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**CULVERT OF WATERCOURSE AND LANDFILL OPERATIONS
AT MARTIN NEST FARM, VICTORIA, HEPWORTH**

SUPPORTING PLANNING STATEMENT

Our Reference; DSA63808

July 2008

1. INTRODUCTION

- 1.1. This Supporting Planning Statement has been prepared by **David Storrie Associates** on behalf of Mr P Turner and provides supporting information to accompany a retrospective planning application for landfill operations at Martin Nest Farm, Victoria, Hepworth.

2. BACKGROUND INFORMATION

- 2.1. The site in question is located in Victoria, Hepworth approximately 2.5 miles south east of Holmfirth. The landscape is characterised by open countryside with isolated farms. Martin Nest Farm is located on the southern edge of Birds Nest Lane, near to the junction with Slack Top Lane and Grime Lane. The field associated with this planning application is located further north on Birds Nest Lane, towards the junction with Potters Gate.
- 2.2. The field has suffered severe drainage problems over the years as a result of a watercourse running directly underneath the central area of the field. This has resulted in boggy conditions with the field becoming completely waterlogged in parts. The field became impossible to manage and access to the north eastern part of the field restricted because of waterlogged conditions. The applicant has also lost livestock to the boggy conditions and it became virtually impossible to allow animals to graze the field.
- 2.3. As a result of these conditions and following advice from the National Farmers Union (NFU) it was considered the most appropriate form of action would be to culvert the watercourse and infill the problem area to create a level surface, resurfacing with

grass. At the time telephone enquiry was made to the Local Authority who advised that we should contact The Environment Agency for their consent to the proposal (mid 2006).

- 2.4. With the assistance of the NFU consultation and negotiations with The Environment Agency began. Although opposed to the scheme initially due to the potential impact upon the otter population in the area, a compromise was reached which included the culverting of the watercourse provided that a pond feature could be provided to encourage the protection of local wildlife. This was approved by The Environment Agency and work began on the site. Details of this approval are set out in paragraph 4.10 of this report.
- 2.5. Despite contacting the Council and understanding the proposal to be permitted development under Part 6 (Agricultural Buildings and Operations) of the General Permitted Development Order 1995, we have now received a request for a formal planning application. This Statement sets out the case for the proposal in further detail.

3. **RELEVANT PLANNING POLICY**

- 3.1. The site in question is located within the Green Belt on the Barnsley Unitary Development Plan (UDP), which was formally adopted in December 2000. Due to its Green Belt allocation the following UDP policies apply: -

POLICY GS7 – GREEN BELT

WITHOUT PREJUDICE AND SUBJECT TO THE APPLICATION OF POLICIES GS8, GS8A, GS8B, GS8C, GS8E AND GS9 IN THIS PLAN, DEVELOPMENT WITHIN THE GREEN BELT WILL NOT BE PERMITTED UNLESS IT MAINTAINS THE OPENNESS OF, AND DOES NOT CONFLICT WITH THE PURPOSES OF INCLUDING LAND IN THE GREEN BELT.

POLICY GS8 – WITHIN THE GREEN BELT, THE CONSTRUCTION OF NEW BUILDINGS WILL NOT BE PERMITTED EXCEPT IN VERY SPECIAL CIRCUMSTANCES, UNLESS IT IS FOR THE FOLLOWING PURPOSES:

(A) AGRICULTURE OR FORESTRY

(B) ESSENTIAL FACILITIES FOR OUTDOOR SPORT OR OUTDOOR RECREATION, FOR CEMETERIES OR OTHER USES OF LAND WHICH PRESERVE THE OPENNESS OF THE GREEN BELT AND WHICH DO NOT CONFLICT WITH THE PURPOSES OF INCLUDING LAND IN IT.

(C) THE REPLACEMENT OF EXISTING DWELLINGS IN COMPLIANCE WITH POLICY GS8E

POLICY GS9 – VISUAL AMENITY

DEVELOPMENT WITHIN THE GREEN BELT, OR CONSPICUOUS FROM IT, SHOULD NOT BY REASON OF ITS SITING, MATERIALS OR DESIGN RESULT IN SIGNIFICANT HARM TO THE VISUAL AMENITY OF THE GREEN BELT.

- 3.2. There are also specific policies in the UDP that relate to landfill operations, in particular Policy M9.

POLICY M9 – THE ACCEPTABILITY OF PROPOSALS FOR MINERAL WORKING INCLUDING RESTORATION WILL BE ASSESSED WITH REGARD TO THE FOLLOWING CRITERIA:

(A) THE EFFECT ON LOCAL AMENITY (BASED ON ASSESSMENT OF VISUAL IMPACT, DUST, FUMES, NOISE AND OTHER POTENTIAL DISTURBANCE) TAKING INTO ACCOUNT SCREENING AND OTHER PROTECTIVE MEASURES WHICH ARE AVAILABLE.

