



IN ASSOCIATION WITH



# SUPPORTING PLANNING STATEMENT

Home Farm, Chevening Estate, Sundridge Hill, Sundridge, Kent, TN14 6AJ

September 2023

# SUPPORTING PLANNING STATEMENT

In support of an application for the

**Prior Notification of Agricultural Development under The Town and Country Planning General Permitted Development Order 2015 Schedule 2, Part 6 (as amended) and associated engineering operations for a FYM Store, Slurry Lagoon and Three Water Settlement Ponds**

*at*

**Home Farm**

**Chevening Estate**

**Sundridge Hill**

**Sundridge**

**Kent**

**TN14 6AJ**

*On behalf of*

**The Board of Trustees of Chevening Estate**

ISSUE DATE / REVISION	COPY REVIEWED BY	DATE COPY HAS BEEN REVIEWED
Supporting Statement – 24.08.2023	JL / WW	30/09/2023

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# 1. Introduction

- 1.1. Bloomfields are instructed to submit a Prior Notification application for a new slurry lagoon, farmyard manure (FYM) store and three water settlements ponds at Home Farm, Sundridge Hill, Sundridge, Kent, TN14 6AJ, on behalf of our client, The Board of Trustees of Chevening Estate, herein referred to as 'the applicant'.
- 1.2. In addition to the above, the proposed development also comprises a temporary works haul track and all associated engineering operations at Home Farm to enable the development to be graded and integrated into the surrounding area.
- 1.3. The total farmland extends to approximately 830 acres (336 hectares) of arable and permanent pasture, currently managed for silage production and the grazing of livestock and the production of cereal crops, along with agri-environmental land comprising various areas of wild bird seed mix.
- 1.4. The existing slurry lagoon and FYM store are no longer adequate to store the manure generated by the livestock, in accordance with Environment Agency requirements.
- 1.5. The water settlement ponds will be used to collect water generated from the roofs of the existing buildings and clean yard run off, to then be reused for cattle drinking water as well as to potentially be used to fill the sprayer.
- 1.6. **Figure 1** provides an extract of the site location plan, showing the approximate location of Home Farm, shaded in blue, in proximity to Biggin Hill, Sevenoaks and Orpington, to the west, southeast and north, respectively.



**Figure 1: Location plan**

1.7. This submission is to be read in conjunction with the supporting documents uploaded via the Planning Portal under reference PP-12418944, and as shown within **Table 1**.

Report / plan	Scale	Drawing/report ref/date
Existing Site Plan / Topographical Survey	1:1,250	060722_001A
Proposed Layout with Section Lines	1:1,250	060722_002
Site Location Plan	1:1,250	060722_003
Proposed Sections	1:1,000	060722_004
Proposed 3D Engineering Works Schematic	NTS	060722_005
Slurry/FYM/Silage Storage Report	-	SE/005/JG/13243 31st August 2022

**Table 1: Supporting documents**

## 2. Background

- 2.1. Home Farm is located in an area of open countryside, approximately 1.9 miles to the north of the village of Sundridge and the total farmed land extends to approximately 830 acres (336 hectares).
- 2.2. The farm is required to comply with the Farming Rules for Water introduced in April 2018, the Water Resources (Control of pollution) (Silage, Slurry and Agricultural Fuel oil) Regulations 2010 as amended (SSAFO) and the Environmental Permitting Regulations (EPR).
- 2.1. Further to dialog with Robin Morgan-Reece (Environment Agency Agriculture Officer - East Kent & Stour Land and Water Team) as well as with John Gadsby & Cheryl Williams (Farm infrastructure consultant; ADAS) and Daniel Creech (Lead Integrated Farming Advisor for Natural England and Catchment Sensitive Farming (CSF) Officer), it was established that the current farm infrastructure was not sufficient or adequate for its current purpose. As a result of this information and advice, this application is therefore submitted to Sevenoaks District Council for its consideration and approval.
- 2.2. The CSF report is uploaded in support of this proposal. Section 8 of this report details the *“Implications of NOT Undertaking Recommendations”*, which stated:

*“Unless changes are made to farm infrastructure you will fail to meet the current environmental regulations in relation to slurry storage et cetera. You advised of a potential pollution incident several years ago, and failure to address the current infrastructure shortfall will mean that you are at high risk of causing another pollution incident.”*
- 2.3. As is evident, therefore, this application is essential to the farm to ensure continued compliance with the relevant Government agricultural and pollution control regulations.

