



## Agenda

- Meeting** Skipton and Ripon Area Planning Committee
- To:** Councillors Nathan Hull (Chair), Andy Brown (Vice-Chair), Barbara Brodigan, Robert Heseltine, David Ireton, David Noland and Andrew Williams.
- Date:** Monday, 8 September 2025
- Time:** 1.00 pm
- Venue:** Staincliffe Suite, Belle Vue Square, Broughton Road, Skipton BD23 1FJ

This meeting is being audio recorded and will be available to listen to after the meeting [via our website](#).

### Business

1. **Apologies for absence**
2. **Minutes of the meeting held on 5 August 2025** (Pages 3 - 4)
3. **Declarations of interests**

All Members are invited to declare at this point any interests, including the nature of those interests, or lobbying in respect of any items appearing on this agenda.

4. **ZC25/00215/FUL - Construction of earth banked slurry lagood at Inglehurst Farm, Cold Cotes Road, Felliscliffe, Harrogate, North Yorkshire HG3 2LW on behalf of Mr Stephen Bradley.** (Pages 5 - 24)

Report of Head of Development Management – Community Development Services.

5. **Any other items**

Any other items which the Chair agrees should be considered as a matter of urgency because of special circumstances.

6. **Date of next meeting**

Tuesday 7 October at 1pm. Venue to be decided.

Members of the public are entitled to attend this meeting as observers for all those items taken in open session. You may be interested in [subscribing to updates](#) about this or any other North Yorkshire Council committee.

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Anyone wishing to record is asked to contact the Democratic Services Officer (details below) prior to the start of the meeting.

**Contact Details**

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Friday, 29 August 2025

## North Yorkshire Council

### Skipton and Ripon Area Planning Committee

Minutes of the meeting held at Belle Vue Square, Skipton on Tuesday, 5 August 2025 commencing at 1.04 pm.

Councillor Nathan Hull in the Chair plus Councillors Andy Brown, Robert Heseltine, David Ireton and Nick Brown (substitute for Andrew Williams).

Officers present: Andrea Muscroft, Development Management Team Manager; Owen Holmes, Planning Officer, Kate Lavelle, Solicitor and Vicky Davies, Senior Democratic Services Officer .

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**Copies of all documents considered are in the Minute Book**

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#### **162 Apologies for absence**

Apologies for absence were received from Councillors Barbara Brodigan, David Noland and Andrew Williams (substitute Councillor Nick Brown).

#### **163 Minutes of the meeting held on 2 June 2025**

The minutes of the meeting held on 2 June 2025 were confirmed and signed as a correct record.

#### **164 Declarations of interests**

There were no declarations of interests.

#### **165 ZA25/26671/FUL - Full planning permission for the dismantling of existing portal framed building including extensions. Conversion and extension of traditional agricultural building, change of use class to provide a wedding/events venue and associated external works and landscape works at Warley Wise Farm, Cowling on behalf of Warley Wise Farm LLP.**

The Head of Development Management – Community Development Services sought determination of a planning application for the dismantling of an existing portal framed building including extensions. Conversion and extension of a traditional agricultural building and change of use to provide a wedding/events venue together with associated external works and landscape works on land at Warley Wise Farm Cowling, North Yorkshire, BD22 0LL.

Members of the Committee had visited the site to gather factual information and visualise any impact the proposed development could have on the area.

The Planning Officer gave a presentation and summarised the report and a late information report which had been circulated to Members and published on the Council's website. The late information report included one further objection and referred to a drawing that had

been received showing 2 areas of biodiversity net gain for the application site and that recommended condition 2 was amended to include the biodiversity net gain location plan.

The applicant Michael Drakard and his agent Tom Warren spoke in support of the application.

During consideration of the application, Members discussed the following issues:

- Whether or not the agricultural building was being used as a working farm.
- The contemporary nature of the proposed extension in weathered steel.
- Whilst NYC Highways considered that, visibility splays of 70m giving access to the development were acceptable there was concern about the potential increase in traffic as the road was a major recreational and cycling route.
- The proposals incorporated the best available sustainability and biodiversity schemes.
- The development would add to the local economy and create employment.

Resolved –

That, the application is GRANTED subject to the conditions set out in the Assistant Director's report and an amended condition 2 to include the biodiversity net gain location plan as set out in the late information report.

Voting record –

A vote was taken and the motion was declared carried with 3 in favour and two against.

