2022/0981

Applicant: Mr A Tantrum

Agent: Mr R Wardle

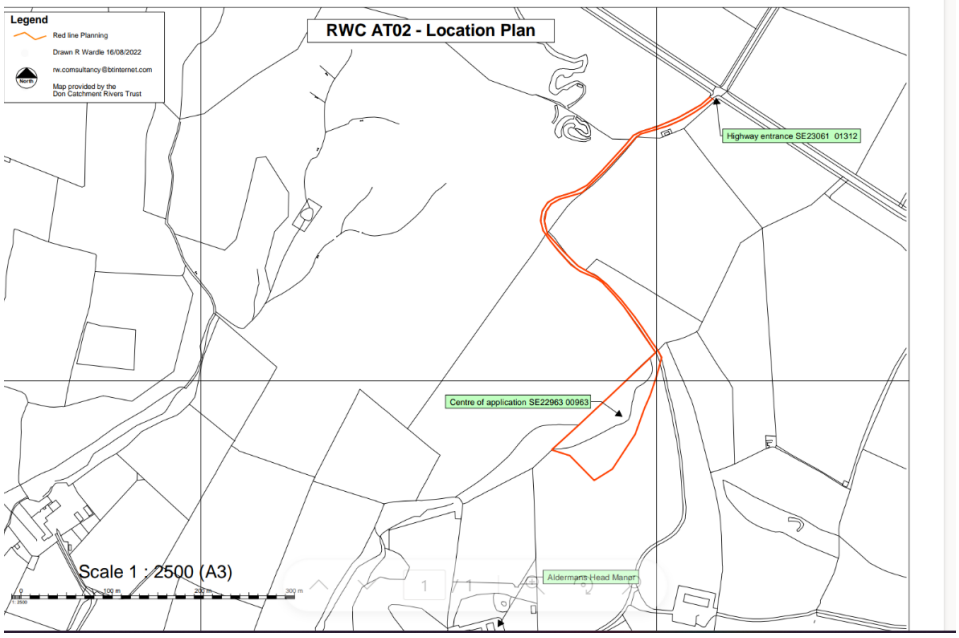
Description: Creation of attenuated flood storage ponds and associated works

Site Address: Aldermans Head Manor, Hartcliff Hill Road, Cubley, Sheffield, S36 9FS

Site Location and Description

The site is a permanent grassland field, grazed with commercial sheep, and is part of the agricultural holding of Aldermans Head Manor. The proposals comprise of an area of 3771sqm in a previously excavated shallow gully where pools for agricultural purposes, including stock watering have been constructed, however these have failed due to poor implementation. A small permanent spring currently issues from a plastic pipe into the now failed pools with no permanent open water. The areas vegetation is indicative of significant pervious disturbance. This is confirmed by a detailed Wildlife Survey submitted to support this application that assesses the area as of low botanical and species importance.

A partly collapsed traditional stone wall forms the property boundary. Water flows during storm events are significantly increased due to the sloping catchment, which offers good opportunity to attenuate flood water flows and contribute to reduce flooding benefits downstream. The submitted Design and Access statement states that the project is supported by the Don Catchment Rivers Trust with objectives to reduce flooding as well as providing enhanced wildlife habitats.



