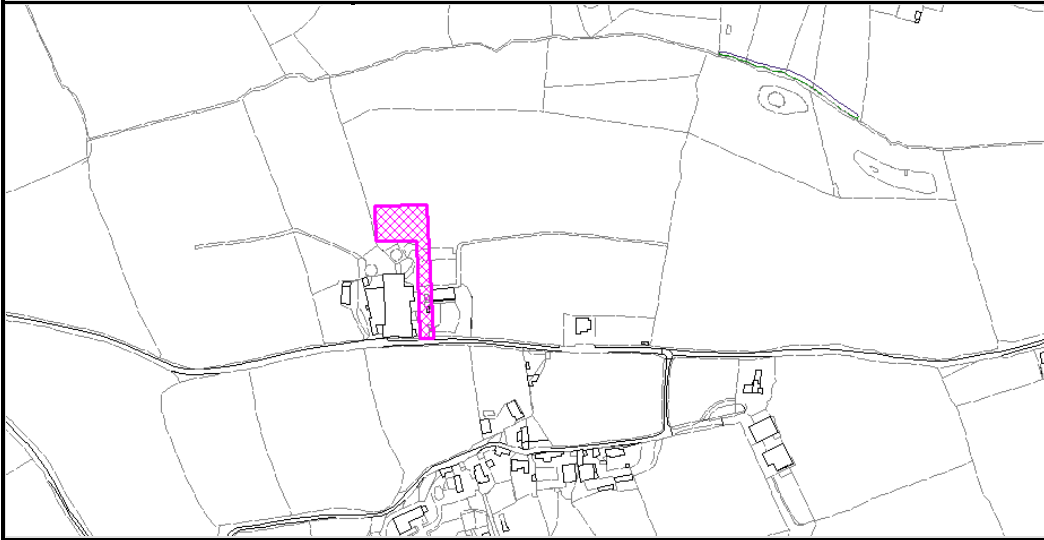


## Committee Report

<b>Application Number:</b>	1/1351/2021/FUL
<b>Registration date:</b>	9 December 2021
<b>Expiry date:</b>	3 February 2022
<b>Applicant:</b>	Mr. Richard Boughton
<b>Agent:</b>	AHA Designs
<b>Case Officer:</b>	Debbie Fuller
<b>Site Address:</b>	Land at Worden Farm Bradworthy Devon
<b>Proposal:</b>	Erection of covered slurry store
<b>Recommendation:</b>	Grant



### Reason for referral:

Mr. Richard Boughton is a District Councillor for Torridge District Council.

### Relevant History:

Application No.	Description	Status	Closed
1/0604/2021/FUL	Erection of agricultural livestock building	PER	02.09.2021

### Site Description & Proposal

#### Site Description

'Worden Farm,' is situated in the open countryside to the west of Bradworthy. The site is adjacent a county road. There are other farm holdings in the area, but the area is a sparsely populated area between Bradworthy and Meddon.

According to the planning statement, submitted with the planning application, the farm has 122 hectares of land, of which 51 are owned, with the remainder rented. It is a dairy farm that has 168 cows and averages 180 youngstock per year.

#### Proposed Development

The application seeks full planning permission for the erection of a covered slurry store, with a working capacity of 3,200 tonnes. This will provide approximately 6 months storage and replace an existing slurry tower on the site, which is no longer fit for purpose.

The proposed building is to be sited to the north of the existing farm sheds, and measures 48.7 metres in length, 18 metres in width, and 8 metres overall height, (6 metres to the eaves). Due to the topography of the land, which slopes downwards to the north, the height above ground at the southern end is approximately 5 metres, at the northern end is approximately 8 metres. The floor area is 885 square metres. The proposed building will have a fully enclosed concrete panel construction to a height of 4.4 metres. The proposed materials are steel frame construction with concrete panel and cattle board elevations under a fibre sheet roof.

The surface water runoff will be collected in a crated rainwater soakaway to the north of the building.