#### **166 Any other items**

There were no urgent items of business.

#### **167 Date of next meeting**

Monday 8 September 2025.

The meeting concluded at 2.13 pm.

## North Yorkshire Council

### Community Development Services

#### Skipton and Ripon Area Planning Committee

8<sup>th</sup> September 2025

**ZC25/00215/FUL – CONSTRUCTION OF EARTH BANKED SLURRY LAGOON AT INGLEHURST FARM, COLD COTES ROAD, FELLISCLIFFE, HARROGATE, NORTH YORKSHIRE, HG3 2LW ON BEHALF OF MR STEPHEN BRADLEY**

#### **REPORT OF THE HEAD OF DEVELOPMENT MANAGEMENT – COMMUNITY DEVELOPMENT SERVICES**

##### **1.0 Purpose of the Report**

- 1.1 To determine a planning application for the construction of an earth banked slurry lagoon at Inglehurst Farm, Felliscliffe, on behalf of The Head of Development Management.
- 1.2 This application is brought to the Planning Committee at the request of Councillor Nathan Hull, Member for Washburn & Birstwith. This is due to the site being located within the Nidderdale National Landscape and there being local and public interest in the matter and the need for transparency.

##### **2.0 EXECUTIVE SUMMARY**

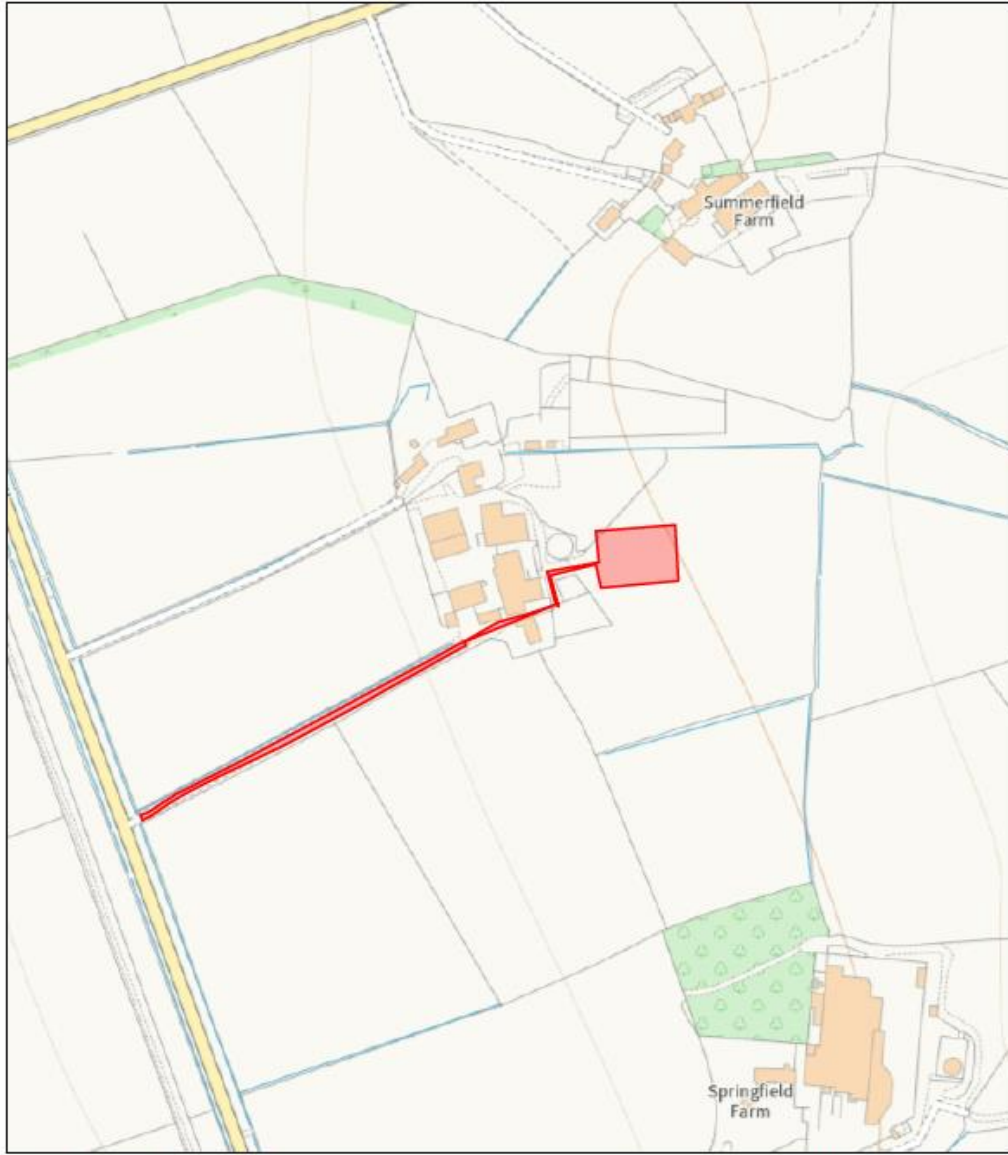
**RECOMMENDATION: That planning permission be GRANTED subject to conditions.**

