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**8. FORMATION OF GATED FIELD ENTRANCE AND BIOSOLIDS STORE (RETROSPECTIVE) AT CLEULOW CROSS FARM, WINCLE (NP/CEC/1016/1059, P3533, JEN)**

**APPLICANT: Mr and Mrs J Turnock**

**Site and Surroundings**

The site is located on a lane known as Ridge Hill, 625m from the A54, in the Parish of Wincle. The application site is the corner of a field, and is in open countryside. The farmstead is Cleulow Farm and is 526m from the application site.

The Landscape Strategy identifies that the site is in the South West Peak landscape character area and the landscape character type for the site is 'enclosed gritstone upland'. The overall strategy for the South West Peak states that *'The South West Peak contains a diverse range of landscapes from the unenclosed moorlands and settled uplands to the river corridors in the lower valleys. The contact between these distinctive landscapes should be maintained and, where appropriate, enhanced to strengthen landscape character. The priority for the unclosed gritstone upland is 'to protect the vestiges of historic field boundaries and to protect and manage biodiversity within the pastoral farmland...'*

**Proposal**

The application is retrospective and seeks approval for a creation of a double gated access and partially bunded hardstanding for the importation of 2000 tonnes of bio-solids per annum.

Biosolids are treated sewage sludge resulting from waste water treatment. The biosolids which are being imported to the land arise from the United Utilities Davyhulme plant in Manchester and are heated after production. The waste would otherwise be disposed of by landfill or incineration.

The application sets out that the biosolids will be spread on the land as a fertiliser, which the applicant considers necessary to improve the land. The spreading of this material on the land does not in itself require planning permission if it is used as a fertiliser or soil improver; it is the construction of the compound which constitutes development.

The farm has an Environmental Stewardship Entry Level Plus Higher Level (ELS/HLS) Scheme Agreement with Natural England which sets out: areas of land in the control of the applicant which can be subject to the spreading of biosolids; the rate of application; and, time of year which spreading can take place. This agreement was negotiated as part of the Dane Valley Woodland Project, the main aim of which was to conserve, enhance and extend the ancient woodlands found in this area of the National Park.

**RECOMMENDATION:**

**That the application be REFUSED on the grounds**

- 1. The development proposes facilitates for the importation of waste from outside the National Park for disposal by land spreading, contrary to the requirements of policy CC3.**

**Key Issues**

Whether the proposed development complies with the provisions of the development plan and whether the benefits of the proposal are sufficiently significant that policy objections are

overcome.

### **Consultations**

Highway Authority - No objection. There is an informative that requires the developer to enter into and sign a section 184 agreement to provide for a new vehicular crossing over the adopted footway/verge in accordance with Cheshire East Council specification. No rights of way will be affected by the proposal.

Environment Agency - Examination of the details of the application reveals that the compound is not for the storage of slurry, but for the storage of farmyard manure, sewage sludge, and baled silage. The compound cannot be used for the storage of slurry as it does not meet the requirements of the SSAFO regulations. *(Note – application title subsequently changed to reflect that the proposal relates to biosolids not slurry).*

Wincle Parish Council – No objections.

Natural England – Raises concerns that areas and rates of spreading in the application are not consistent with the requirements of the HLS scheme.

PDNPA Policy – raises concerns about the proposals compliance with policy CC3 of the Core Strategy.

PDNPA Countryside and Economy – raise concerns that the areas and rates of spreading in the application are not consistent with the requirements of the HLS scheme.

PDNPA Archaeology - the site of the development is one of historic and archaeological interest, and a non-designated heritage asset. The site is partially covered by a monument record polygon, which stretches along the Ridge Hill lane for approx. for c.270m, taking in earthwork features that were recorded in 1988. To the west of the road, including part of the area of the compound, a series of linear quarry pits have been observed. These are likely to be associated with the construction of the drystone walls during the enclosure of the land from waste and commons at some point in the 18th or 19th century. These features are of local significance. At the centre of these pits a ditch was also observed, which appeared to have two corners and gave the impression of a rectangular enclosure largely covered by the road. The nature of this feature is too poorly understood to make an assessment of its likely form, function or significance. The drystone walls themselves are also of historic interest.