The planning statement, states that *'The design and construction of this building has been done in line with environment agency advice.'*

### Consultee representations:

#### **Bradworthy Parish/Town Council:**

*Bradworthy Parish Council has no objection to the proposed development*

#### **Environmental Protection Officer:**

*In relation to the above application, the Environmental Protection Team has no objections.*

#### **Natural England: (received 22<sup>nd</sup> December 2021)**

*Thank you for the above consultations received by Natural England on 2nd December 2021.*

*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 have identified that interest features of the following designated sites:*

#### *o Bradworthy Common 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 an initial screening for air quality impacts should be completed. Simple screening tools are available via the internet, the relevant regulator or consultants. 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. Natural England would be happy to advise on the results of the screening opinion and any further steps required. Natural England has not considered any other matters at this stage. We will provide advice on all relevant matters upon receipt of this information.*

*Prior to reconsulting, please ensure a suitable air quality screening assessment is provided. If using the Simple Calculation of Atmospheric Impact Limits (SCAIL) model please ensure the applicant has enclosed the final input file the outputs for the model and the results with the details of the application. If the applicant is replacing an old slurry lagoon or housing with a new system, or changing livestock type or numbers, this information should be submitted for both the existing and the proposed scenario. For guidance on how to do this in the free online SCAIL, please see the attached annex.*

*Should the applicant 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.*

### **Natural England: (response to re-consultation, dated 17<sup>th</sup> February 2022)**

*Thank you for your consultation of 4th February 2022 regarding the above proposal. Based on the information provided, Natural England has the following advice.*

#### **SUMMARY OF NATURAL ENGLAND'S ADVICE - No objection**

*Based on the additional information submitted, Natural England considers that the proposed development is unlikely to have significant adverse impacts on designated sites and has no objection.*

*Our reasoning is set out below.*

#### **Designated sites**

*Due to the scale, nature and location of the proposal, Natural England's Impact Risk Zones identified several designated sites as being sensitive to impacts from aerial pollutants such as ammonia. The closest of these being **Bradworthy Common Site of Special Scientific Interest (SSSI)** which is a*

component site of **the Culm Grasslands Special Area of Conservation (SAC)**, a European site. Further information on their special interest can be found at [www.magic.gov.uk](http://www.magic.gov.uk).

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.

Natural England currently uses a Process Contribution (PC) threshold of 4% of the relevant critical level or load at the initial screening stage (when using SCAIL) to rule out damage or a likely significant effect to designated sites with regards to pig, dairy and poultry units when considering planning due to farm size, magnitude of emissions from farms not under environmental permitting and implications for clustering and cumulative effect.

**European sites - the Culm Grasslands Special Area of Conservation**

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 63 and 64 of the Habitats Regulations have been considered by your authority i.e. the consultation does not include a Habitats Regulations Assessment.

On the basis of the information provided, in order to assist your authority in screening for the likelihood of significant effects, it is Natural England's advice that the proposal is unlikely to have a significant effect on any European site and can therefore be screened out from any requirement for further assessment. It is recommended that the following information is used to record your conclusions regarding the likelihood of significant effects.

The SCAIL-agriculture screening assessment provided is a coarse assessment of the potential air quality impacts on designated sites of the proposed covered slurry lagoon. It indicates a process contribution of 2% which is below the 4% of the relevant Critical Level/Critical Load threshold for the Culm Grasslands SAC and Bradworthy Common SSSI.

This means that that the proposed slurry lagoon is unlikely to release levels of the pollutant ammonia to the extent that would cause an exceedance of the ammonia critical level at the SSSI/SAC. Critical levels were taken as 1ug/m3 for nature conservation sites where lower plants (mosses and lichens) are an important part of the site integrity, as is the case here.

**Bradworthy Common Site of Special Scientific Interest**

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

The applicant should ensure that the slurry lagoon is compliant with the silage, slurry and agricultural fuel oil (SSAFO) Regulations and which require the land owner to notify the Environment Agency (EA) at least 14 days before building new storage.

**Representations:**

Number of neighbours consulted:	2	Number of letters of support:	0
Number of representations received:	0	Number of neutral representations:	0
Number of objection letters:	0		

No representations have been received.

**Policy Context:**

**North Devon and Torridge Local Plan 2011-2031:**

ST01 (Principles of Sustainable Development); ST02 (Mitigating Climate Change); ST03 (Adapting to Climate Change and Strengthening Resilience); ST04 (Improving the Quality of Development); ST07 (Spatial Development Strategy for Northern Devon's Rural Area); ST10 (Transport Strategy); ST14 (Enhancing Environmental Assets); DM01 (Amenity Considerations); DM02 (Environmental Protection); DM04 (Design Principles); DM05 (Highways); DM06 (Parking Provision); DM08 (Biodiversity and Geodiversity); DM08A (Landscape and Seascape Character) and DM14 (Rural Economy).

### **North Devon and Torridge Supplementary Planning Documents**

Air Quality Supplementary Planning Document (SPD), adopted 5th October 2020.