### **The Farm Business**

- 2.4. The farm business run from Home Farm, W & CJ Westacott, comprises a mixed farming enterprise based on 270 hectares (667 acres) of mixed arable land and 66 hectares (163 acres) of pollen mix, wild bird seed mix, and low input grassland for grazing.

- 2.5. The Westacott family have been tenants on the Chevening Estate since 1895 and currently hold the land on a long term Farm Business Tenancy which commenced in 2000.
- 2.6. Currently, the herd size is 210, comprising 190 head German Holsteins, and a herd of 20 British Whites suckler cows. There is a Freshways milk contract with currently at an agreed rate of £0.36 per litre for July 2023. The beef cattle are sold as stores via Ashford Market.
- 2.7. In addition to the livestock enterprise, the 270 acres of arable are cropped to a combination of beans, milling wheat, and maize, which are stored in the grain store and then sold to the grain merchant, Weald Granary.
- 2.8. The farm business, W & CJ Westacott, is a registered business with DEFRA and the Rural Payments Agency under its Single Business Identifier (SBI) number of 107284259.
- 2.9. All the land is kept and managed in accordance with DEFRA's Cross Compliance environmental and animal husbandry requirements.

### 3. Proposal

3.1. The proposal is to provide the following:

- A new ~9,750m<sup>3</sup> slurry lagoon (136m x 33m x 4m);
- A 37m x 37m earth banked farmyard manure store;
- Three surface water settlement ponds;
- Temporary haul road access from Ovenden Road
- All associated engineering operations.

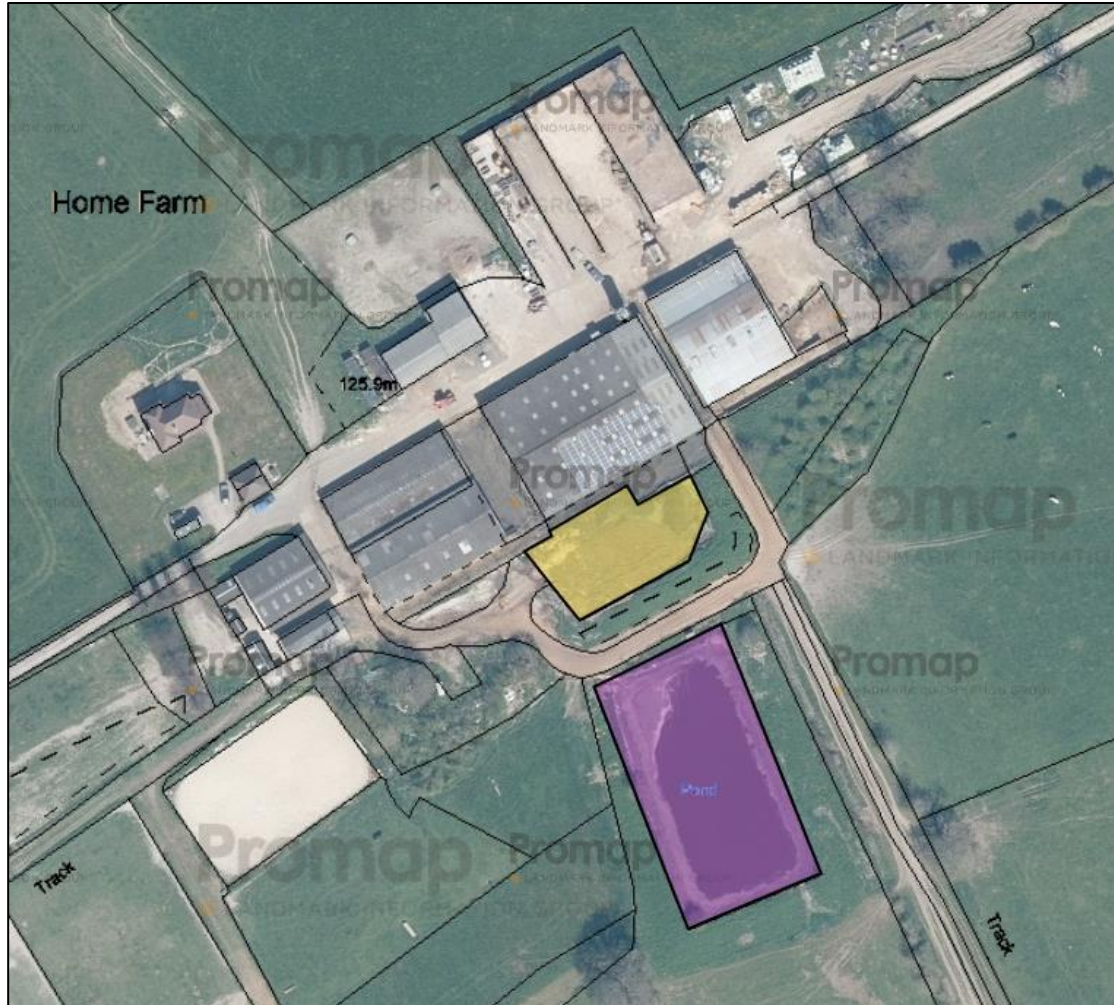
3.2. This planning submission is to seek the Council's confirmation that Prior Approval is not required for the proposed slurry lagoon and FYM store and that also Prior Approval is not required for the engineering operations and the three water settlement ponds, as well as the temporary haul road access track.

