

**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/20/2338/OF1
2.	Proposed Development:	FORMATION OF A SLURRY LAGOON
3.	Location:	THREAPTHWAITE FARM, BOWTHORN ROAD, CLEATOR MOOR
4.	Parish:	Arlecdon and Frizington
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations &Policy	Neighbour Notification Letter: YES Site Notice: YES Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: Site and Location This application relates to Threapthwaite Farm, a small complex of buildings which are situated to the north east of Cleator Moor. Proposal This application seeks planning permission to form an earth banked slurry lagoon to the east of the existing farm buildings on the site. The proposed slurry lagoon will measure approximately 50m x 50m and have an access ramped gradient from impermeable well graded soil with 20-30% clay content and 250mm topsoil sown with grass mix. It will be overlaid with plastic mesh and the slurry lagoon will have an impermeable cover. Consultation Responses	

Arelcdon and Frizington Parish Council

No objections.

Environment Agency

No objections.

Flood and Coastal Drainage Engineer

No comments to make.

Scientific Officer

There isn't guidance on how far slurry pits should be away from residential properties, they just need to be at least 10m from water courses. The farm will need to inform the Environment Agency about the proposal, this needs to be at least 14 days before construction starts but the sooner the better.

Plans already show that there is a slurry bed on the East side of Threapthwaite Farm about 160m from Rheda Terrace. I'm not aware of any odour complaints from the existing slurry store. The footprint of the new lagoon is stated as being 115m from Rheda Terrace but given the fence line and earth banking the lagoon itself is more likely to be 125-130m away.

It appears that the lagoon would be further from properties if moved to the north of the farm, however there are numerous field drains and watercourses in this area so it is likely to be less suitable for slurry storage.

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.

Further to the receipt of a planning statement, odour and management plan and landscaping plan, the following comments were received:

I have looked at the additional information and the Odour Management Plan and the Manure Management Plan seem reasonable. There is a slight typo in the Mixing/Stirring/Spreading, Present Method section of the Odour Management Plan, the text '...a minimum of 2 days per annum...' can be removed.

I would also note that the proposed landscaping and planting will also provide additional protection

to the residents of Rheda Terrace.

Public Representation

This application has been advertised by way of a site notice and neighbour notification letters issued to twelve properties.

Objection letters have been received from 6 properties in relation this statutory notification procedure which raised the following comments:

- The proposed slurry lagoon will emit noxious gases directly towards Rheda Terrace;
- The slurry spreading attracts flies;
- The site will not be screened;
- The lagoon will be close to a natural spring which may cause a leak onto the road and surrounding area;
- There has not been an environmental impact assessment submitted;
- A fully contained above ground storage should have been considered;
- Will the slurry lagoon be big enough or is it likely to be extended?
- Concerns for human health due to the decomposition of manure;
- An odour impact assessment and management plan should be submitted;
- Concerns about digging near existing electricity lines;
- Concerns that the methane build up will explode the electricity cables;
- Potential impacts on the mains sewer pipe.

Reconsultation on Additional Details

The local residents were reconsulted on the additional details submitted by the application relating to the planning statement, odour and management plan and landscaping plan.

No objections were received in response to this further consultation.

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 DM30 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 Threapthwaite Farm on the eastern extreme of

	<p>Cleator Moor. The proposed lagoon will be located within a field directly adjacent to a number of existing agricultural buildings. The slurry lagoon will be bound by an earth bund and climb resistant fence therefore minimising the impact of the development on the surrounding area. Concerns were raised in relation to the slurry pit being highly visible within the surrounding area and especially from Rheda Terrace. In response, the Applicant provided a landscaping plan to show a highly planted area to the south and east of the slurry lagoon to shield it from view.</p> <p>The proposal is therefore considered to comply with policies ST1, ENV5 and DM26 of the Copeland Local Plan and provision of the NPPF.</p> <p><u>Impact on Residential Amenity</u></p> <p>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.</p> <p>The nearest residential properties are approximately 100m from the proposed location of the slurry lagoon. The existing farm buildings and slurry store are located further away. 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 an odour management plan should be submitted. Based on these comments and the concerns raised by the local residents, the applicant provided further information including an odour management plan and manure management plan and agreed to the addition of an impermeable cover. The Scientific Officer is satisfied 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. Furthermore, a re-consultation was undertaken with the local residents to include the planting, management and cover details and no objections were received.</p> <p>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> <p>On this basis, the proposal is 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 and all objections have been satisfied. Conditions can be imposed to mitigate the impact of the development on residential amenity within the locality.</p>
8.	<p>Recommendation: Approve (commence within 3 years)</p>

9.	<p>Conditions:</p> <p>1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</p> <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> <p>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: -</p> <p>Site Location Plan, scale 1:2500, received 7th September 2020; Proposed Slurry Lagoon Site Plan, scale 1:500, drawing number P001/002 RevB, received 27th April 2021; Slurry Lagoon Sections, scale 1:100, drawing number P001/001 RevB, received 27th April 2021; Manure Management Plan, written by Tom Benson, received 9th March 2021; Odour Management Plan, written by PFK, received 9th March 2021; Planning Statement, written by PFK, received 9th March 2021; Proposed Planting Plan, drawing number 1.01, received 9th March 2021.</p> <p>Reason</p> <p>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.</p> <p><u>Prior To First Use Conditions</u></p> <p>3. Prior to the first use of the slurry lagoon hereby approved, an impermeable cover must be provided and utilised in accordance with details submitted to and approved in writing by the Local Planning Authority. The cover must remain on the slurry lagoon at all times thereafter.</p> <p>Reason</p> <p>In order to ensure the amenity of the local residents is not negatively affected and to reduce any issues with odour in accordance with Policy ST1 and DM30 of the Copeland Local Plan.</p> <p>4. Prior to the first use of the Slurry Lagoon hereby approved, planting and screening must be undertaken in accordance with the landscaping plan submitted, "proposed planting plan, drawing number 1.01, received 9th March 2021". Planting and landscaping must be retained as such at all times thereafter.</p>
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	<p>Reason</p> <p>In order to ensure that the development is well screened and in accordance with Policies DM26 and DM30 of the Copeland Local Plan.</p> <p><u>Other conditions</u></p> <p>5. Development must be carried out and managed at all times in accordance with the Odour Management Plan and Manure Management Plan, submitted to the Local Planning Authority on 9th March 2021.</p> <p>Reason</p> <p>In order to ensure the amenity of the neighbouring properties in accordance with Policy DM30 of the Copeland Local Plan.</p> <p>Informative</p> <p>The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.</p> <p>Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority</p> <p>Statement</p> <p>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.</p>	
<p>Case Officer: Sarah Papaleo</p>		<p>Date : 23/06/2021</p>
<p>Authorising Officer: N.J. Hayhurst</p>		<p>Date : 23/06/2021</p>
<p>Dedicated responses to:- N/A</p>		