- 2.1. The proposal seeks full planning permission for the construction of an earth banked slurry lagoon at Inglehurst Farm, Felliscliffe.
- 2.2. The site is located within the Nidderdale National Landscape and Landscape Character Area No. 24 (Lower Nidderdale Valley northwest of Harrogate) within the Harrogate District Landscape Character Assessment 2004. The surrounding area is rural and is characterised by its large-scale, broad valley with a flat floor that channels extensive views.
- 2.3. The construction of the slurry lagoon is proposed by the applicant to ensure efficiency of the existing agricultural enterprise by prioritising the economic production of good grass crops from on-site produced slurry. The proposal is also required to ensure the farming operation is fully compliant with current and future legislation.
- 2.4. The siting and design of the lagoon is considered to integrate well within the wider rural landscape and is not considered to result in significant harm to residential amenity, over and above that which could be reasonably expected

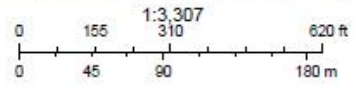
for premises located in close proximity to an agricultural enterprise. It is considered that the proposed works will comply with Local Plan Policies, GS5, GS6, NE3, NE4, HP3 and HP4 and paragraphs 132, 135, 187 and 189 of the National Planning Policy Framework. The proposal is also consistent with the duty at Section 245 of the Levelling-up and Regeneration Act 2023 requiring relevant authorities to seek to further the purpose of conserving and enhancing the natural beauty of areas of outstanding natural beauty.

- 2.5. As such the proposal accords with policy in the National Planning Policy Framework and the policies of the Development Plan.

Map



8/27/2025, 9:58:30 AM



### **3.0 Preliminary Matters**

- 3.1. Access to the case file on Public Access can be found [here](#)
- 3.2. An application for a manure store was recently approved on the application site under planning application ref: ZC24/02849/FUL.
- 3.3. An application for a slurry lagoon was recently withdrawn (Ref: ZC24/02847/FUL) due to outstanding information and following objections from the Environment Agency and the Council's Ecologist. These objections have now been addressed in the current application and the relevant consultees have raised no objections to the revised information.

### **4.0 Site and Surroundings**

- 4.1. The application relates to land at Inglehurst Farm, which is located approximately 600 metres north-west of Kettlelesing, east of RAF Menwith Hill and within the Nidderdale National Landscape. The slurry lagoon is to be sited in a field to the east of the farmyard. Vehicular access will be from Cold Cotes Road to the south-west.
- 4.2. The surrounding area is rural and is characterised by agricultural fields creating large areas of green open space. A public right of way runs through the farmyard north-west to south-east. The lagoon will be a sufficient distance away and will not conflict with the footpath.

### **5.0 Description of Proposal**

- 5.1. The proposal seeks full planning consent for the construction of an earth banked slurry lagoon covered by a membrane. Also proposed is 1.3m high wire fencing above the banking and the installation of an underground slurry channel to connect to the existing reception pit within the site. It will be located in a field to the east of the farmyard

### **6.0 Planning Policy and Guidance**

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

#### Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:

- Harrogate District Local Plan 2014 – 2035, adopted March 2020.
- Minerals and Waste Joint Plan (Adopted 2022)

### Emerging Development Plan – Material Consideration

6.3. The Emerging Development Plan for this site is listed below.

- The North Yorkshire Local Plan. No weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

### Guidance - Material Considerations

6.4. Relevant guidance for this application is:

- National Planning Policy Framework 2024
- National Planning Practice Guidance
- Lower Nidderdale Valley northwest of Harrogate Landscape Character Assessment

## **7.0 Consultation Responses**

7.1. The following consultation responses have been received and have been summarised below.

7.2. **Footpaths Officer** – Adjacent Public Right of Way identified. No objections.

