

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/20/2297/OF1	
2.	Proposed Development:	BUILD EARTH BANKED, CLAY LINED SLURRY LAGOON	
3.	Location:	FIELD NO. NY03102364, GRANGE FARM, GRANGE, EGREMONT	
4.	Parish:	Haile	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change	
6.	Publicity Representations & Policy	Neighbour Notification Letter	Yes
		Site Notice	Yes
		Press Notice	No
		Consultation Letters	See Report
		Relevant Policies	See Report
7.	Report: Site and Location This application relates to Field No. NY0302364, located to the north of Grange Farm. Grange Farm is situated within Grange to the east of Egremont, and benefits from a number of large agricultural buildings. Proposal This application seeks planning permission to build an earth banked, clay lined slurry lagoon within this field. The proposed lagoon will be located within the southern section of the field adjacent to the existing farm and agricultural buildings. The proposed slurry lagoon will measure 82.019m x 58.565m, and will have an approximate capacity of 1.2 million gallons. The lagoon will be surrounding by an earth bank with a slope at a gradient of 1 in 25.		

Consultation Responses

Haile Parish Council

No comments received.

Cumbria County Council – Cumbria Highways & Lead Local Flood Authority

No objection to the proposed development as it is considered that the proposal does not affect the highway nor does it increase the flood risk on the site or elsewhere.

Environment Agency

Initially the Environment Agency objected to this planning application, because the risks to groundwater from the development are unacceptable. It was stated that the applicant had not supplied adequate information to demonstrate that the risks posed to groundwater can be satisfactorily managed. The EA therefore recommended that planning permission should be refused on this basis in line with paragraph 170 of the National Planning Policy Framework.

Further to these comments the applicant submitted a plan to show the location of the proposed trial holes. However, the EA maintained their objection based on the risks posed to groundwater. The EA stated that the invert of the lagoon could potentially be sub-water table. No trail pit information has been submitted with the application, this information is required in order to demonstrate that the lagoon excavation will be above the water table.

Based on these concerns, the applicant therefore submitted trail pit photos and a plan to show the location of the trail pits. Based on this information the Environment Agency have confirmed that their objection can be removed.

Copeland Borough Council – Scientific Officer

The Council's Scientific Officer has stated that there isn't guidance on how far slurry pits should be away from residential properties, they just need to be at least 10m from a water course. It is stated that maps show that there is a large slurry tank to the East side of Grange Farm about 65m from the nearest residential property. The Officer is not aware of any odour complaints from this existing slurry store. The footprint of new lagoon looks to be about 100m from the nearest residential properties but given the fence line and earth banking the lagoon itself will be slightly further away.

The Officer has stated that a well-managed slurry pit does not necessarily produce much in the way of odour, odour is worse when slurry is disturbed and is more commonly a problem during field spreading. However, as there is the potential for odour there should be a condition requiring an Odour Management Plan to be in place and approved prior to use of the slurry pit. The plan should include the potential odour sources on the farm, procedures in place to minimise odours and formal procedures for dealing with odour complaints. In addition to this the farm should also have a manure management plan or similar, it is likely they already have this but it would need to be updated. This

could also be conditioned.

Based on these comments the applicant has submitted an Odour Management Plan and Manure Management Plan to support this application. Based on this additional information the Council's Scientific Officer has stated that he is happy with the odour management plan submitted and from the emails from the applicant he is aware that the farm has a full manure management plan. The Officer has stated that from the submitted Odour Management Plan the new lagoon should reduce the frequency that spreading occurs, however the applicant should inform the EA of their plans at least 14 days before construction begins.

Copeland Borough Council – Flood & Coastal Defence Engineer

No comments to make on this application.

Public Representation

This application has been advertised by way of a site notice and neighbour notification letters issued to five properties. One letter of support has been received in relation this statutory notification procedure which raised the following comments:

- The proposed lagoon is more secure than the previous above ground tank system, eliminating the long term problem of deterioration from corrosion.
- The lagoon will be more easily inspected and far less likely to have any major uncontrolled leakage into any water courses.
- The proposal will limit the spreading of the slurry to two or three occasions per year which maximises the benefits of fertilising the land and minimising the occasional unpleasant odour to the neighbourhood.
- The proposal will enable spreading to take place in suitable weather windows avoiding drift and run off in wet conditions which again can be damaging to the environment.
- Over the last thirty years the applicants have been very considerate not spreading when washing is out, and always spreading downwind when possible.
- The new facility will enhance the control of the slurry.
- It would be a backward step to have smaller storage facilities and all year round spreading.