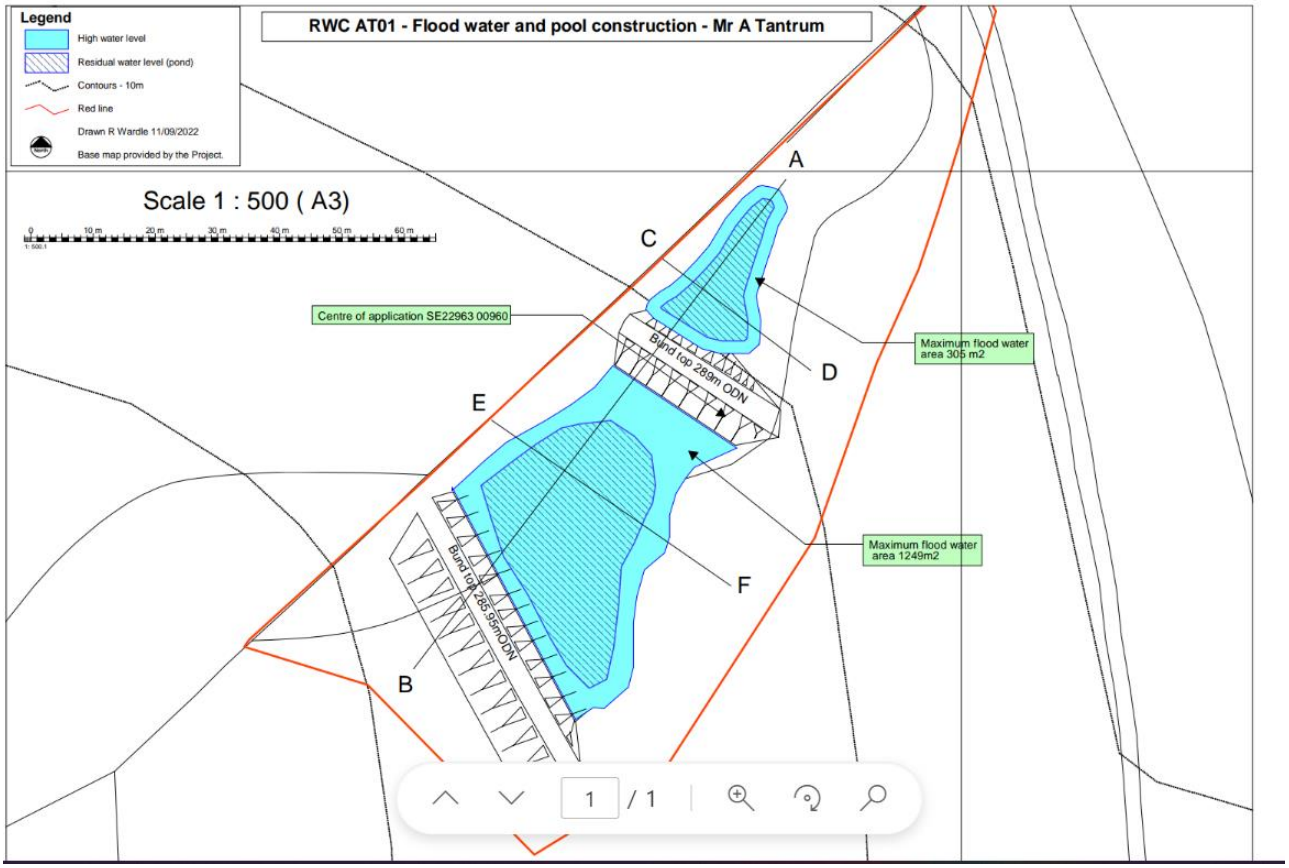
Site Location Plan