7.3. **Environmental Health Officer** – No objections. Reconsultation response issued 28.07.2025 taking into account public representations received – previous position maintained.

7.4. **Highways** – No objections.

7.5. **Felliscliffe Parish Council** – Does not support or object but seeks safeguards that conditions and standards specified by the Environment Agency are complied with. It is also essential that the facility does not overflow or breach and that emergency plans are in place. The works must be carried out strict in accordance with the submitted plans and the Parish Council should be consulted in the event of there being any amendments.

7.6. **Environment Agency** – No objections subject to compliance with legislation separate to planning. Reconsultation response issued 14.08.2025 taking into account public representations received – previous position maintained.

7.7. **Ecologist** – No objections subject to conditions.

#### Local Representations

7.8. 3no. public representations in objection have been received at the time of writing. A summary of contents is provided below, however, please see website for full comments.

7.9. Objections:

- Failure to demonstrate why it is essential for a new slurry lagoon to be in close proximity to the neighbouring site to the north, Cold Cotes.
- Potential damage to neighbouring property if the lagoon banking were to fail.
- Additional capacity of proposed lagoon not justified.
- Proposed construction not sufficient to ensure effective management of odour.
- No sufficient evidence to demonstrate compliance with Silage Slurry and Agricultural Fuel Oil (SSAFO) regulations and Construction Industry Research and Information Association (CIRIA) regulations.
- Concern over design of lagoon being a Health and Safety Risk, additional fencing needed.
- Visual amenity concerns if additional fencing is proposed.
- Need for an Air Quality Assessment and/or dust assessment report and odour assessment to be provided.
- Environmental Health Officer's response not clear on what evidence has been reviewed.
- Independent report submitted by objector from GSC Grays with a independent report prepared by Vale Air Quality Consulting Limited attached, raises a number of concerns and recommends further investigation is required.
- Increased vehicle movements will increase noise levels and noise management plan should be submitted.
- Bio-diversity Net Gain Information not acceptable.
- Concerns over Himalyan Balsam.
- No details provided of the proposed decommissioning and removal of existing slurry storage tower.
- No details provided where dug out material will be moved to.
- No safeguards of noise and working operational times for constructions.
- No details of day to day management of the lagoon.

- Criteria and modelling required to justify response from NYC Highways.

## **8.0 Environment Impact Assessment (EIA)**

- 8.1. The development proposed falls within the description at 10 (b) of Schedule 2 to The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The proposal has been screened by the Local Planning Authority and in its opinion, having taken into account the criteria in Schedule 3 to the above Regulations, the proposal would not be likely to have significant effect on the environment for the following reasons: Although located within a designated sensitive area (the Nidderdale National Landscape, formerly known as the Nidderdale Area of Outstanding Natural Beauty, AONB), there would be no likely significant impacts in terms of noise, waste, contamination, flooding, archaeology, ecology, heritage issues or complex construction. Given the nature, scale and location of the proposal, the impacts of the development are unlikely to be significant. The Proposed Development is therefore not EIA development.
- 8.2. Natural England's Impact Risk Zones for Site's of Special Scientific Interests (SSSI IRZs) indicate that at the location of the proposal, the development is unlikely to have a harmful effect on terrestrial Sites of Special Scientific Interests (SSSIs) and those Special Areas of Conservation (SACs), Special Protection Areas (SPAs) or Ramsar sites that they underpin. Therefore, no consultation with Natural England is required.

## **9.0 Main Issues**

- 9.1. The key considerations in the assessment of this application are:
- Principle
  - Siting and design
  - Biodiversity
  - Impact on amenity

## **10.0 ASSESSMENT**

### Principle

- 10.1. Local Plan policies GS1 and GS2 set out a growth strategy for new homes and jobs to 2035. Policy GS2 states that places not identified in the settlement hierarchy are considered to be part of the wider countryside where

development will only be appropriate if permitted by other policies of the plan, a neighbourhood plan or national policy.