Planning Policy

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan

Copeland Local Plan 2013 – 2028 (Adopted December 2013)

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Strategic Development Principles

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM30 – Rural Buildings

Policy DM26 – Landscaping

Other Material Planning Considerations

National Planning Policy Framework (2019)

Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2035 has recently been the subject of a Preferred Options Consultation. The Preferred Options Consultation builds upon the completed Issues and Options Consultation, which finished in January 2020. Given the stage of preparation, the emerging Copeland Local Plan 2017-2035 has only limited weight in decision making, but provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the National Planning Policy Framework.

Assessment

Principle of Development

Policy ST2 of the Local Plan supports development outside of settlements, which have a proven requirement for such location, including agriculture. Policy DM30 and section 6 of the NPPF supports proposals for new agricultural buildings as long as they are well related to existing settlement or farm complexes, and do not adversely impact on local landscapes or the amenity of nearby residential properties.

As the proposal is to create a new slurry lagoon adjacent to the existing farm complex, these works are considered to be an appropriate form of development in the countryside in accordance with

Policy ST2 and DM 30 of the Local Plan.

Landscape and Visual Impact

Policy ENV5 states that the Borough's landscapes will be protected and enhanced by: protecting all landscapes from inappropriate change by ensuring that the development does not threaten or detract from the distinctive characteristics of that particular area; that where the benefits of the development outweigh the potential harm, ensuring that the impact of the development on the landscape is minimised through adequate mitigation, preferably on-site; and, supporting proposals which enhance the value of the Borough's landscapes.

The site lies in the open countryside adjacent to a number of existing buildings which form the Hamlet of Grange. The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the site as being within Sub Type 11a 'Upland Fringe - Foothills'. The key character of this area is rolling, hilly or plateau farmland and moorland. It is stated that development in these areas should ensure new farm buildings are integrated into the landscape by careful siting and design. The proposed lagoon will be located within a field directly behind a number of existing agricultural buildings. The field is located at a much lower level than the farm yard and will be bounded by an earth bund, this will therefore minimise the impact of the development on the surrounding area.

The proposal is therefore considered to comply with policies ST1, ENV5 and DM26 of the Copeland Local Plan and provision of the NPPF.

Impact on Residential Amenity

Policy ST1, DM10 and section 12 of the NPPF seeks protection of residential amenity, a high standard of design, fostering of quality places, and proposals, which respond to the character of the site.

The nearest residential properties are approximately 100m from the proposed location of the slurry lagoon. The existing farm buildings and slurry store are located in much closer proximity. The Council's Scientific Officer has stated that a well-managed slurry pit does not necessarily produce much in the way of odour, odour is worse when slurry is disturbed and is more commonly a problem during field spreading, however there is a potential for odour therefore there should be a condition requiring an Odour & Manure Management Plan to be in place and approved prior to the use of the slurry pit. Based on these comments the applicant submitted an Odour Management Plan and Manure Management Plan to support this application. The Scientific Officer has now confirmed that he is happy with the details submitted, and the Odour Management Plan confirms that the new lagoon should reduce the frequency that spreading occurs and therefore reducing the potential for odour.

The scale, design and location of the proposed development is therefore considered to be appropriate with regard to the existing farm and is unlikely to cause any demonstrable harm.

	<p>The proposal is therefore considered to comply with policies ST1, and DM10 of the Copeland Local Plan and provision of the NPPF.</p> <p><u>Conclusion</u></p> <p>The proposal is considered to be an acceptable form of sustainable development which is compliant with policies of the Copeland Local Plan and the provisions of the NPPF.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Condition(s):</p> <ol style="list-style-type: none"> 1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission. <p>Reason</p> <p>To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p> <ol style="list-style-type: none"> 2. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:- <ul style="list-style-type: none"> - Location Plan, received by the Local Planning Authority on the 7th August 2020. - Site Plan, Scale 1:250, received by the Local Planning Authority on the 7th August 2020. - Section Drawing (Amended), received by the Local Planning Authority on the 31st August 2020. - Trail Pit Locations (Amended), Scale 1:250, received by the Local Planning Authority on the 28th October 2020. - Extra Trail Pit Locations, Scale 1:250, received by the Local Planning Authority on the 9th October 2020. - Odour Management Plan, received by the Local Planning Authority on the 10th November 2020. - Manure Management Plan, received by the Local Planning Authority on the 10th

November 2020.

Reason

To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

3. The development hereby permitted must be carried out in accordance with and implement all of the detail and mitigation measures set out within the following approved documents:

- Odour Management Plan, received by the Local Planning Authority on the 10th November 2020.
- Manure Management Plan, received by the Local Planning Authority on the 10th November 2020.

These measures should be retained at all times thereafter.

Reason

For the avoidance of doubt and to ensure that adequate measures are incorporated to protect the surrounding land and neighbours.

Informative:

The application should inform the Environment Agency of their plans 14 days prior to construction begins.

Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

Case Officer: C.Burns

Date : 09.12.2020

Authorising Officer: N.J. Hayhurst

Date : 09/12/2020

Dedicated responses to:-