#### **Government Guidance:**

NPPF (National Planning Policy Framework); NPPF (National Planning Policy Framework); WACA (Wildlife & Countryside Act 1981); NERC (Natural Environment & Rural Communities);

UK Clean Air Strategy, Defra, 2019;

Town and Country Planning (Development Management Procedure) (England) Order 2015;

Conservation of Habitats and Species Regulations 2010 (Habitats Regulations 2010).

Town & Country Planning (Environmental Impact Assessment) Regulations 2017. Taking into account the criteria of Schedule 3 of the Regulations, the LPA is of the opinion that the proposed development is not "EIA development" within the meaning of the 2017 Regulations (as amended) and the proposed development will not require an Environment Statement.

### **Planning Considerations**

1. Principle of development
2. Character and appearance
3. Highways
4. Residential amenity
5. Air quality
6. Ecology
7. Surface Water Drainage and Water Quality

#### Principle of Development

Policy ST07 of the North Devon and Torridge Local Plan (NDTLP), sets out the spatial development strategy for northern Devon's rural area, and clarifies that in the Countryside, beyond Local Centres, Villages and Rural Settlements, development will be limited to that which is enabled to meet local economic and social needs, rural building reuse and development, which is necessarily restricted to a Countryside location. The proposal must therefore be considered in the context of the NDTLP policies, or parts of policies, that relate to the site's countryside location.

The proposed building is to cover a required, new slurry store, for agricultural purposes, and during officer site visits it has been observed that the site is in use as an active agricultural holding.

Policy DM14: 'Rural Economy' is supportive of necessary agricultural change. The larger capacity of the new store will provide capacity for approximately 6 months of slurry storage. The applicant has explained that the increase storage is necessary to bring the farm up to standard specifically instructed by the Environment Agency.

The proposed building is a form of development that is necessarily restricted to a countryside location, as required by Policy ST07. Consequently, the principle of development is considered acceptable.

## 2. Character and appearance

Policies ST04 and DM04 of the NDTLP have a strong design focus and establish the need for development to be appropriate in, and have respect for, its context and setting. In addition, Policy DM08A requires development to respect landscape character of both designated and undesignated landscapes and seascapes. The site is not within a designated landscape area.

The Landscape Character Type for the area is '*5A: Inland Elevated Undulating farmland.*'

The key characteristics, amongst other characteristics, (and those which are more relevant to this application), are '*Elevated land cut by a series of tributaries forming folds in the landform; Tributary valleys lined by broadleaved and wet woodland providing contrasting shelter and texture; Fields enclosed by mixed species hedges; Strong farmed character with pasture fields grazed by cattle and sheep, occasional fields of arable cultivation and rough grazing of rushy meadows along valleys; Farms dispersed throughout the landscape often on exposed ridges, sheltered by groups of trees of evergreen shelterbelts; Straight roads traversing ridges and dipping down into valleys, crossing streams on sandstone bridges; Overall high levels of tranquillity with dark night skies; Important sites of Culm grassland, species-rich fen and rush pasture, valley mire, unimproved grasslands and scrub in valley bottoms and areas of impeded drainage.*

The special qualities, amongst other aspects, are:-

- o Long views from elevated ridgelines.*
- o Patchwork of fields and hedges.*
- o Working, rural landscape.*
- o Valued Culm grassland and wetland habitats providing texture to the landscape.*
- o Quiet, relaxed and tranquil.*

The 'Forces for Change' include:-

- o Post-war Intensification of agriculture spurred on by CAP-related subsidies in the 1970s, leading to field enlargement, the conversion of pasture to arable and hedgerow removal / damage;*
- o Intensification of agriculture and demand for productive farmland leading to the drainage of wetlands and Culm grasslands - leaving behind a fragmented habitat resource;*
- o Remaining areas of 'marginal' unimproved grasslands and Culm frequently left undergrazed, leading to scrub/tree succession;*
- o Agricultural intensification and a decline in the agricultural economy leading to an amalgamation of smaller farms into larger, industrial-scale units;*
- o Increase in visitor, farm and industrial traffic on the rural road network.*

The proposed building is sited approximately 5-10 metres from the existing farm, and encroaches into an open field to the north. It is also a height of 8 metres at the furthest end (north), and has quite a large footprint. However, this type of building is not incompatible with the landscape, in that there are other similar sized farms, with intensive livestock buildings/slurry stores, on the opposite side of the valley (north west and north).