- 10.2. The application site lies outside of development limits as identified in Local Policy GS3. This policy also states that outside development limits proposals for new development will only be supported where expressly permitted by other policies of this plan or a neighbourhood plan or national planning policy.
- 10.3. Policy GS5 states that the council will encourage sustainable economic growth in the district by supporting development proposals that contribute towards supporting the rural and agricultural economy (Criterion F).
- 10.4. The slurry lagoon is stated to be required to support the existing agricultural enterprise and meet current requirements external of planning. The proposal is therefore considered to be acceptable in principle subject to compliance with all other relevant policies. The proposal, therefore, accords with Policies GS3 and GS5 of the Local Plan.

#### Siting and design

- 10.5. Section 245 of the Levelling-up and Regeneration Act 2023 has amended the previous duty of regard under section 85 of the Countryside and Rights of Way Act 2000 (CRoW Act) to create a new duty for relevant authorities in AONBs (National Landscapes). The new duty requires that in exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.
- 10.6. Paragraph 132 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 10.7. Paragraph 189 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

- 10.8. The Harrogate District Local Plan 2014-2035 was adopted by the Council on 4 March 2020. The Inspectors' Report concluded that, with the recommended main modifications which are set out in his report, that the Harrogate District Local Plan satisfies the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended) and meets the criteria for soundness in the NPPF. The relevant policies to this proposal in the Local Plan can be given full weight.
- 10.9. Policy GS6 of the Local Plan states that states that development should be supported if they do not detract from the natural beauty and special qualities of the AONB and its setting. Paragraph 189 of the NPPF states that the scale and extent of development within these areas should be limited, sensitively located and designed to avoid or minimise adverse impacts on the surrounding landscape.
- 10.10. Policy HP3 of the Local Plan states that development should incorporate high quality design that protects, enhances or reinforces those characteristics, qualities and features that contribute to the local distinctiveness of the district's rural and urban environments.
- 10.11. Policy NE4 of the Local Plan states that proposals that will protect, enhance, or restore the landscape character of the Harrogate district. This is achieved by requiring that development has a particular regard to maintaining the aesthetic and biodiversity of the natural heritage within the landscape such as ponds.
- 10.12. The proposal seeks the creation of an earth banked slurry lagoon within an agricultural field to the east of the farmyard and existing built form at Inglehurst Farm.
- 10.13. The lagoon will be 50m in width along its northern and southern sides and 26m in width along its eastern and western sides, with a total surface area of 1800m<sup>2</sup>.
- 10.14. The lagoon will be sited mostly below ground level, with 4m between the lowest point of the lagoon and the proposed PVC single membrane cover above. A freeboard is also proposed to be sited above the cover.
- 10.15. The walls of the lagoon will be formed of impermeable compacted soil walls with 20-30% clay content. The banking will be in the form of grass-seeded slopes sited c.2m in height above the surrounding ground level, with a 2.5m banking top.
- 10.16. The lagoon will be topped by a 1.3m high wire fence for health and safety reasons. 1no. public objection received raised concerns over the visual

amenity impact of the proposed fence. This comment has been noted, however, such fencing is not uncommon with slurry lagoons and it is not considered that the fencing is of such a scale that it would be detrimental to visual amenity.

- 10.17. The proposal is considered to be visually discreet, and with appropriately grass seeded banks, will assimilate within the site. The projection above the existing ground levels will also be largely screened by existing built form to the west and the impact of the proposal will also be softened by existing trees and vegetation to the north, east and south.
- 10.18. The site is located within Landscape Character Assessment Area 24: Lower Nidderdale Valley. The proposed earth banks are not considered to be of such a significant height that they detrimentally disrupt the existing field pattern and topography of the area. The lagoon will be visible from long-range views, however, the proposal overall is considered acceptable within the existing site's character and use. The scheme therefore complies with Local Plan Policy NE4.
- 10.19. Overall, the design and siting of the scheme is considered acceptable and would not result in harm to the character or appearance of the surrounding landscape. As such, the proposal accords with policies GS6, HP3 and NE4 of the Local Plan and paragraphs 132 and 189 of the NPPF. The proposal is also consistent with the duty at Section 245 of the Levelling-up and Regeneration Act 2023 requiring relevant authorities to seek to further the purpose of conserving and enhancing the natural beauty of areas of outstanding natural beauty.