(B) THE LIKELY DURATION OF THE WORKING

(C) THE PROPOSED RESTORATION OF THE SITE AND ITS FINAL USE, APPEARANCE AND LANDFORM

(D) THE EFFECTS ON THE NATURAL AND BUILT ENVIRONMENT

(E) THE EFFECT ON ANY AREA OF BOROUGH LANDSCAPE VALUE.

(F) THE EFFECT ON WATER RESOURCES, INCLUDING POLLUTION AND POSSIBLE DISTURBANCE TO SURFACE DRAINAGE AND GROUNDWATER LEVELS.

PLANNING PERMISSION WILL NOT BE GRANTED WHERE THERE IS SIGNIFICANT AND UNAVOIDABLE DAMAGE TO THE ENVIRONMENT RESULTING FROM ANY OF THE FACTORS IDENTIFIED ABOVE.

- 3.3. Government guidance is also of relevance in the assessment of an application of this nature. ***Planning Policy Guidance Note 2: Green Belts***, states that such applications of this nature need not be inappropriate provided that 'high environmental standards are maintained and that the site is well restored'. (Para 3.11, PPG2).
- 3.4. We believe that the application preserves the openness of the Green Belt and does not conflict with the purposes of including land in it. This guidance is reiterated in the local planning policy:

"The making of a material change in the use of land or the carrying out of engineering or other operations, need not be considered inappropriate in the Green Belt provided that it preserves openness and does not conflict with the purposes of including land in the Green Belt"

(Para 3.32, Barnsley UDP)

- 3.5 As well as advice in both local and national planning guidance we believe that regional planning policies are also relevant. As such we have identified the following policies from **The Regional Spatial Strategy (RSS) for Yorkshire & The Humber to 2026**, which was adopted in May 2008.

EV3 WATER QUALITY

The Region will maintain high standards of water quality. Plans, strategies, investment decisions and programmes should:

Prevent development that could pollute surface and underground water resources especially in Source Protection Zones and close to above ground water resources of reservoirs and some rivers.

Provide for adequate sewerage infrastructure and treatment capacity and promote more sustainable waste water treatment methods

Continue to improve bathing waters at Staithes and Flamborough Head North

Achieve and maintain a high standard of coastal water quality at Whitby, Scarborough, Filey, Bridlington, Hornsea and Cleethorpes

Protect and improve water quality at internationally important biodiversity sites at Denby Grange Colliery Ponds, Hornsea Mere, Kirk Deighton and the Humber Estuary.

ENV4 MINERALS

Plans, strategies, investment decisions and programmes should safeguard mineral deposits in the region, including aggregates (sand, gravel, limestone and sandstone), silica sand, coal, clay, brick earth, chalk and potash, from sterilisation by other types of development and provide for an adequate and steady supply of minerals.

The Region will maximise the use of secondary and recycled aggregates to reduce dependency on primary extraction.

Mineral Planning Authorities should:

Maximise the contribution by substitute and secondary materials wherever possible, and facilitate sites and operations (including those to blend secondary and primary aggregates,

reprocessing and the transfer of materials), especially in West Yorkshire

Make provision for the sub regional apportionments as set out in Table 10.1 and endeavour to maintain a landbank for all nationally and regionally significant minerals

Seek a progressive reduction in aggregate production from National Parks and Areas of Outstanding Natural Beauty, noting that there is no strategic justification for the provision of any new crushed rock sites within these areas within the Plan period

The sub-regional aggregate apportionments should be updated in a review of the Plan, in particular to taking account of the 2nd Phase of the Yorkshire and Humber Sand and Gravel Study.

ENV 7 AGRICULTURAL LAND

A If development of agricultural land is required it should take place on poorer quality land wherever possible and appropriate.

B Development or use of agricultural land in appropriate locations will be encouraged for the following:

Provision of renewable energy crops, especially biomass for co-firing in power stations in the Selby area

Tourism, especially in the Yorkshire Dales, North York Moors, Yorkshire and Lincolnshire Wolds, Humberhead levels and the coast

Creation of woodland, especially in East, South and West Yorkshire

Positive land management for flood alleviation, and increased water storage capacity on farms, especially in remoter rural areas

Wildlife habitat creation schemes, especially links between habitats

Outdoor recreation projects, especially in areas of poor health in South and West Yorkshire

Local produce for sale on site of main farm business

Local waste management schemes, such as composting.

4. **SUPPORTING CASE**

(1) The Green Belt

- 4.1. Such applications involving engineering works and landfill operations are not considered inappropriate in the Green Belt provided they do not affect openness and the site is well restored. In this case the operations are necessary in relation to the agricultural workings of the site. The site is used as grazing land and due to extreme waterlogged conditions this became virtually impossible to achieve.
- 4.2. The site is to be restored to its previous state by importing excavation materials from other development sites within the locality. The timescale for such work to be completed is limited to approximately 10 months from the date permission is issued as the area of infill only requires a further 3,500 cubic metres of landfill. The gully will be levelled with excavation material that is transported into the site by 20 tonne lorry's – given that we do not know the weight of any imported materials then it is not possible to calculate a precise number of lorry loads required. However it is predicted that somewhere between 10 – 15 will be required, which is based upon a percentage of previous vehicular movements that have already taken place. The land can then be resurfaced to restore the field and allow agricultural use to continue more effectively than previously.