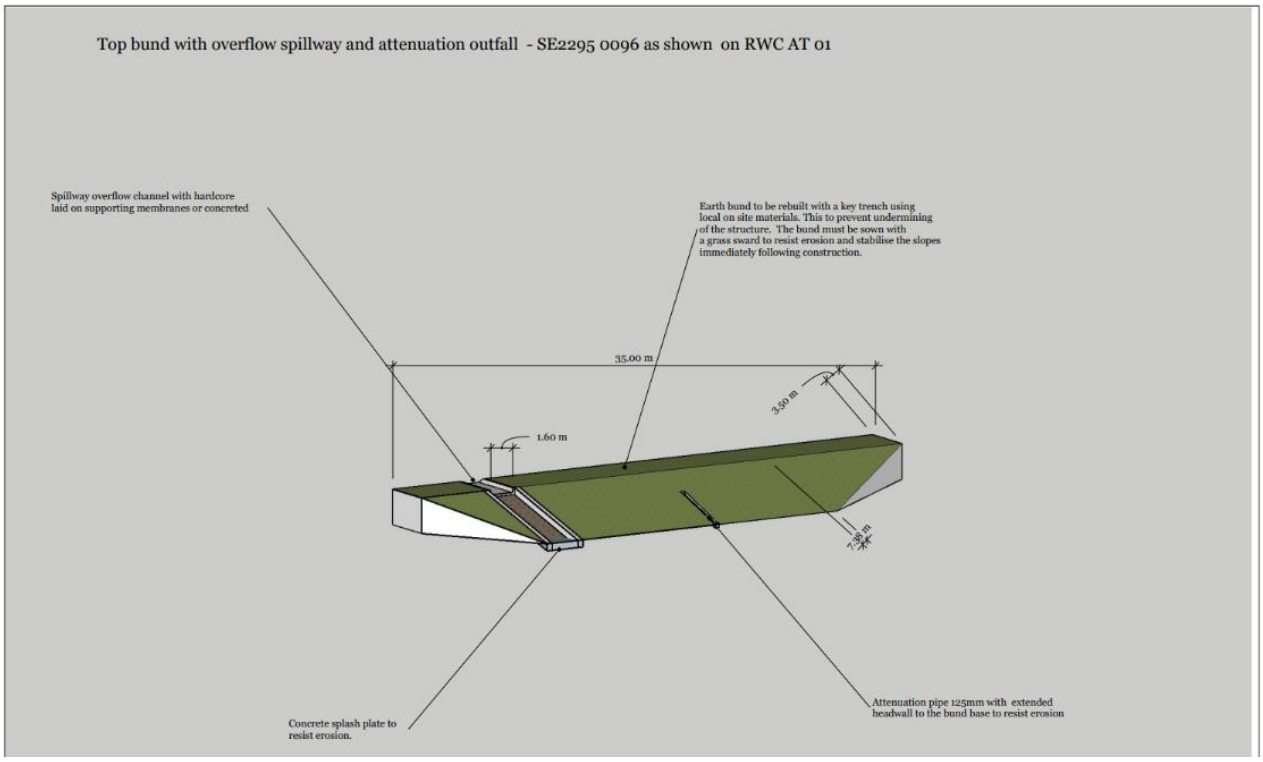
View of the site where previous pool excavations have failed