### Biodiversity

- 10.20. Local Plan Policy NE3 seeks to protect and enhance feature of ecological interest with the provision of net gains in biodiversity supported.
- 10.21. Paragraph 187 of the National Planning Policy Framework states that planning decisions should contribute to and enhance the natural environment.
- 10.22. A Bio-diversity Net Gain (BNG) Assessment and Invasive Species Management Plan have been submitted with the application. The site currently comprises 1901.91 m<sup>2</sup> of modified grassland recorded within in the BNG assessment/ Ref: HRS/DT/1391 (Hardcastle Rural Surveyors Ltd) and the council's Ecologist is satisfied that there are no irreplaceable habitats or priority habitats within or adjacent to the development site. Moreover, the supplied invasive species management plan (Hardcastle Rural surveyors Ltd, REF HRS/DT/1488) is considered to be sufficient for the control and monitoring of Himalayan Balsam found onsite.

- 10.23. The development involves the loss of 1800.00 m<sup>2</sup> of modified grassland which totals 0.7200 habitat units. Proposed is the creation of habitats on-site by planting 16 individual trees. The proposed planting of 16 native trees will provide a BNG gain of 10.02%, thus achieving mandatory net gain and satisfying the trading rules. The council's Ecologist is confident that the trees will thrive over a period of 30 years.
- 10.24. Bio-diversity Net Gain and Himalayan Balsam Management will be secured by appropriate conditions.
- 10.25. The proposed works are considered to comply with Local Plan Policy NE3, paragraph 187 of the National Planning Policy Framework and Schedule 7A of the Town and Country Planning Act 1990.

Impact on amenity

- 10.26. Paragraph 135 (f) of the National Planning Policy Framework states that planning decisions should ensure that developments create places with a high standard of amenity of existing and future users.
- 10.27. Local Plan Policy HP4 ensures that development will not result in significant adverse impacts on the amenity of occupiers and neighbours. This includes overlooking, overshadowing and overbearing, as well as noise, vibration and fumes.
- 10.28. Paragraph 187 (e) of the National Planning Policy Framework states that planning decisions should prevent new development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality.
- 10.29. Paragraph 187 (f) of the National Planning Policy Framework states that planning decisions should contribute to and enhance the natural and local environment by remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
- 10.30. The nearest neighbour to Inglehurst Farm is Cold Cotes, which is understood to comprise a dwellinghouse, bed and breakfast accommodation with meeting and function rooms. This is sited c.70m north-west of the proposal. Other neighbouring properties are sited in excess of 150m away to the north and in excess of 250m to the south.

- 10.31. The lagoon is considered to be sited at a sufficient distance to ensure that no issues would arise in terms of overshadowing or overbearingness in respect of Cold Cotes.
- 10.32. The proposal seeks to use an existing farm track at the southern side of the farmyard for vehicular access. This is also sited a substantial distance from Cold Cotes. Furthermore, it is also not considered that any increase in vehicular movements as a result of the proposal would be of significant detriment to the neighbouring site, above beyond that which could reasonably be expected on an agriculture enterprise.
- 10.33. The Council's Environmental Health Officer has been consulted and considers that the details on the proposed lagoon indicate that the storage of slurry at the site will cause less odour and noise to neighbours, will meet farming and pollution regulations, and that the access route is not sited alongside neighbouring premises.

A condition will restrict vehicular access to the slurry lagoon by using the route shown on the Location Plan submitted with the application.

In respect of Paragraph 187 (f) of the NPPF, no issues in terms of land contamination were raised by the Environmental Health Officer and therefore remediation in this regard is not deemed to be required.

- 10.34. A further consultation request was sent to the Environmental Health Officer to review the public representations received, which includes the Odour Assessment (Ref: VAL-24-0066-2) dated March 2025 by Vale Air Quality Consulting, commissioned by the owners of the neighbouring property, Cold Cotes.
- 10.35. The Environmental Health Officer has retained their position, stating that they have noted the response on behalf of the applicants by Hardcastle Rural Surveyors dated 25 March 2025, addressing the concerns raised, detailing that although the proposed scheme will be larger, odours and emissions from the farm will reduce because of the location and due to reduced agitation and thereby reducing emissions and odour.
- 10.36. The Environmental Health Officer understands that the objectors are seeking absolute reassurance, but on balance the proposal appears to be guaranteeing an improvement in compliance with agricultural and pollution regulations as well as resulting in a reduction in the noise and odour associated with the use of the slurry lagoon, in accordance with Paragraph 187 (e) of the NPPF.

10.37. The Environment Agency have also been consulted and consider that application is acceptable subject to compliance with the details contained within the submitted documents.