- 4.3. The existing access, shown on plan, will provide vehicular access for the lorry's bringing in the landfill. Despite the site being within an isolated location no works will take place within 'unsociable' hours. We would therefore expect work to take place between 8.00am to 18.00pm Monday – Saturday only. With regard to noise impact, this site is located over 200 metres from the nearest residential property, which is also a farm site. Given the time restriction of when work can take place and that the machinery involved is typical agricultural machinery we do not believe that there will be any undue noise impact that will require mitigation. After having consulted with Barnsley Metropolitan Borough Council's Environmental Health Department we are informed this stance is acceptable. Furthermore, a wheel wash facility can be provided at the entrance to the site to prevent the migration of dust particles from lorry's and plant vehicles on site.
- 4.4. The effect on the Green Belt while works are complete will have a limited impact on the landscape as the landfill only effect a 100-metre section of land. The site is also set down in an area of lower ground and the site is largely secluded from neighbouring land. As soon as the land is filled the site will be have an improved appearance, including the additional pond feature. This will have benefits to the character of the area, help to maintain the openness and allow agricultural workings to continue.
- 4.5. Such workings are not inappropriate in the Green Belt and guidance in PPG2 places the emphasis on restoring the site to a good standard and ensuring high environmental standards.
- 4.6. Landscaping is intended around the site through the introduction of tree planting, a hedgerow and a protective fence. It is proposed that

a common Mountain Ash species of tree is planted around the edge of the land. This will be complimented with a Hawthorne hedgerow and 1.35 high stockproof, post and rail style, fence. This will create a small scale visual screen within the landscape using natural materials so as not to detract from the character and/or openness of the Green Belt.

2) Environmental Impact

- 4.7. Discussions have taken place with The Environment Agency over the last two years to reach a compromise with improving the drainage conditions on site without compromising the effect on the watercourse and local wildlife.
- 4.8. The Environment Agency is generally opposed to the culverting of watercourses. However, there are exceptions to this if there is no reasonably practicable alternative or if the detrimental effects of culverting would be so minor that they would not justify a more costly alternative. Appropriate adequate mitigation measures should also be provided to reduce damage.
- 4.9. This case is unusual in that the watercourse in question was running under the surface of the field and therefore creating extreme waterlogged conditions, this was magnified in wet conditions, especially during winter. As such, the field became impossible to manage and access to the north east section completely restricted. Livestock were becoming trapped in the boggy area and as such grazing on the land had to be stopped.

3) The Environment Agency

- 4.10. Following negotiations with The Environment Agency mitigation was considered and provided a pond could be incorporated into the works, they accepted the need for the 600mm diameter culvert. Approval for '*Permanent works for creation of a pond approx 30 metres in diameter and culverting of a watercourse approx 80m in length*' was granted by the Environment Agency under reference number RA/1808 on the 7th June 2007. The water from the culvert enters the pond before leaving the field under the highway. The pond feature enhances the environment as well as encouraging wildlife. It also aids in reducing the velocity of the watercourse, especially in wetter conditions.

4) Natural England

- 4.11 We have approached Natural England prior to submission of this application who have informed us that they would not be unduly concerned over such development of this scale unless it was within an allocated SSSI area. As the application site is not within any such designated area of SSSI then Natural England have no comments to make in this instance.
- 4.12 It should also be noted that the applicant has been awarded grant money known as Entry Level Stewardship from Natural England. This money has been awarded on a point system for both a ditch management system and a half ditch management system for encouraging wildlife to the area. The ditch management system refers to the application site and intends to encourage management of the watercourse. We consider that as part of this application the watercourse flows more effectively through the land and wildlife will

be equally attracted to the area with the introduction of the pond into the land. As such we believe that the applicant points system is not affected by the development and the Entry Level Stewardship grant is

5. CONCLUSION

- 5.1. The culvert of an existing watercourse and the landfill operations proposed at Martin Nest Farm are not inappropriate development in the Green Belt. The work is necessary in relation to the agricultural use of the land and the site will be restored to an improved state, including the provision of a pond to enhance environmental conditions and encourage wildlife.
- 5.2. The Environment Agency has been consulted on the scheme and has approved the works proposed.
- 5.3. Please refer to the supporting photographic information, which shows the previous conditions on the site and how the site looks today prior to completion.
- 5.4. We hope that you have all relevant supporting information to accompany the application. However, should you require anything further please do not hesitate to contact **David Storrie Associates**.