

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED).

NOTICE OF GRANT OF PLANNING PERMISSION

Summit Town Planning  
Apartment 1  
Devonshire Chambers  
8 Devonshire Street  
Carlisle  
CA3 8AD  
FAO Rachel Lightfoot

**APPLICATION No: 4/21/2465/0B1**

**VARIATION OF CONDITION 3 OF PLANNING APPROVAL 4/20/2338/0F1 FORMATION OF A  
SLURRY LAGOON RELATING TO REQUIREMENT FOR IMPERMEABLE COVER  
THREAPTHWAITE FARM, BOWTHORN ROAD, CLEATOR MOOR**

**Donaldson Dairy**

The above application dated 21/10/2021 has been considered by the Council in pursuance of its powers under the above mentioned Act and PLANNING PERMISSION HAS BEEN GRANTED subject to the following conditions:

1. The development hereby permitted must be commenced before the expiration of three years from the 23<sup>rd</sup> June 2021.

Reason

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

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: -

Site Location Plan, scale 1:2500, received 7<sup>th</sup> September 2020;  
Proposed Slurry Lagoon Site Plan, scale 1:500, drawing number P001/002 RevB, received 27<sup>th</sup> April 2021;  
Slurry Lagoon Sections, scale 1:100, drawing number P001/001 RevB, received 27<sup>th</sup>

April 2021;

Manure Management Plan, written by Tom Benson, received 9<sup>th</sup> March 2021;

Odour Management Plan, written by PFK, received 9<sup>th</sup> March 2021;

Planning Statement, written by PFK, received 9<sup>th</sup> March 2021;

Proposed Planting Plan, drawing number 1.01, received 9<sup>th</sup> March 2021;

Covering letter, written by Summit Planning, received 21<sup>st</sup> October 2021;

Supporting Statement, written by BOS Associates, received 21<sup>st</sup> October 2021;

Odour Management Plan, written by Summit Planning, received 4<sup>th</sup> April 2022;

Covering letter additional information, written by Summit Planning received 4<sup>th</sup> April 2022.

#### 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. Prior to 31<sup>st</sup> January 2023 an impermeable cover must be provided and utilised in accordance with details approved by the local planning authority. The cover must remain on the slurry lagoon at all times thereafter.

#### Reason

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.

#### Prior Use Condition

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 9<sup>th</sup> March 2021". Planting and landscaping must be retained as such at all times thereafter.

#### Reason

In order to ensure that the development is well screened and in accordance with Policies DM26 and DM30 of the Copeland Local Plan.

#### Other Conditions

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 9<sup>th</sup> March 2021 and the Odour Management Plan and covering letter received on 4<sup>th</sup> April 2022.

#### Reason

In order to ensure the amenity of the neighbouring properties in accordance with Policy DM30 of the Copeland Local Plan.

## **Informatives**

1) 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.

Further information is also available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

2) The applicant is advised to review the existing on-farm slurry and manure storage and ensure compliance with the SSAFO Regulations. You must inform the Environment Agency of a new, reconstructed or enlarged slurry store, silage clamp or fuel store at least 14 days before starting any construction work. The notification must include the type of structure, the proposed design and construction. Further guidance, including how to calculate capacity, is available at: <https://www.gov.uk/guidance/storing-silage-slurry-and-agricultural-fuel-oil>

Any proposals for earth-banked slurry lagoons will require an impermeable clay base to a minimum depth of one metre. To ensure compliance with SSAFO, applicants will need to provide us with details of percolation tests to demonstrate that the ground conditions at the base of the lagoon are appropriate. Where percolation tests show that the soil or underlying ground is not suitable, it will be necessary to use a synthetic material or import impermeable soils to act as a liner for the lagoon. The earth banked walls will also need sampling as sufficient clay soils (not less than 20% and no more than 30% clay content) are required to make the banks stable. The lagoon should be sited sufficiently far away from any watercourses and land drains.

If you would like to discuss the proposed development in relation to compliance with the SSAFO regulation, please contact us by e-mail at [AgricumbandLancs@environment-agency.gov.uk](mailto:AgricumbandLancs@environment-agency.gov.uk)

## 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 a variation of conditions in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

Please read the accompanying notice

A handwritten signature in black ink, appearing to read 'N. S. Hayman' followed by a stylized flourish.

PP Pat Graham  
Chief Executive

23<sup>rd</sup> May 2022

**APPROVALS**  
**(OUTLINE, FULL RESERVED MATTERS & HOUSEHOLDER)**

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)  
ORDER 2015

PART 2

TOWN AND COUNTRY PLANNING ACT 1990

**Appeals to the Secretary of State**

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.  
If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#).

**Purchase Notices**

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part V1 of the Town and Country Planning Act 1990.