3.3. At present the farm has the following infrastructure:

- A 3,500m<sup>3</sup> slurry lagoon (shown shaded in purple at **Figure 2**);
- FYM store (shown shaded in yellow at **Figure 2**);

3.4. The existing slurry lagoon is under capacity and has been emptied twice in the last four months. The proposed slurry lagoon has a greater capacity of 9,750m<sup>3</sup>, commensurate to the farm business's needs. Similarly, the existing FYM store is currently emptied three times a year and is thus clearly under-capacity for the livestock herd.

3.5. The farmyard can be seen within **Figure 2**, with the existing slurry lagoon shown shaded in purple and the existing FYM store shown shaded in yellow.



**Figure 2: Existing infrastructure at Home Farm**

- 3.6. The site is located well beyond any 400 metre radius of any protected dwelling. **Figure 3** shows a 400 metre radius plotted from the development site, which clearly shows there are no dwellings, other than Home Farm Farmhouse (dwelling occupied by the farm tenant) and West Lodge (being a farm worker's dwelling, occupied by an employee of Home Farm) within this zone.





**Figure 3: 400 metre ‘protected dwelling’ zone surrounding the development site**

### Amount

- 3.7. The proposed lagoon has dimensions of 136.4m x 33m x 4m deep, equating to a total volume of 12,925m<sup>3</sup>, and a working volume of 9,738m<sup>3</sup>, when deducting the freeboard 750mm allowance. This 750mm freeboard is a buffer volume to cover highly exceptional rainfall events. The lagoon has been designed so that 750mm buffer should never be breached.
- 3.8. The proposed earth banked FYM store measures 37m x 37m, allowing for 2,740m<sup>3</sup> storage when stacked to 2m high.

- 3.9. The farm runs about 190 dairy units about 20 beef units. The FYM produced from these animals is calculated within Section 6 of the CSF report uploaded as part of this application's submissions. The volumes thus provided to store slurry, rain and yard water, as well as farm yard manure, have been suitably designed and sized to facilitate the variable storage requirements on the farm for about 2 winter seasons.

### **Layout**

- 3.10. The current site is shown within the extracted existing topographic survey is shown within **Figure 4**.
- 3.11. The proposed slurry lagoon will be situated in place of the existing slurry lagoon, just to the south of the existing buildings at Home Farm, with the farmyard manure store in between the buildings and the slurry lagoon, for ease of mucking out the existing buildings. The proposed layout is shown within the extracted proposed location plan under **Figure 5**.