The proposed building also follows the topography of the land, with part, (almost half of the slurry store), underground. The proposed has been sited at the point where the land drops. The valley, drops down to the north, and runs east/west, (east towards 'Bradworthy'), and there are few distant views from outside of this valley. It is possible to see Bradworthy Church from the application site, in the far distance, but as the land rises slightly on the east of the proposed building, part of the building will be screened. From distant views within the valley, the proposed building would be seen in relation to the existing agricultural buildings on the site.

The proposed materials, (concrete panels and fibre cement roof), are also shown as green/grey in colour on the plans, which will help blend with the existing landscape.

Taking into consideration the nature of the proposed development, and its siting, within the context, the proposed development is not considered to result in an adverse impact on the character of the surrounding landscape. The proposal is considered acceptable in the context of ST04, DM04 and DM08A.

### 3. Highways

Policies ST10 and DM05 of the NDTLP seek, inter alia, to ensure that development does not adversely affect the local or strategic highway network and that vehicular accesses are safe and well designed. Paragraph 111 of the NPPF advises that development should only be refused if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network would be severe. Paragraph 110 states, inter alia, that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, should be cost effectively mitigated to an acceptable degree.

Access to the farm field is off a private drive from the public highway, and no changes are proposed.

The proposal would not affect the likely vehicle movements to and from the site.

Taking account of the above, the proposal is considered to accord with policies ST10, DM05 of the Local Plan, and the NPPF.

### 4. Residential Amenity

Policy DM01 of the NDTLP confirms that development will be supported where it would not significantly harm the amenities of neighbouring occupiers or uses, or result in harm to the future occupiers of the development from existing or allocated uses. Policy DM04: 'Design principles' has a principle regarding amenity.

The proposed building is to be sited approximately 150 metres from the curtilage of the nearest third party dwelling, and it is considered that it will not significantly harm the amenities of neighbouring occupiers. It is noted that no objections have been received.

Therefore the development accords with Policies DM01, DM04 and DM02 of the NDTLP, which seek to maintain amenity to the locality, with special regard to neighbours and future occupiers.

The Council's Environmental Protection Officer has advised that he has no objections, as has the Parish Council.

Taking account of the above, it is concluded that the proposal accords with Policies DM01 and DM04.

### 5. Air quality

The NDTLP recognises the importance of air quality to public health and wellbeing. It is important for the planning system to help improve air quality and minimise the exposure to poor air quality. The relevant policy is Policy DM02 'Environmental Protection,' of the Local Plan.

Paragraph 13.11 of the Local Plan notes that proposals should not result in the deterioration of air quality to below national standards, and air quality statements will be required to be submitted with planning applications in such circumstances.

The UK Clean Air Strategy, Defra, 2019, states, *'The agriculture sector is the main source of ammonia, accounting for 88% of UK emissions in 2016. Ammonia reacts with nitrogen oxides and sulphur dioxide to form secondary particulate matter which significantly impacts on human health. Ammonia also damages sensitive habitats.'*

Policy ST02: 'Mitigating Climate Change,' of the Local Plan,' states *'Development will be expected to make a positive contribution towards the social, economic and environmental sustainability of northern Devon and its communities while minimising its environmental footprint by: (b) conserving and enhancing the natural, built and historic environment through the prudent use of key resources including land, buildings and energy, whilst protecting and enhancing the area's biodiversity, geodiversity, landscape, coastline, air, water, archaeology and culture.'*

Policy ST03: 'Adapting to Climate Change and Strengthening Resilience,' criteria (h) states *'ensuring risks from potential climate change hazards, including pollutants (of air and land) are minimised to protect and promote healthy and safe environments.'*

The 'Air Quality SPD' was adopted by North Devon Council and Torridge District Council on the 5th October 2020. The SPD considers the potential for new developments to affect air quality adversely, which types and scales of planning applications require an air quality impact assessment, and if so what an air quality impact assessment should include. Chapter 7 'Agricultural Development,' of the SPD states that depending on the scale and proximity to either a European Protected Site or a Site of Special Scientific Interest, a planning application may need to be accompanied by an Air Quality Impact Assessment.

In this instance, the proposal is one of the types set out in Paragraph 7.4 of the SPD, with potential adverse impacts on air quality, and due to the scale and proximity to a designated site, (a Site of Special Scientific Interest), triggers the need for an Air Quality Impact Assessment (AQIA) with a Simple Calculation of Atmospheric Impact Limits (SCAIL) assessment.