Proposed Development

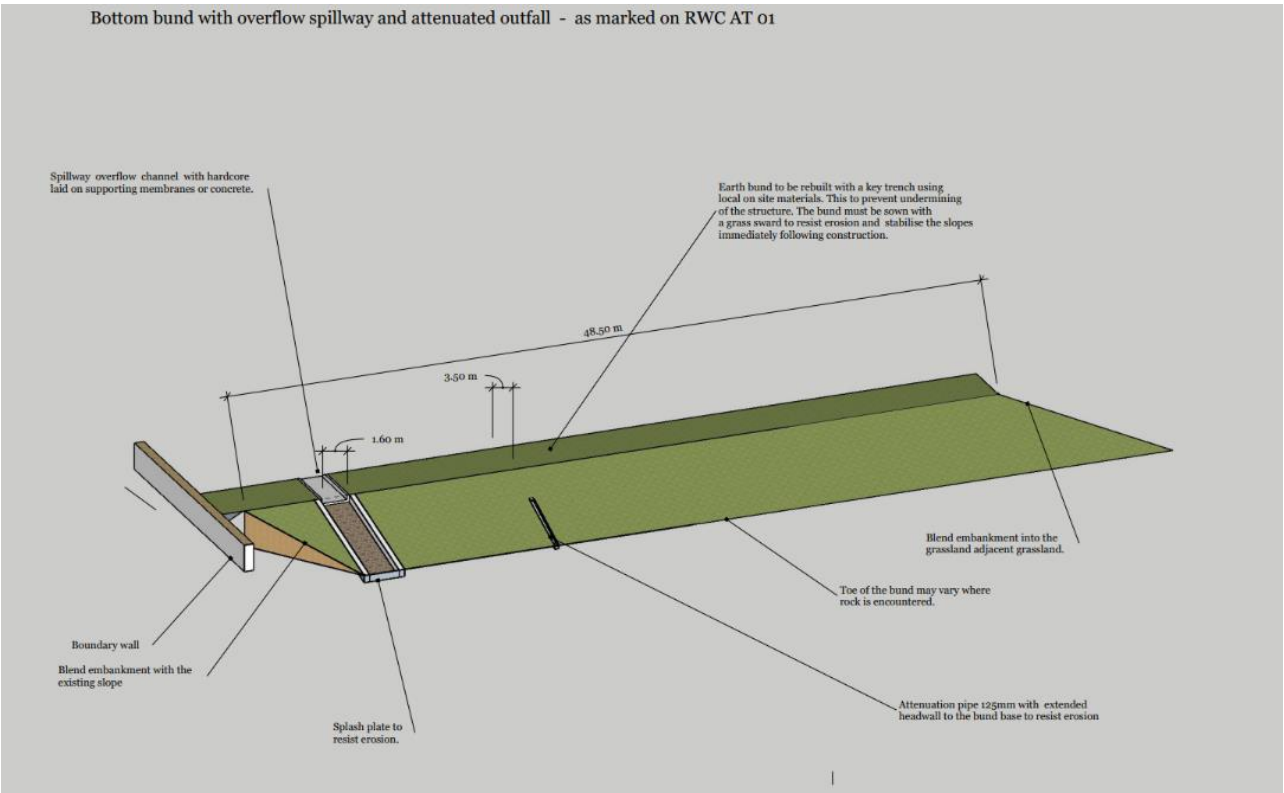
This is a full application for the creation of attenuated flood storage ponds and associated works. The site use will remain unchanged as agricultural land with sheep grazing but with the recreation of two livestock watering and wildlife ponds. These features will be reformed with two improved bunds and key trenches. The site will be reinstated as grassland on completion but with residual wildlife ponds and capacity to store 1300m3 of flood waters. The bunds are shown in detail on the submitted drawings and have incorporated within their design attenuated outfalls. This is to allow modest flows of water downstream whilst retaining residual permanent or semi-permanent wildlife and livestock drinking ponds. The attenuation will restrict the water flows during storm conditions enabling the additional flood waters to be stored to benefit downstream flood reduction. As flood flows reduce, the storage is emptied via the attenuation pipes in a controlled manner in readiness for the next flood event automatically. Storm flows exceeding the storage volumes of over 1300m3 is discharged via two spillways that are protected with local rocks to resist erosion that caused previous failures. The landscape of the site will look very similar to the current state but with the addition of two ponds. These will not be visible from public roads because of their lowered positions due to changes in land levels. During flood events the water levels will rise for fairly short periods of time.