### **Landscaping**

- 3.12. The proposed development will be screened by the existing farmyard buildings to the north as well as mature hedge and tree screens to the west and east. To the south, two existing mature oak trees (see **Figure 4**) are to remain in situ, to screen the proposed development further. The engineering works will be carried out at a distance in excess of 10 metres from each of the oak's trunks to avoid impact on any root protection area (RPA).
- 3.13. Although not considered necessary, additional landscaping can be provided should the council deem this necessary.
- 3.14. The landscaping works will also incorporate the creation of three separate, but connected, water settlement ponds, shown in **Figure 5**, which are to hold the surface water generated from the roof space of the existing buildings and clean yard run off. This water is to be used for drinking water for the cattle as well as to fill the sprayer, when required.



**Figure 4: Existing topographical survey**

3.15. The contours of the landscaping works proposed, as well as the position of the three water settlement bodies, are shown within the 1:1,250 site plan.



**Figure 5: Site plan extract**

- 3.16. Cross sections are provided to show the existing and proposed contours and how the proposed new farm infrastructure will be laid out within the site.
- 3.17. The imported material will consist of clean, 'as dug', naturally occurring soil and mineral material, as defined under the CL:AIRE declaration system, which is strictly regulated by the Environment Agency.
- 3.18. The site totals 36,364m<sup>2</sup> (excluding the temporary haul road) and 27,563m<sup>3</sup> of CL:AIRE accredited material will be required to facilitate the proposal.

### **Access**

- 3.19. Given the fact that Ovenden Road narrows considerable when heading north up to the Home Farm entrance, a temporary haul road is proposed from the southern end of the farm, which is already easily accessed by large agricultural vehicles to an existing farm yard, to the main yard at Home farm across headland perimeters of two fields. The full route is shown within the submitted Location Plan, under drawing reference \_060722-003.

## 4. Permitted Development

- 4.1. Class A of Part 6 of Schedule 2 of the GPDO, as amended, has been given due consideration during the preparation of this proposal. This Class relates to agricultural development on units of 5 hectares or more.
- 4.2. It is submitted that this proposal fully complies with Class A.1 of Part 6, Schedule 2, as detailed within **Table 2**.

GPDO Paragraph Number	Comments
A.1 (a)	The development is proposed on a piece of land forming part of the agricultural unit which is greater than 5 hectares.
A.1 (b)	No development has taken place under Class Q or S of Part 3 (Change of Use) of Schedule 2 on this agricultural unit.
A.1 (c)	This proposal does not involve the erection, extension or alteration of a dwelling.
A.1 (d)	The works are fully and solely designed for agricultural purposes
A.1 (e)	See explanatory paragraph 4.5 below
A.1 (f)	The site is not located within 3 km of a registered aerodrome.
A.1 (g)	The height of the proposed works does not exceed 12 metres in height.
A.1 (h)	The site does not lie within 25 metres of a metalled part of a trunk or classified road.
A.1 (i)	The development will be used for the storage of slurry and FYM, but the proposed location is in excess of 400m from a protected dwelling.
A.1 (j)	The proposal does not involve excavations or engineering operations connected with fish farming on Article 2(4) land.
A.1 (k)	The development is not to be used for the storage of fuel for or waste from a biomass boiler or an anaerobic digester
A.2 (1) (a)	The development is not within 400m of a protected dwelling and therefore can be used for the storage of slurry and FYM.
A.2 (1) (b) & (c)	The development does not involve any mineral extraction or the removal of any mineral from a mineral-working deposit and no waste material are to be brought on to the land from elsewhere.

**Table 2: Analysis of the requirements of the GPDO Part 6, Class A**

4.3. Class A of Part 6 of Schedule 2 of the GPDO, as amended, also applies to the following development, being (b) any excavation or engineering operations. It is put forward that this proposal complies with Class A.1 of Part 6, Schedule 2 in the following ways:

- The development is proposed on a piece of land forming part of the agricultural unit which is greater than 1 hectare. The area of land that forms this part of the agricultural unit of land at Home Farm extends to over 336 ha.
- No development has taken place under Class Q or S of Part 3 (Change of Use) of Schedule 2 on this agricultural unit.
- The site is not located within 3 km of a registered aerodrome and the proposal does not include a building that would exceed 12 metres in height.
- This proposal does not involve the erection, extension or alteration of a dwelling.
- The proposed engineering operations and water settlement ponds have been designed specifically to facilitate the proposed slurry lagoon and the FYM store as well as to facilitate the processing of both clean and foul water from the whole farm site.
- The proposed development does not include buildings, or any areas that are covered by any works or structure for accommodating livestock or any plant or machinery arising from engineering operations.
- The proposal is not connected with fish farming.
- The site does not lie within 25 metres of a metalled part of a trunk or classified road.