However, as this application is retrospective, if the slurry compound is to remain then no further ground disturbance, beyond the existing level of disturbance, should be allowed to take place, to limit the potential for damage to archaeological remains.

PDNPA Landscape – The protection of existing trees is necessary and I suggest additional tree planting to enhance the landscape. The bio solids when delivered should not exceed the height of the surrounding walls or bund. Additional stone should be placed at the roadside entrance to prevent/reduce the amount of mud brought onto the road. Verges should be reinstated where necessary after delivery of bio solids.

### **Representations**

No representations have been received.

### **Main Policies**

## National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. The Government's intention is that the document should be considered to be a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority's Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF with regard to the issues that are raised.

As a material consideration in planning decisions, the NPPF recognises the special status of National Parks and the responsibility of National Park Authorities, as set out in the National Parks and Access to the Countryside Act 1949 (as amended). In line with the requirements of primary legislation, paragraph 14 of the NPPF recognises that in applying the general presumption in favour of sustainable development, specific policies in the Framework indicate that development should be restricted, for example, policies relating to National Parks.

Along with the need to give great weight to considerations for the conservation of wildlife and cultural heritage, paragraph 115 of the NPPF confirms the highest status of protection in relation to landscape and scenic beauty, reflecting primary legislation.

### *Local Policy*

The Peak District National Park Core Strategy (2011) and 'Saved' policies of the Local Plan (2001) is part of the Development Plan.

Relevant Peak District National Park Core Strategy policies include: GPS2, CC3, L1

Relevant Peak District National Park Local Plan 'Saved' policies include: LC21

## **Comment**

This proposal appears, on its face, to be a minor issue as it is small scale and does not constitute major development. However, the policy considerations for the proposal are finely balanced. Policy GPS1 of the Core Strategy outlines that in securing sustainable development and national park purposes all policies must be read in combination.

### **Agricultural Need and Biodiversity Impacts.**

The importation of biosolids onto agricultural land can and does take place on agricultural land generally within the National Park without the requirement for planning permission as it does not change the use of the land and does not constitute operational development. In this case the applicant finds that the delivery of biosolids for immediate spreading without storage is not practicable and this has led to the application for the construction of the compound, access, and storage of biomass (which is development which requires planning permission). It is therefore reasonable to consider the impacts of the agricultural improvement which it facilitates. Biosolids contain nitrogen and phosphorous (plus sulphur, potassium, magnesium, and trace elements) stable organic matter and lime.

In determining the application, the fall-back position if it is refused, is that the compound itself could be removed and the contiguous dry stone wall which used to exist on the land reinstated. However, in terms of treatment of the land, the refusal of the application may well result in continued spreading of biosolids, importing them when needed rather than storing prior to spreading, and/or the improvement of the land through the application of inorganic fertiliser, where these are allowed through the ELS/HLS scheme, as neither constitute development requiring planning permission. Whilst for the purposes of achieving biodiversity it would be preferable for nothing to be spread on the land, this is unlikely to be the reality in the event of refusal. The spreading of biosolids is preferable to the spreading of inorganic fertilizer (for global environmental reasons), and it is considered that a restriction on the spreading of inorganic fertiliser on the land could be secured by condition, unless the biosolids storage area is decommissioned and restored to its previous condition.

The applicant advises that he has previously spread manure on the land (in accordance with the terms of his ELS/HLS agreement), arising from a dairy herd. A change to farming practices means that he now has fewer cattle, so there is not the quantity of manure he requires, and is focusing on sheep, which do not produce manure for improvement of the land.

Through the consultation process it has become clear that the spreading areas set out initially in the application are not in accordance with the ELS/HLS agreement. This has now been rectified and it is clear that the applicant's intention is to only spread the biosolids on land in accordance with his agreement. This can also be controlled by condition.