Natural England were consulted on receipt of the planning application, and identified that there was insufficient information provided in relation to air quality impacts, and that 'Bradworthy Common SSSI,' may be sensitive to impacts from aerial pollutants; such as those emitted from this proposed development. For detail see their consultation response above.

A SCAIL Assessment for the development on land at Higher Worden Farm, was submitted, and Natural England responded stating, *'Based on the additional information submitted, Natural England considers that the proposed development is unlikely to have significant adverse impacts on designated sites and has no objection.'*

On this basis, it is considered that the proposal would not result in an adverse impact to air quality, in accordance with the North Devon and Torridge Local Plan, and SPD.

## 6. Ecology

Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2010 (Habitats Regulations 2010). This is further reinforced by Policy DM08 of the NDTLP. In addition, Policy ST14 seeks to deliver biodiversity enhancement through development.

A Wildlife Trigger List has been submitted as part of the application, which explains why there is not a need for an ecological survey, and this is considered to meet the local planning authority's statutory duty set out above.

In respect of enhancement, the covering of the slurry store will improve environmental performance at the site, and would likely improve water quality through reducing runoff from the slurry store. This is considered to represent biodiversity enhancement through improvements to aquatic habitat.

The proposal is considered to accord with policies DM08, ST14 of the Local Plan, and the other legislation referred to above.

## 7. Surface Water Drainage and Water Quality

The site is not within an Environment Agency flood risk zone and/or Critical Drainage Area.

Policy ST03: 'Adapting to Climate Change and Strengthening Resilience,' of the NDTLP states:- *'Development should be designed and constructed to take account of the impacts of climate change and minimise the risk to and vulnerability of people, land, infrastructure and property by: (f) adopting effective water management including Sustainable Drainage Systems, water quality improvements, water efficiency measures and the use of rainwater..(h) ensuring risks from potential climate change*



*hazards, including pollutants (of air and land) are minimised to protect and promote healthy and safe environments.'*

Policy DM04 establishes that effective water management must be addressed by development.

Policy DM02 of the NDTLP establishes, inter alia, that development will be supported where it does not result in unacceptable impacts such as pollution of surface or ground water (fresh and salt) including rivers, canals, other watercourses, water bodies, wetlands, water gathering grounds including catchment areas, aquifers, groundwater protection areas, harbours, estuaries, or the sea.

A soakaway will manage surface water. The site is of sufficient size to accommodate a drainage field.

The covering of the slurry will likely improve water quality by reducing run off from the currently uncovered slurry store.

The proposal is considered to accord with policies ST03, DM02 and DM04.

### Conclusion

It is concluded that the proposed works are acceptable because the proposed building and materials are appropriate to the countryside location, and will not detract from the character and appearance of the area. The development would not be harmful to residential amenity. There is no harm on protected species and/or habitat, including designated sites, and/or drainage concerns, and therefore accords with Policies ST07, ST04, DM04, DM08A, ST10, DM05, DM01, DM02, ST02, ST03, ST14 and DM08 of the Local Plan, the NPPF and the NPPG.

For the reasons given the recommendation for this application is for it to be approved, with the conditions below.

### **Human rights**

Consideration has been given to the Human Rights Act 1998.

### **Conclusion**

It is therefore considered that subject to the compliance with the attached conditions and taking into account all other material planning considerations, including the development plan the proposal would be acceptable.

### **Recommendation**

GRANT subject to the following conditions:-

- 1 The development to which this permission relates must be begun no later than the expiration of three years beginning with the date on which this permission is granted.

Reason: The time limit condition is imposed in order to comply with the time requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.

Reason: To ensure the development is carried out in accordance with the approved plans.

### **Plans Schedule**

Reference

Received

SWS-RB-01	09.12.2021
SWS-RB-03 (Proposed Floor Plan)	30.11.2021
SWS-RB-03 (Block Plan)	30.11.2021
SWS-RB-04	30.11.2021
SWS-RB-05	09.12.2021

### **Informative**

01. The applicant should ensure that the slurry lagoon is compliant with the silage, slurry and agricultural fuel oil (SSAFO) Regulations and which require the land owner to notify the Environment Agency (EA) at least 14 days before building new storage.

### **Statement of Engagement**

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF) in dealing with this application, the Council has worked with the applicant in the following positive and proactive manner. In this instance there was a need for further engagement to request information on air quality, which the planning agent/applicant subsequently submitted. In such ways the Council has demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application.