4.4. It is therefore considered that the proposed development complies with all elements of Part 1 Class A.

4.5. Paragraph A.2(1)(c) of the GPDO, in relation to the required imported material to facilitate the development, states:

**A.2 – (1) Development is permitted by Class A subject to the following conditions –**

- (c) *Waste materials are not brought on to the land from elsewhere for deposit except for use in works described in Class A(a) or in the provision of a hard surface and any materials so brought are incorporated into the building or works in question.*

4.6. The legislation continues:

*Development consisting of “the carrying out of excavations or the deposit of waste material (where the relevant area, as defined in paragraph D.1(4) of this Part, exceeds 0.5 hectares...is permitted subject to the following condition-*

*the development must, before beginning the development apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to... the siting of the excavation or deposit... as the case may be”*

- 4.7. As such, prior approval for the siting of the proposed development is sought from Sevenoaks District Council.
- 4.8. In respect of GPDO Paragraph A.2(1)(c), the materials, however, to be used as part of the proposal will not constitute 'waste'. DEFRA has published guidance on the legal definition of waste which is embedded in the 2008 Waste Framework Directive (Directive 2008/98/EC), and states waste as *“Any substance or object which the holder discards or intends or is required to discard ...”*
- 4.9. The proposed works are to be carried out under the CL:AIRE protocol, using the direct transfer scenario. The material to be used will be from development sites in the local area, which commit to generating 'non-waste' material, allowing it to be transferred directly to development projects, including agricultural works, using the direct transfer scenario.
- 4.10. On this basis, it is confirmed that the material to be imported will be fully in accordance with the CL:AIRE protocol. The material to be used in the implementation of the development is therefore in accordance with the requirements of paragraph A.2(1)(c).

- 4.11. A duly registered Independent Qualified Person, accredited with the Environment Agency, will be provided by a local company who will perform the role of ensuring material is imported in accordance with the CL:AIRE protocol.
- 4.12. It is confirmed, therefore, that the material to be imported will be fully in accordance with the CL:AIRE protocol, with the requisite full audit trail protocols established with the Environment Agency.
- 4.13. This provides demonstrable confirmation, that the material does not constitute waste and therefore the upper limit, for 'waste' importation, of 0.50ha does not apply in this instance.
- 4.14. The material to be used in the implementation of the development is, therefore, in accordance with the requirements of paragraph A.2(1)(c).



## 5. Conclusion

- 5.1. It is considered that this proposal is permissible under Class A of Part 6 of Schedule 2 of the General Permitted Development Order (2015), as amended.
- 5.2. It is submitted that the proposal is reasonably necessary to assist with the agricultural operations associated with the agricultural business run by W & CJ Westacott over some 336 hectares (830 acres).
- 5.3. This application has been designed with input from Natural England and The Environment Agency, both of which have stated that the necessary works are required to ensure compliance with current agricultural and pollution control regulations.
- 5.4. The slurry lagoon, farmyard manure store, the three water settlement ponds and all associated engineering operations have been well designed for the agricultural purpose they are intended to serve, as well as to improve the efficiencies of the existing farm business, to support and service the existing farm enterprise and to be respectful of the surrounding area.
- 5.5. The proposed engineering operations are necessary for the purposes of agriculture and therefore it is considered that it is an appropriate development in the countryside in accordance with the Council's countryside and agricultural policies.
- 5.6. The proposed works and water settlement ponds have been designed specifically to serve the agricultural need on the site. National Planning Policy supports the efficient use of water and resources as well as agricultural advancements to support local agricultural growth.
- 5.7. Thus, under Schedule 2, Part 6 Class A, of the GPDO 2015 (as amended), it is submitted that Prior Approval for the siting of the engineering operations, slurry lagoon, farmyard manure store, and the three water settlement ponds is not required and the works can proceed as permitted development.