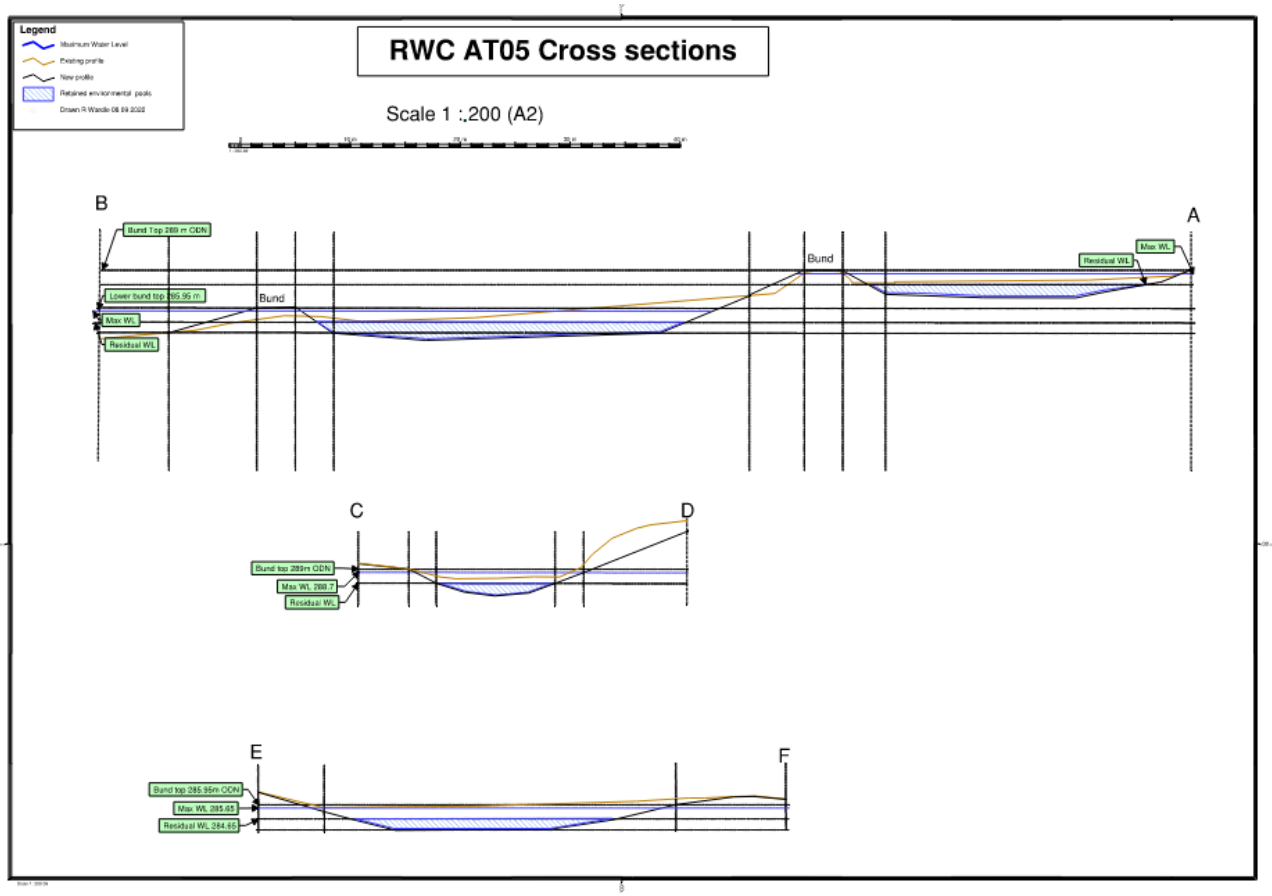
Flood Water and Pool Construction



Top Bund Diagram



Bottom Bund Diagram



Cross sections of proposed development

Planning History

2015/0709- Temporary agricultural workers accommodation to land East of Aldermans Head- refused for the following reason:

1. The site lies within the Green Belt on the approved Barnsley Unitary Development Plan, wherein there is a presumption against inappropriate development, unless it is for one of the purposes of Para 89 of the NPPF. In the opinion of the Local Planning Authority, the agricultural justification submitted in support of the proposed agricultural worker's dwelling fails to satisfy the need and viability tests required to demonstrate that there is an essential requirement for a temporary dwelling. The proposed development would therefore constitute inappropriate development, without any very special circumstances, and as such would be contrary to saved UDP Policy GS8B, Core Strategy Policy CSP34, and para 89 of the NPPF.

Policy Context

The site is allocated as Green Belt within the Local Plan Proposals Maps.

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The Local Plan was adopted in January 2019 and is also now accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment and mixed-use sites). In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies and are a material consideration in the decision-making process.

