

10. CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2019 - DEMOLITION OF FARM BUILDINGS AND THE ERECTION OF TWO NEW FARM BUILDINGS, WITH ASSOCIATED BUILDING OPERATIONS AT PUMP FARM, SCHOOL LANE, WARSLOW, (NP/SM/0123/0037) /ALN

APPLICANT: PEAK DISTRICT NATIONAL PARK AUTHORITY

Summary

1. Pump Farm is owned by the National Park Authority as part of the Warslow Moors Estate.
2. The proposals are to demolish an existing range of livestock and storage buildings and infill a slurry lagoon, to be replaced by new livestock and storage sheds.
3. The Peak District Moors Special Protection Area (SPA), South Pennine Moors Special Area of Conservation (SAC) and Leek Moors SSSI lie approximately 1.4km to the north of the application site. The nearest point of the Peak District Dales SAC lies approximately 2.4 km to the south. The development therefore falls within the Impact Risk Zone (IRZ) of the SACs and SPA.
4. It is considered that the development would not have an adverse effect on the integrity of the SPA and SAC and will in fact have a positive impact.

5. Site and Surroundings

6. Pump Farm is located on the south eastern edge of the village of Warslow. Access is gained from School Lane to the north. The property consists of a farmhouse, a range of traditional farm buildings to the east of the house and a range of modern farm buildings to the south. The property is within the Warslow Conservation Area and is considered to be within (on the edge of) the named settlement of Warslow for planning policy purposes.
7. The application site edged red encompasses the existing modern sheds and yard to the north east, together with a slurry store which sits to the south west. Part of a small outbuilding to the north west of the farmhouse is also included.
8. Pump Farm is owned by the National Park Authority as part of the Warslow Moors Estate. The traditional buildings to the north of the farmhouse were converted following planning permission in 2017 and are now used as a base for the Authority's Ranger Service.
9. The Peak District Moors Special Protection Area (SPA), South Pennine Moors Special Area of Conservation (SAC) and Leek Moors SSSI lie approximately 1.4km to the north of the application site. The nearest point of the Peak District Dales SAC lies approximately 2.4 km to the south. The Hamps and Manifold Valleys SSSI is approximately 500m to the east at its nearest point.

10. Proposals

11. The current proposals have arisen from a plan to update the farm complex and to let the farm (and farmhouse) on a 7-year farm business tenancy. Historically the farm was run as a dairy farm and then more latterly for beef and sheep. For the future the farm will be let as a livestock holding with the primary enterprise being beef (ie suckler cows and beef rearing).
12. The submitted Design and Access statement explains that the 'modern' farm buildings

comprise of a group of buildings which have been constructed organically around a timber framed building. They are now largely unfit for purpose. The slurry store has not been used for many years and is not required for the farm in the future.

13. Consequently the current proposals are for:
14. The demolition of the existing arrangement of 'modern' farm buildings and the kennel building as used for the previous dairy cattle enterprise
15. The demolition of the existing steel portal frame building (eastern three bays)
16. The filling-in of the concrete slurry store to create a yard area
17. Erection of a new 3 bay steel portal bay storage building (2 bays on the footprint of the existing building and a further bay to the western end) – measuring 18.3m x 9.8m and 4.1m to the eaves.
18. The erection of a new cattle building, measuring 27.4m x 12.2m and 4.2m to the eaves
19. Removal of a walled enclosure adjoining the traditional outbuilding to the north of the farmhouse.
20. Materials for the new buildings would be pre-coated sheeting above concrete panels on the walls and pre-coated sheeting on the roofs. The slurry store would be infilled with materials arising from the demolition of the existing buildings and finished in compacted hardcore. The yard area between the livestock buildings and the storage building would be laid with concrete.

21. RECOMMENDATION:

1. **That this report be adopted as the Authority's assessment of likely significant effects on internationally important protected habitats and species under Regulation 63 of the Conservation of Habitats and Species Regulations 2019 (as amended) in relation to the current planning application at Pump Farm.**
2. **For the Peak District Dales SAC the development would contribute less than 1% of the critical load, so an appropriate assessment is not required. For the Peak District Moors SPA and the South Pennine Moore SAC the stage 2 assessment concludes that the proposals would have a positive effect on their integrity compared to the existing situation. Therefore, the development is not contrary to the provisions of the Conservation of Habitats and Species Regulations 2017 (as amended) and the EU Habitats Directive.**

22. Key Issues

23. Under Section 63 of the Conservation of Habitats and Species Regulations 2019 (as amended) (the Habitats Regulations) any development that has the potential to result in a likely significant effect (LSE) on a European site and is not directly connected with the management of the site for nature conservation reasons, must be subject to a Habitat Regulations Assessment (HRA). Natural England has confirmed that the proposed development is not necessary for the management of the European sites.
24. Where the potential for likely significant effects cannot be excluded, a competent authority (in this case the National Park Authority) must make an appropriate

assessment of the implications of the development for that site, in view the site's conservation objectives. The competent authority may agree to the plan or project only after having ruled out adverse effects on the integrity of the habitats site.