The applicant has also agreed that if the proposal was permitted he would be prepared to provide a 5m buffer zone between spreading of biosolids and woodland in the Shell Brook valley and (at a smaller scale) the top of steep slopes on the land in the Shell Brook Valley and at Shutlingsloe. A 2m buffer between spreading of biosolids and boundaries is required by the Environment Agency. The 5m is considered by officers at Natural England and the Authority to offer environmental benefit, in particular the conservation of the woodland ground flora and woodland fringe habitats and flower-rich grassland on the slopes. This is a benefit which cannot otherwise be achieved through the current ELS/HLS agreement and could be secured by condition.

In this respect whilst the proposal does not enhance the National Park in some respects, as it facilitates improvement of the land, it prevents other improvement of the land through the less desirable application of inorganic fertiliser. The additional commitment to 5m buffer zones also provides additional benefit. In this respect the proposal appears to be in accordance with GPS2 which sets out that opportunities for enhancing the valued characteristics of the National Park will be acted upon, and LC21 which sets out that development will only be permitted where effects on ecology or valued characteristics can be adequately controlled

## **Waste**

The biosolids are identified in the application as being a waste product which would otherwise be landfilled or incinerated. It is clear that under the waste hierarchy, it is preferable to divert waste from disposal to other uses or recycling if possible. This is broadly a sustainable practice, however consideration must be given to whether it is in principle acceptable to divert waste from outside the National Park (Manchester) and import it into the National Park for disposal through reuse.

Paragraph 11.37 of the Core Strategy sets out that *‘facilities for the disposal of domestic, industrial and commercial waste are incompatible with national park purposes because of their adverse environmental impacts. The small and dispersed population means that they would not be viable operations unless waste is imported.’*

Policy CC3 sets out that *‘Small scale waste facilities may be permitted to serve local communities where they are in accordance with or do not undermine the strategy and approach of the relevant Municipal Waste Management Strategy. Such schemes should meet only the need of the community and must not involve importation of waste from outside that community.’*

It is clear that the biosolids are the waste generated by the treatment of sewage generated by the large urban population of Manchester outside the National Park. The importation of this material into the National Park to divert it from landfill is not in accordance with policy CC3.

### **Visual and Landscape Impact**

The site is in an elevated position but does not have a significant impact in the wider landscape. The site does have a visual impact in the local and immediate area, and several improvements could be made to the appearance of the site if the development was otherwise acceptable in principle in policy terms.

The site entrance which has been constructed includes a metal double gate in order to provide access for the tankers delivering the biosolids. The double gate is not a common feature in the locality and gives an unduly intensive appearance to the site. The applicant has agreed to replace the gates with wooden gates which would reduce the impact of the site.

The site has been surfaced with crushed construction and demolition waste which gives the site an untidy and incongruous appearance in the locality. The applicant has agreed to apply a layer of limestone aggregate on top which would give the site an improved appearance.

The site is bordered by a stand of beech trees and the Authority’s landscape architect has concerns that these could be damaged by movement of plant, the creation of the bunds or stock. The trees could be fenced which would reduce the likelihood of harm to the trees.

Policy L1 seeks development to conserve and enhance the valued landscape character. Whilst these improvements would reduce the impact of the development to the point where its landscape and visual impacts are negligible, the development does not offer enhancement. The proposal is broadly in accordance with this policy.

### **Conclusion**

The proposal has some benefits. It is better than the possible alternative in terms of land improvement by the application of inorganic fertiliser or un-stored biosolids, and the commitment to a buffer between the spreading and woodlands/steep slopes offers environmental improvement beyond that secured by the ELS/HLS scheme.

The appearance of the site could be improved by conditional requirements which would improve the local visual impact.

Biosolids are imported into the National Park and spread on the land, and in most cases this is outside of the remit of the planning system. For the reasons set out above this development does require permission and therefore the policy restrictions of policy CC3 cannot be overlooked. The biosolids are a waste material which are being reused. They not only come from outside the Parish, but also outside the National Park. This is, in principle, not in accordance with policy CC3, and therefore the recommendation is for refusal.

### **Human Rights**

Any human rights issues have been considered and addressed in the preparation of this report.

### **List of Background Papers** (not previously published)

Nil