It is also noted by the Environment Agency that there is a need for compliance with the following legislation separate to planning:

- Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (SSAFO) Regulations 2010
- Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018 known as Farming Rules for Water (FRfW)
- Environmental Permitting (England and Wales) Regulations 2016 (EPR)
- Nitrate Pollution Prevention Regulations 2015 (NVZ) 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).

10.38. The granting of planning permission is not dependent on the applicant also securing any approval under non-planning legislation. Conversely, any grant of permission will not override the need to also meet these other legislative requirements.

10.39. It is also noted by the Environment Agency that, as a condition of SSAFO, the applicant 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. This will be included as an informative on the permission.

10.40. A further consultation request was sent to the Environment Agency to review the public representations received, which includes the Odour Assessment (Ref: VAL-24-0066-2) dated March 2025 by Vale Air Quality Consulting, commissioned by the owners of the neighbouring property Cold Cotes.

10.41. The Environment Agency have confirmed that they do not consider there is a demonstrable need to revise their position and present an updated position. They maintain their position that the proposed development will only be acceptable if it is constructed and maintained as detailed in the submitted documents. This will be secured by Condition 2 of the consent requiring the development is carried out in accordance with those details.

10.42. Policy NE2 (Water Quality) states that developers shall undertake thorough risk assessments of the impact of proposals on surface and groundwater systems considering appropriate avoidance measures before incorporating

appropriate mitigation measures where necessary. Development should not be permitted where it would prejudice the quality or quantity of surface or ground water. Paragraph 187 (e) of the NPPF also requires that planning decisions should prevent development from being put at unacceptable risk from, or being adversely affected by, unacceptable levels water pollution.

10.43. No concerns have been raised by the Environment Agency in this regard and therefore no further risk assessments are deemed necessary.

10.44. The 3no. public representations received raise a number of concerns in respect of neighbouring amenity. These concerns have been fully noted and the applicant's agent has provided a written response to a number of these concerns.

- There is no requirement for the applicant to show why other locations within the holding have not been chosen for the proposal. The applicant has advised that the siting of the proposal has been chosen to be easily accessible, to be sited in close proximity to the fields in which the slurry is to be applied, be an appropriate distance from neighbouring watercourses, land drains etc and for installation of slurry transfer channels.
- The scale of the proposal is considered to be proportionate to a holding of 96 acres and the applicant has adequately justified the need for the proposal to provide a minimum of 6 months storage and to allow for future expansion to livestock (which is outside planning control).
- Vehicle movements required in connection with the proposal are not considered to be excessive in the context of an operational agricultural enterprise. The Local Highways Authority have been consulted and have noted that while the storage capacity will increase by 517%, that vehicle movements on the highway are not expected to increase. This is because the smaller existing unit requires more frequent emptying.
- The need for further information to demonstrate compliance with the legislation stated by the Environment Agency has been raised. This is, however, separate to planning and further evidence to demonstrate compliance under this application is not considered to be required.
- Further information to justify responses received from the Environmental Health Officer and Ecologist is also not considered to be required. The consultees have considered that the information provided is sufficient to allow them to raise no objections.

- A further Air Quality Assessment, Dust Report and Odour Assessment has not been considered to be required by the Environmental Health Officer and the Environment Agency. Policy NE1 (Air Quality) of the local plan requires that applicant submit air quality and/or a dust assessment report and identify mitigation measures to ensure no significant adverse effects where development may create emission of dust during earth moving and construction. The proposed construction of the lagoon has however not raised any concerns from the relevant consultees in terms of odour or dust. Therefore, a report is not considered necessary in this instance given the nature and scale of the proposal. Additionally, the proposed banking has been considered acceptable for the purposes of containment of the slurry.
- Additional fencing has been proposed by the applicant to mitigate Health and Safety concerns. The proposal is, however, sited on private land with gated access and is sited a sufficient distance away from the public right of way through the site. Deviation of users of the public right of way onto the site of the proposal is therefore considered to be low risk.
- Other concerns raised relate to operational matters and these are considered to fall outside the scope of what can be considered under this application.

10.45. The proposal overall is not considered to have an unacceptable impact on the amenity of neighbouring properties, in accordance with Policy HP4 and Paragraphs 135 (f) and Paragraph 187 of the NPPF.