The Local Plan review was approved at the full Council meeting held 24th November 2022.

The review determined that the Local Plan remains fit for purpose and is adequately delivering its objectives. This means no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review. The next review is due to take place in 2027 or earlier if circumstances, require it.

The following policies are relevant:

Policy SD1 Presumption in favour of Sustainable Development

Policy LG2 The Location of Growth

Policy GD1 General Development

Policy GB1 Protection of the Green Belt

Policy D1 High Quality Design and Place Making.

Policy Poll1 Pollution Control and Protection

Policy CC1 Climate Change

Policy CC3 Flood Risk

SPD's

Those of relevance to this application are as follows:

- Biodiversity and Geodiversity

NPPF

The NPPF sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and

demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

Consultations

Biodiversity- Recommend approval subject to conditions.

Yorkshire Water – No comment.

Drainage – Details are sufficient, no further observations.

Environment Agency – No comment received.

Natural England – No objection, recommend general advice.

Langsett Parish Council – No comments to make.

South Yorkshire Mining Advisory Service- Coal Mining Risk Assessment submitted to support the application, no objection.

Representations

No neighbours were consulted. A site notice was posted at site. At the time of writing this report no representations had been received.

Assessment

Principle

The site lies within the Green Belt. The National Planning Policy Framework and Policy GB1 of the Local Plan requires that the Green Belt will be protected from inappropriate development. Under paragraph 150 of the NPPF, engineering operations are one of the exceptions which are not inappropriate providing they preserve the openness and do not conflict with the purposes of including land within it. The proposals would preserve the openness of the Green Belt in that they would be open features in the landscape that would sit beneath the existing ground level. In addition, the development would not conflict with the five purposes of including land within the Green Belt that are set out in paragraph 138 of the NPPF. Taking those considerations into account, the proposal is considered to be acceptable in Green Belt planning policy terms. It should be noted that The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) allows any excavation or engineering operations to be carried out carrying out on agricultural land where the agricultural unit is of 5ha or more which are reasonably necessary for the purposes of agriculture within that unit. This is an important benchmark when considering impacts of the proposal as a farmer could potentially create these ponds without the need to seek planning permission. Furthermore, the proposed scheme would be in line with Policies CC1 (Climate Change) and CC3 (Flood Risk) of the Barnsley Local Plan as the development would utilise flood resilient design in an area of high flood risk and therefore reduce the risk of flooding. As such, the principle of development is acceptable.

Drainage and Flood Risk

The submitted Design and Access Statement sets out that water flows during storm events are significantly increased due to the sloping catchment. Therefore, the proposed application offers a good opportunity to attenuate flood water flows and contribute to reduce flooding benefits downstream, especially during heavy rainfall events. The proposal section of this report has discussed in detail how the attenuation will restrict the water flows during storm conditions, enabling the additional flood waters to be stored to benefit downstream flood reduction.

The Environment Agency, Yorkshire Water, and the Authority's drainage engineers have all been consulted on the plans and no objections have been raised to the scheme. As such it is considered that no further structural details would be required and the application would be acceptable from a drainage/flood risk point of view in that it would aim to reduce flooding in accordance with Local Plan Policies CC1 (Climate Change) and CC3 (Flood Risk), in addition to the National Planning Policy Framework (2021).

Residential & Visual Amenity

As discussed in the proposal section of this report, the site use will remain unchanged as agricultural land with sheep grazing but with the recreation of two livestock watering and wildlife ponds which will be reformed with two improved bunds and key trenches. The bunds have been shown on the submitted drawings and the site will be reinstated as grassland on completion with residual wildlife ponds. It is considered the landscape of the site will look almost identical to the current site and the ponds will not be visible from public roads due to their lowered positions.

