road, Pickering

I walked Tom Bell Lane on 19th September 2017 and was appalled to see how muddy it was due to what looked like cows being taken along it. I walked it before in June 2017 and before that in August 2016 and I remember it as a good firm track that was easy to use both on foot and horse back. Regardless of whether this application is approved or not I do not think the farmer should use this lane to take cows to the fields as it cannot stand such use with the current surface. I am concerned about the possibility of leakage from the proposed slurry lagoon onto Tom Bell Lane which I think could make the current situation worse.

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If you are minded to approve this application I think it should be deferred until it is reviewed e.g. will it mean that the farmer can keep more cows and if the farmer is using Tom Bell Lane to get his cows to the field how will he manage the surface to Tom Bell Lane so that, that use is not detrimental to members of the public who also use the lane.

Mrs S Willmington, Red Barn, Littlebeck Lane, Sneaton

I have looked at all the details with interest.

Tom Bell Lane which has been refurbished to be walkable and rideable after many years of being impassable. The track has now seriously deteriorated due to cows being lead up and down this lane spoiling it for everyone else. There is signs of slurry on the track near where the proposed site will be. I want assurances that Tom Bell Lane will be transformed to the state we were all so happy with to allow walking and riding without struggling through the mud created by the cows. The farm should have its own track to lead the cows to their fields after milking. And this "Slurry Lagoon" be properly managed and inspected regularly.

Director of Planning's Recommendation

Approval subject to the following condition(s):

1.	TIME01	The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.																					
2.	PLAN01	<p>The development hereby permitted shall not be carried out other than in strict accordance with the following documents:</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Document Description</th> <th style="text-align: left;">Document No.</th> <th style="text-align: left;">Date Received</th> </tr> </thead> <tbody> <tr> <td>Location Plan</td> <td>D11221-01 Rev F</td> <td>7 February 2018</td> </tr> <tr> <td>Proposed Block Plan</td> <td>D11221-03 Rev F</td> <td>7 February 2018</td> </tr> <tr> <td>Proposed Block Plan</td> <td>D11221-04 Rev F</td> <td>7 February 2018</td> </tr> <tr> <td>Existing and Proposed Sections A-A</td> <td>D11221-05 Rev D</td> <td>7 February 2018</td> </tr> <tr> <td>Existing and Proposed Sections B-B</td> <td>D11221-06 Rev D</td> <td>7 February 2018</td> </tr> <tr> <td>Assessment of Ammonia emissions</td> <td>Promar Report</td> <td>3 January 2018</td> </tr> </tbody> </table> <p>or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.</p>	Document Description	Document No.	Date Received	Location Plan	D11221-01 Rev F	7 February 2018	Proposed Block Plan	D11221-03 Rev F	7 February 2018	Proposed Block Plan	D11221-04 Rev F	7 February 2018	Existing and Proposed Sections A-A	D11221-05 Rev D	7 February 2018	Existing and Proposed Sections B-B	D11221-06 Rev D	7 February 2018	Assessment of Ammonia emissions	Promar Report	3 January 2018
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3.	LNDS02A	All hard and soft landscape works comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, or in accordance with a programme agreed by the Local Planning Authority. Any trees or plants planted in accordance with this condition which, within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the current or next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.																					

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4.	MISC00	The proposed improvements to slurry management shall be implemented in accordance with the details as set out in the Assessment of Ammonia Emissions on High Farm, a report prepared by Promar International received on 3 January 2018, unless otherwise agreed in writing by the Local Planning Authority. In particular slurry should only spread on the farm using direct injection through a trailing hose and if the new slurry store is not fitted with a floating cover, then chopped straw should be periodically spread on the lagoon to promote the formation of a crust.
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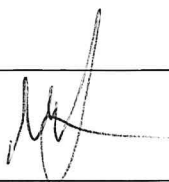
Informative(s)

1.	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 and as amended 2013. 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). The applicant is advised to review the existing on-farm slurry and manure storage and ensure compliance with the SSAFO Regulations.
2.	The applicant must inform the Environment Agency, verbally (Tel: 03708 506 506) or in writing, 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, and once an agreed proposal has been constructed the Environment Agency will ask you to send us a completed WQE3 notification form before you start using the facility. More information is available from the Environment Agency.
3.	The report commissioned by Promar International includes a recommendation to add guttering to the cattle shed which would separate clean water from dirty and thus reduce the amount of rainfall that enters the slurry system. We would recommend that this low cost measure is carried out if possible to reduce the amount of dirty water produced.