#### 11.0. **PLANNING BALANCE AND CONCLUSION**

11.1. The design, siting and principal of the proposal are considered acceptable. It will not detrimentally impact the locality or wider character of the surrounding Nidderdale National landscape. The proposal is in accordance with Local Plan Policies GS5, GS6, HP3 and NE4 and paragraphs 132, 187 and 189 of the NPPF. It is considered that the development would have key ecological benefits due to it creating a habitat for local wildlife. This accords with paragraph 187 (d) of the NPPF and Policy NE3 of the Local Plan.

11.2. The proposal will not significantly harm the amenities of neighbouring dwellings and commercial premises beyond the levels of amenity which could reasonably be expected in proximity to an agricultural enterprise. The proposal is in line with Local Plan Policy HP4 and Paragraphs 135 and 187 of the NPPF.

- 11.3. As such the proposal accords with policy in the National Planning Policy Framework and the policies of the Development Plan. The proposal is also consistent with the duty at Section 245 of the Levelling-up and Regeneration Act 2023 requiring relevant authorities to seek to further the purpose of conserving and enhancing the natural beauty of areas of outstanding natural beauty.

## **12.0 RECOMMENDATION**

- 12.1 That planning permission be GRANTED subject to conditions listed below

### **Recommended conditions:**

#### **Condition 1 Time Limit**

The development hereby permitted shall be begun on or before three years from the date of this permission.

Reason; To ensure compliance with Sections 91-94 of the Town and Country Planning Act 1990.

#### **Condition 2 Approved Plans**

The development hereby permitted shall be carried out in strict accordance with the following drawings:

Site Plan Received 23.06.2025

Elevations and Cross Sections Received 23.06.2025

Floor Plan Received 27.01.2025

Reason: In order to ensure compliance with the approved drawings.

#### **Condition 3 Vehicular Access**

Vehicular access to/from the slurry lagoon hereby permitted shall only be via the route shown on the Location Plan received by the council on 27.01.2025.

Reason: In the interests of neighbouring amenity.

#### **Condition 4 Biodiversity Net Gain**

The Bio-diversity Gain Plan should be prepared in accordance with Bio-diversity Net Gain Assessment/ Ref: HRS/DT/1391 received by the council on 27.02.2025 and prepared by Hardcastle Rural Surveyors Ltd.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act.

### **Condition 5 Habitat Management and Monitoring Plan**

The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the Biodiversity Gain Plan and including:

- (a) a non-technical summary;
- (b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the Biodiversity Gain Plan;
- (d) the management measures to maintain habitat in accordance with the Biodiversity Gain Plan for a period of 30 years from the completion of development, including the management of invasive species and
- (e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority, has been submitted to, and approved in writing by, the local planning authority.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act.

### **Condition 6 Himalayan Balsam**

The development shall be carried out in accordance with the Himalayan Balsam Report Ref: HRS/DT/1488 by Hardcastle Rural Surveyors Ltd received by the council on 07.05.2025.

Reason: In the interest of safeguarding against controlled invasive plant species.

### **Recommended Informatives**

#### 1. Statutory Biodiversity Condition (Single Phase Development)

##### 1.1 Deemed Condition

Development may not be begun unless:

- (a) a biodiversity gain plan has been submitted to the planning authority;
- and

(b) The planning authority has approved the plan.

## 1.2 Key Requirements

1.2.1 The biodiversity gain plan must include[1]:

(a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;

(b) the pre-development biodiversity value of the onsite habitat;

(c) the post-development biodiversity value of the onsite habitat;

(d) any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;

(e) any biodiversity credits purchased for the development; and

(f) any such other matters as the Secretary of State may by regulations specify.

1.3 When calculating the post-development biodiversity value of a habitat, the planning authority can only take into account an increase in biodiversity value post-development where it is satisfied that the habitat creation or enhancements delivering the increase will be maintained for at least 30 years after the development is completed. This must be secured either by a planning condition, planning obligation, or conservation covenant[2].

[1] Paragraph 14(2) of Schedule 7A TCPA 1990

[2] Paragraph 14(2) of Schedule 7A TCPA 1990

2. 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.

The applicant should also ensure the proposed development supports compliance with:

- 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)  
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).

Any agricultural development that will result in an increase in cattle numbers or water usage may adversely impact the storage of waste waters, slurry and other polluting matter.

Advice to the applicant

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). 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.

**Target Determination Date:** 10<sup>th</sup> September 2025

**Case Officer:** Josh Arthur

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