25. Where an adverse effect on the site's integrity cannot be ruled out, and where there are no alternative solutions, the plan or project can only proceed if there are imperative reasons of over-riding public interest and if the necessary compensatory measures can be secured.
26. The Habitat Regulation Assessment (HRA) process involves several stages, which can be summarised as follows:
27. Stage 1 – Likely Significant Effect Test (HRA screening). This stage requires a risk assessment to be undertaken utilising existing data, records and specialist knowledge. This stage identifies the likely impacts of a project upon a European Site and considers whether the impacts are likely to be significant. The purpose of the test is to screen whether a full appropriate assessment is required. Where likely significant effects cannot be excluded, assessing them in more detail through an appropriate assessment is required to reach a conclusion as to whether an adverse effect on the integrity of the site can be ruled out.
28. Stage 2 - Appropriate Assessment. This stage involves consideration of the impacts on the integrity of the European Site with regard to the structure and function of the conservation site and its objectives. Where there are adverse effects an assessment of mitigation options is carried out. If the mitigation cannot avoid any adverse effect or cannot mitigate it to the extent that it is no longer significant, then development consent can only be given if an assessment of alternative solutions is successfully carried out or the Imperative Reasons of Overriding Public Interest (IROPI) test is satisfied.
29. Stage 3&4 - Assessment of Alternative Solutions and Imperative Reasons of Overriding Public Interest Test (IROPI). If a project will have a significant adverse effect and this cannot be either avoided or mitigated, the project cannot go ahead unless it passes the IROPI test. In order to pass the test, it must be objectively concluded that no alternative solutions exist. The project must be referred to the Secretary of State because there are imperative reasons of overriding public interest as to why the project must proceed. Potential compensatory measures needed to maintain the overall coherence of the site or integrity of the European Site network must also be considered.

30. Assessment

31. **Stage 1 – Likely Significant Effect Test (Habitat Regulations Assessment Screening).**
32. This first step in the HRA process is to test whether a plan or project either alone or in combination with other plans and projects is likely to have a significant effect on an international site. It does not take into consideration mitigating measures, including removal of the existing livestock building and slurry store, which are considered at Stage 2.
33. In this case the proposed development lies within the Peak District National Park, and the southernmost section of the Peak District Moors SPA and South Pennine Moors SAC lies approximately 1.1 km to the northwest. The nearest point of the Peak District Dales SAC lies approximately 2.4 km to the south.
34. The development therefore falls within the Impact Risk Zone (IRZ) of the SACs and SPA.

35. The protected sites subject to the HRA screening process are:
- Peak District Moors SPA
 - South Pennine Moors SAC
 - Peak District Dales SAC
36. The potential impact of the development on these sites arises through atmospheric ammonia emissions and nitrogen deposition arising from cattle housed in the shed. Natural England advise that an adverse effect may occur if emissions exceed 1% of the critical load for the relevant habitats for which the sites qualify.
37. An emissions assessment by Martin Environmental Solutions Ltd. was submitted to support the application. This used Simple Calculation of Atmospheric Impacts Limits outputs (SCAIL) modelling based on the proposal that the cattle shed will accommodate a maximum of 70 beef cattle over winter.
38. This indicated that the proposed development, alone (i.e. emissions from proposed new cattle shed, ignoring removal of existing facilities), would contribute over 1% of the site relevant Critical Loads/Levels for the Peak District Moors SPA and South Pennine Moors SAC. A stage 2 assessment is therefore required for these two sites. For the Peak District Dales SAC the proposed development would contribute less than 1% of the critical load, so a likely significant effect can be scoped out at stage 1.

39. Stage 2 - Appropriate Assessment

40. The proposal will involve the removal of the existing livestock units and a reduction in slurry by moving to a bedded system (straw). Whilst it is acknowledged that a bedded system may contribute to ammonia emissions, overall the emissions will be reduced compared to the amount of emissions created by the existing livestock buildings and slurry store. Furthermore, the removal of the existing livestock units will ensure that livestock capacity is not increased beyond 70 (the amount of livestock input into the SCAIL modelling), a reduction from the existing 100+ head of cattle, and therefore emissions will be further reduced and not exceed those stated within the emissions report. Additional mitigation measures detailed below will further contribute to ensuring emissions do not increase, reducing potential impact on designated sites through increased emissions.
41. In consideration that the proposal is to change the current intensive dairy to less intensive beef rearing system including the reduction in head of 30 livestock, and in consideration of the results of the SCAIL, it is considered that the proposals will not have an adverse effect on the integrity of Peak District Moors SPA & South Pennine Moors SAC site (i.e. impact on the habitats and species that are qualifying and primary reasons for selection of the designated site). In addition, further mitigation measures that will manage emission levels are detailed within the Emissions Assessment by Martin Environmental Solutions Ltd (May 2023):
- Longer grazing times will be implemented to control ammonia production (and therefore emissions)
 - Specific balanced feed to ensure protein feed is balanced
 - Floor will be designed to prevent pooling, quicker drainage with a separate urine channel reducing both the likely of and time for urea and faeces to mix, reducing ammonia emissions.
 - Regular cleaning of the shed
42. In summary, it is considered that the proposal **will not have an adverse effect** on the integrity of the South Pennine Moors SAC and Peak District Moors SPA, and will in fact have a positive impact compared to the existing situation as a result of the reduced

stock capacity and enhanced management, which will reduce ammonia emissions and nitrogen deposition.

43. Conclusion

44. For the Peak District Dales SAC the development would contribute less than 1% of the critical load, so an appropriate assessment is not required. For the Peak District Moors SPA and the South Pennine Moore SAC the stage 2 assessment concludes that the proposals would have a positive effect on their integrity compared to the existing situation. Therefore, the development is not contrary to the provisions of the Conservation of Habitats and Species Regulations 2017 (as amended) and the EU Habitats Directive.

45. Human Rights

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

47. **List of Background Papers** (not previously published)

48. Nil

49. Report Author and Job Title

50. Andrea Needham – Senior Planner - South