Reason for Condition(s)

1.	RSN TIME01	To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2.	RSN PLAN01	For the avoidance of doubt and to ensure that the details of the development comply with the provisions of NYM Core Policy A and NYM Development Policy 3, which seek to conserve and enhance the special qualities of the NYM National Park.
3.	RSN LNDS01	In order to comply with the provisions of NYM Development Policy 3 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.
4.	MISC00	To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with NYM Core Policy A and Development Policy 1.

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Background

This application is for the construction of a new slurry lagoon at High Farm Ugglebarnby following a breach of the current weeping wall system in 2017 and the need to work with the Environment Agency to improve slurry management issues.

High Farm, Ugglebarnby is built onto the hillside and the catchment of the River Esk. The dairy farm currently milking a herd of 150 cows. This number has increased considerably since the present weeping wall slurry store was erected in 1986. The current slurry storage system is now able to hold 4 months production which is less than desirable.

This application seeks approval for a slurry store which is capable for storing 3384m³ measuring 36m by 46m and being 3.75m deep. The lagoon will be surrounded by earth banks at a maximum of 45 degrees. The lagoon will be constructed using a specialist liner system with a 1.8m painted steel mesh fence around the lagoon at the top of the banking. A detailed landscaping plan is also shown on the plan to provide scrub style planting on the banks of the lagoon, with larger trees around the base and trees at a 6m spacing along the existing boundary lines of the paddock within which the proposed lagoon is sited to provide more of a landscape context especially when viewed from the top of Blue Bank to the south west of the site.

Main Issues

The development policies most pertinent to this application are Core Policy A, Delivering the National Park Purposes and Sustainable Development and Deverment Policy 12, Agriculture.

Core Policy A of the Local Development Framework seeks to further the National Park purposes and duty by encouraging a more sustainable future for the park and its communities whilst conserving and enhancing the Park's special qualities. Priority will be given to development that will not have an unacceptable impact on the wider landscape, quiet enjoyment of the Park or quality of life of residents or visitors; development in locations and of a scale which supports the character and function of settlements; maintaining and enhancing the natural environment; conserving and enhancing the landscape, settlement, building features and historic assets of landscape character areas; applying sustainable design and energy use; provision of a choice of housing; strengthening and diversifying the rural economy and enabling access to services, facilities, jobs whilst minimising environmental impacts of transport.

Development Policy 12 seeks to permit proposals for new agricultural buildings, tracks and structures or extensions to existing buildings where there is a functional need for the building, the building is designed for the purposes of agriculture, the site is related physically and functionally to existing buildings associated with the business unless there are exceptional circumstances relating to agricultural necessity for a more isolated location, and a landscaping scheme which reduces the visual impact of the proposal on the wider landscape is submitted as part of the proposal.

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Existing provision for slurry storage

Current storage is a weeping wall store holding 880m³. The store is crust forming which helps to limit aerial nitrate emissions. Once at capacity slurry from feeding areas is then collected in the silage pit, which is not designed for storing slurry. Liquid portion of waste is collected in three settlement tanks which is spread via a sprinkler system automatically when at capacity.

The current volume of slurry and dilutions produced by the farm over the winter when animals are enclosed (5 month period but allowing for 6 months of rainwater/washings capture) is 3301m³ leading to a storage deficit of 2421m³.

Impact of current regime on surrounding ecology

The current regime leads to slurry being applied to fields both through the sprinkler system, as well as the solid spreading (tanker with splash plate) throughout the winter period which likely will include applications made during inappropriate conditions (frozen ground, saturated ground, before rainfall) as well as being of less value to the farm as slurry has less impact on crop growth when applied when plants are not actively growing.

The current regime is poor for both water quality, through increased run off due to ill-timed applications, and air quality, as sprinkler systems and use of splash plate encourage aeration of nitrate rich substances leading to increased volatility and an increased release in ammonia to the surrounding environment.

