

27 September 2024

File Ref: Ent/508/3572/FP
You Ref: PP-13443462

The Director of Planning and Development Control
Bury Metropolitan Borough Council
The Planning Service
3 Knowsley Place
Duke Street
Bury
BL9 0EJ

Dear Sir

RE: Our Client, Mr J Entwistle. Planning Application for the erection of a polytunnel to accommodate a slurry bag and associated equipment to produce a renewable fuel (biogas) for generating onsite heat and energy. Partly retrospective.

This statement is presented in support of a Planning Application, submitted by Jason Entwistle, of Mrs M Entwistle and Sons, of Higher Woodhill Farm, Woodhill Road, Bury, Lancashire. BL8 1BS, who is seeking Planning Consent for the erection of a polytunnel to accommodate a slurry bag and associated equipment to produce a renewable fuel (biogas) for generating onsite heat and energy. The application is partly retrospective as the applicant understood planning permission was not required for a polytunnel structure.

We have submitted the above-mentioned full planning application via the Planning Portal and it has been allocated reference number PP-13443462, the planning application fee of £120 and the Planning Portal administration fee has been paid online through the Planning Portal.

The application site will be located adjacent to two live planning applications at Higher Woodhill Farm which are currently still under determination being reference numbers 71118 and 71033.

The proposed development comprises the erection of a polytunnel that will measure 18.288m x 6.096m as illustrated on the plans submitted with the application, plan number Ent/508/3572/01. The polytunnel will be constructed with steel reinforcing bars and covered with polytunnel polythene as shown in figure 1 below.

Figure 1: External photo of polytunnel



The main input to the biodigester is raw slurry, produced from the applicants' herd of dairy cows. The outputs are biogas, which will be filtered and then piped to the final point of use which will be to power a pasteurisation system. The second output will be liquid biofertiliser (digestate) which will be spread on the applicants land.

It is expected that the applicant will add around 500-800 Kg of slurry to the unit per day (which is contained inside the polytunnel), and produce an equal amount of digestate daily at the other end. The digestate will be held in separate containment to the slurry.

The proposed development will not be seen insolation as it will be seen as part of a group of buildings. The proposed development is well screened by the existing farm buildings at Higher Woodhill Farm.

The Council is now working to replace the adopted UDP with a new document called the Bury Local Plan. Until the new Local Plan is produced the UDP will continue to be used to make planning decisions. The Joint Places for Everyone (PfE) Development Plan Document was adopted by Bury Council with effect from 21 March 2024 and supersedes some of the UDP policies. Following the adoption of the Places for Everyone Joint Plan (PfE) on 21 March 2024, the Council is now moving forward with a new Local Plan for Bury.

The relevant policies of the UDP are:

- Policy EN6/4: Conservation of the Natural Environment- Wildlife Links and Corridors
- Policy MW1/1: Minerals and Waste – Areas of Search

Policy EN6/4 - Wildlife Links and Corridors states *The Council will seek to consolidate and, where appropriate, strengthen wildlife links and corridors, and will not permit development which would adversely affect identified areas. In particular, the Council will seek to ensure that new development within or adjacent to identified links or corridors contributes to their effectiveness through the design, landscaping and siting of development proposals and mitigation works, where appropriate.*

The proposed development is sited on an existing yard area that is concreted and is amongst a group of existing farm buildings and therefore will not affect the application site or surrounding area that has been identified as a Wildlife link and corridor. There will be no new development outside of the existing farmyard as shown on the plans submitted with the application.

Policy MW1/1 – Areas of Search states *“The Council has identified areas of search for the extraction of minerals on the Proposals Map and priority will be given for their extraction within these areas.”*

We are not proposing to extract minerals from the application site and therefore this policy is not relevant to the proposed development.

The NPPF makes it clear that its very purpose is to contribute to sustainable development (*para. 7-10*). In terms of determining applications this means that applications that accord with an up-to-date development plan should be considered favourably and approved without delay. If the localised development plan is not up-to-date or there are no relevant policies then applications should also be approved unless they go against policies outlined within the NPPF that seek to protect individual assets or they go against the policies within the NPPF on the whole.

Paragraph 11 says that proposals that accord with the development plan should be approved without delay. It states:

*Plans and decisions should apply a **presumption in favour of sustainable development**.*

*For **decision-taking** this means:*

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 11 - 14 of the NPPF highlight the presumption in favour of sustainable development. The presumption in favour of sustainable development does not change the statutory powers of the Development Plan as a starting point for decision making and therefore proposed

development which accords with an up-to-date Development Plan should be approved unless other material considerations indicate the Plan should not be followed.

A prosperous rural economy is focused on as an element of Chapter 6. Guidelines for local authorities are outlined. It is indicated in paragraph 88 that planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings;*
- b) the development and diversification of agricultural and other land-based rural businesses;*
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and*
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.*

Paragraph 89 recognises that these sites which meet local business and community needs may have to be found adjacent to or beyond existing settlements and in locations not well served by public transport.

Section 13 of the NPPF details the importance that Government attach to the protection of Green Belts against inappropriate development and prohibits development which may be harmful to them. However, Section 13 contains circumstances and exceptions to this strict policy. Paragraph 154 notes exceptions.

A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- buildings for agriculture and forestry;*
- the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- limited infilling in villages;*
- limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development; or – not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

The development proposed directly meets the exception contained within sub-clause a) and c).

Section 15 of the NPPF highlights the Government's commitment to "Conserving and enhancing the natural environment" and paragraph 180 states that:

“Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

e) preventing new and existing 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, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”

The intention of the policies contained within Section 15 seeks to protect landscapes, biodiversity and local ecology against the undesirable effects of inappropriate development.

The proposed development will be accommodating the process converting slurry, that is made on the farm by the existing herd of dairy cows, into biogas which then be used to power existing facilities on the farm. Therefore the proposed development is an ancillary process to the main farming activity.

The proposed development does not prejudice the openness or purposes of the Green Belt due to the location and siting being well screened by the existing farm buildings and positioning. They can be considered as according with the intentions of the policy by assisting to maintain the ongoing viability of the farm, thereby securing the continuing profitability of the rural business operating from the premises.

The site at Higher Woodhill Farm is identified within the Adopted Local Development Plan as being located within the Green Belt, and subject to the appropriate policies.

Objective 4 notes the intention; *“To protect good quality agricultural land and maintain a viable rural economy”* and states a commitment to *“The support of farm diversification, where there are overriding economic reasons to allow alternatives which will not be detrimental to the use of land”*

Policy OL4/4 expresses an intention to *“encourage a viable rural economy by supporting farm diversification enterprises which respect the quality of the built and natural environment”*.

The policy further notes that *“To help sustain the rural economy there may be a need to continue and expand the process of diversification on and off farms, and to do so whilst still conserving that which is of value in the countryside.”*

The proposal as submitted will not be detrimental to the use of land, as the polytunnel is to be sited within the cluster of existing farm buildings and located upon an existing concrete hard standing within an existing yard area and the polytunnel will be lower in height than the surrounding buildings. They will not interfere with ongoing farming operations.

The development will not prejudice the overall aims of the Green Belt, and will not be imposing, nor represent intrusive development.

We trust the Council has all of the necessary information to determine the application however if you require any additional information, please let us know.

Kind Regards

Yours sincerely

Fiona

Fiona Patterson