Given the above, the works would not have a significant effect on the visual amenity of the Green Belt and the local landscape. As the land use is not changing, the proposals would not give rise to any impacts in relation to considerations such as noise. Furthermore, the site is located in a rural area with no immediately adjacent residential properties to consider. As such, the proposal is in accordance with Local Plan Policies D1 and POLL1.

Ecology and Biodiversity

The proposal is located within a SSSI Impact Risk Zone, with Spring Woods and Spring Meadows, Alderman's Head and Cow Croft Meadows SSSI located 135m to the south-west. Furthermore, Hollin and Spring Woods and Spring Meadows, Alderman's Head and Cow Croft Meadows, Brock Holes, LWSs and lowland meadow, a Habitat of Principal Importance are located within 150m. The Council's Ecologist was consulted on this application and whilst the proposed scheme to create new ponds was welcomed, additional ecological information was required to support the application. This was provided via email and a number of additional reports were submitted to support the application, including, a Phase 1 Habitat Survey and plan, a Protected Species report and survey plan. It should be noted that the Ecologist originally asked for a Biodiversity Net Gain (BNG) assessment due to the size of the site, however an updated site plan was submitted and therefore they were satisfied the development area was below the size needing a BNG assessment.

An external data search of the site was undertaken; no protected and/or notable species will be negatively impacted. There is a pond located approximately 186 m southwest of the site. Due to the absence of GCN records within the desk study and absence of other ponds in the search area, the presence of GCN on site is highly unlikely. However, as the site is located within an Amber Risk Zone for GCN precautionary measures should be applied during works on site. This can be provided within a CEMP-B for the site. Other animal species have been recorded in the area, including brown hare, therefore precautionary measures should be adhered to during works on site and this can be provided within a CEMP-B for the site.The Council's Ecologist has therefore raised no objections to the scheme subject to suitable conditions.

Further to the above, Natural England were consulted on the application and considered that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. Natural England's generic advice on other natural environment issues have been provided and any of relevance will be included as an informative on any decision notice.

In taking all the above into consideration, it is considered that the development will provide natural flood management and provide biodiversity enhancements is a welcomed addition to the site in accordance with Local Plan Policy BIO1 (Biodiversity & Geodiversity) and the SPDs Biodiversity/ Geodiversity and Trees/ Hedgerows.

Coal Mining

South Yorkshire Mining Advisory Service (SYMAS) were consulted on the application. The site falls within a Coal Authority referral area due to the conjectured outcrop of the 'Upper Band' coal seam.

Little knowledge of any associated underground workings of this particular coal seam are known, given its relatively thin/poor quality.

In consideration of the above, combined with the scale/nature of the proposed works (cut and fill; loading of strata with water body etc), SYMAS requested that a Coal Mining Risk Assessment (CMRA) should be undertaken to ascertain any mitigation from past mining/geological legacy which may impact the development and objected to the application until this was addressed.

A CMRA was submitted to support the application and investigations did not find evidence of mining activity under or close to the development site. SYMAS have reviewed the corresponding report and given the nature of the development and considering this particular coal seam and the geology, the likelihood of such historic underground workings will be low and therefore are happy that despite the fact the applicant has not checked the underlying strata, the development can progress without the need for planning conditions and only the Coal Authorities standing advice.

Public Rights of Way (PROW)

The access to this site is shared with a public bridleway (for pedestrians, horses and cyclists), as shown on the attached plan. Safe access for bridleway users should be maintained throughout any development works. If construction vehicles are to use the site on a regular basis and / or large vehicles are to use the route then signs should be posted at both ends of the bridleway to warn both construction drivers and the public. An informative will be included on any decision notice to ensure the agent/applicant is made aware of this.

Conclusions

The proposed development will reconstruct previous livestock drinking ponds that were eroded away through poor construction, cattle damage and subsequent heavy rainfall. The replacements will provide valuable shallow wildlife rich ponds and additional public benefit through flood storage during heavy rainfall events, in addition to biodiversity enhancements.

Recommendation

Grant subject to conditions.