Proposed provision for slurry storage

In addition to continuing to use existing weeping wall store (880m³), a new lagoon containing up to 3384m³ is proposed increasing the total capacity of the system to 4264m³. The new lagoon will take all effluent overflowing from the existing store, as well as slurry washed directly from the external yards removing the need for any collection within the silage pit or settlement tanks.

Given the same number of animals kept in conditions as at present, and using the same assumptions regarding rainwater collection and washings, the capacity of the new system will exceed that required by 963m³. The applicant's agent has confirmed that the size of the lagoon has been determined by using the Promar figures (a report submitted with the application) plus an allowance to cope with the slurry housed within the existing weeping wall slurry store of 880m³ which will inevitably have to be replaced by the lagoon plus an allowance for the 300mm freeboard of around 79 to 80m³.

Impact of proposed regime on surrounding ecology**Water quality**

The provision of the new system will adequately address the needs of the farm to ensure slurry can be stored for the entire winter if necessary and therefore will not need to be spread at inappropriate times of year. Improved timing of application will lead to improvement in the surrounding water quality when compared to present. We note that the original report from Promar International included a recommendation to add guttering to the cattle shed which would separate clean water from dirty and thus reduce the amount of rainfall that enters the slurry system. We would recommend that this low cost measure is carried out if possible to reduce the amount of dirty water produced.

Air quality

It has been stated in the proposals that the new lagoon will be crust forming, with a potential option to provide a floating cover which would have the additional benefit of reducing the

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amount of rainwater entering the system at this point. In addition to new storage, it has been stated that the applicant wishes to adopt a new method of spreading slurry using a trailing shoe or trailing hose system, replacing the sprinkler and splash plate currently in use. This method of application minimises the potential for aerial pollution in the form of ammonia from the slurry during application.

The SCAIL models provided show that the impact of the new slurry lagoon itself on surrounding air pollution is likely to be relatively minor as a proportion of critical load. The site is also due to be screened with trees, which once grown to a fair height will help to minimise movement of ammonia and thus will help to further reduce potential impacts on nearby designated sites. Although adding to an unknown background level (which is already above critical loads on most surrounding designated sites) we would judge that the collective benefit of improved timing of application within the growing season (at maximum uptake by plants of nitrates) and improved method of application using a trailing shoe/hose have the potential to outweigh the pollution caused by additional surface area of stored slurry within the new tank and thus could be of net benefit to air pollution.

It is noted that the proposed tank together with the existing weeping wall tank is of greater capacity than the farm currently requires. Whilst a certain degree of extra capacity is of course useful to ensure against winters of particularly heavy rainfall, it seems from the presented figures that it would be possible for adequate storage to be achieved by solely using the new tank (not using the weeping wall tank at all) this would slightly reduce the surface area of stored slurry and hence would further reduce potential ammonia release.

Landscape impact

The change in levels required to construct the proposed lagoon are up to 5m with a 1.8m fence on top. A geometric structure of this size will obviously have a significant landscape impact, however with the landscaping scheme proposed the application will be considered to assimilate back into the landscape in time. It will be constructed adjacent to the existing farmstead which is already built into the slope of the hill.

Parish and Third Party Comments

Concerns have been raised by the Parish Council and two other third parties with regard to the condition of the Public Right of Way to the West of the proposed site known as Tom Bell Lane due to the use of it by cows to access their fields. These comments have been noted and passed on to the Authority's Ranger and NYCC however as this application would not change the existing farming practice and would not result in an increase in herd size, merely a better environmental solution of the existing operation, then these comments are not considered to be relevant to this application.

Conclusions

On balance the Authority has concluded that the construction of the new tank would be of net benefit to the surrounding environment and ecology if the additional measures proposed are put in place.

When considering the HRA regulations, we would concur with Natural England's assessment that the results of the SCAIL assessment demonstrate that process contributions for ammonia, nitrogen deposition and acid deposition are <20% of the appropriate critical load or level at the North York Moors SAC and SPA. Natural England has

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checked for other recent and proposed developments that could act in-combination with this proposal; there are no other developments that are likely to cause in-combination impacts according to information available.

No adverse comments have been received in relation to the construction or appearance of the proposed lagoon and as proposed it is considered to accord with the requirements of Core Policy A and Development Policy 12 of the NYM Local Development Framework and therefore approval 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 recommended changes to the proposal to improve the landscaping of the proposal so as to deliver sustainable development.

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