

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2057/0F1
2.	Proposed Development:	TO DIG OUT A 110 X 40M SLURRY LAGOON. THE LAGOON WILL BE LINED WITH AN APPROPRIATE THICK LINER AND ALSO COVERED TO MINIMISE ANY LOSSES TO THE ENVIRONMENT
3.	Location:	WATSON HILL, EGREMONT
4.	Parish:	Egremont
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, Preferred Route Corridor - Within Preferred Route Corridor, Outer Consultation Zone - Sellafield 10KM
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	The application relates to Watson Hill Farm, located to the west of Egremont. The site is accessed by a single track off Grove Road and benefits from a number of agricultural buildings.

PROPOSAL

Planning Permission is sought to dig out a slurry lagoon within a field directly adjacent to the existing farm buildings on the site.

The proposed slurry lagoon will measure approximately 110m x 40m and it will be lined with a grey 'FECATEX 1.0mm PVC FOIL' lining under a protective felt and it will include an impermeable floating grey cover 'GENATEX 920 REINFORCED PVC FOIL COMPLETE WITH 7No FLOATERS (930x930x265mm)' to minimise any losses to the environment.

RELEVANT PLANNING APPLICATION HISTORY

There have been several planning applications for agricultural developments within the site.

CONSULTATION RESPONSES

Egremont Town Council

No objections as long as there are full safety regulations in place and these are followed.

There was concern about the size and the risk of someone falling in.

Councillors also asked if the slurry storage lagoon was sectional, again due to the overall size, in that if one area of the lagoon leaked for instance, not all of the lagoon would be affected.

Environment Agency

No objection.

Highway Authority and Lead Local Flood Authority

No objections.

Flood and Coastal Defence Engineer

Confirmed no comments to make.

Environmental Health

No objections.

Regarding the obvious issue of potential smell nuisance from the slurry lagoon, it has been noted from past experience that a hard crust is quickly developed on the slurry liquid, that helps to stop foul smells from being emitted.



Cumberland Council

The slurry liquid should otherwise be covered with a weatherproof plastic liner.

Given that the nearest odour-sensitive residential dwelling is approximately 330 metres distant to the north of the site, the Environmental Health team would not require any further covering on the lagoon than the liner.

The chance of odour dispersion is most likely when the slurry lagoon is filled or emptied and the surface crust may be broken.

In this instance, an odour management plan is requested as a planning condition to any approval granted –

- Before any use of the development, an Odour Management Plan shall be submitted to, and approved, in writing by the Local Planning Authority. The approved odour management plan shall be complied with throughout the duration of the use.

Reason: To safeguard the amenity of nearby premises and the area generally.

Public Representations

The application has been advertised by way of site notice and neighbour notification letters issued to 2 no. properties - No objections have been received as a result of the consultation.

PLANNING POLICIES

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

Development Plan

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria.

Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited the local development plan documents continue to apply to the geographic area of their sovereign Councils only.

The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.

Copeland Local Plan 2013 – 2028 (Adopted December 2013):

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ENV1 – Flood Risk and Risk Management

Policy ENV5 - Protecting and Enhancing the Borough's Landscape

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM24 – Development Proposals and Flood Risk

Policy DM26 - Landscaping

Policy DM30 – Rural Buildings

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Cumbria Landscape Character Guidance and Toolkit (CLCGT)

Emerging Copeland Local Plan (ELP):

Cumberland Council are continuing the preparation and progression to adoption of the emerging Copeland Local Plan 2017-2038.

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been examined by the Planning Inspector and their report on the soundness of the plan currently remains awaited.

As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the NPPF.

Given the stage of preparation of the emerging Copeland Local Plan 2017-2038 some weight can be attached to policies where no objections have been received or objections have been resolved. The Publication Draft (January 2022) and Addendum (July 2022) 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 NPPF.

The following policies are relevant to this proposal:

Policy DS1PU – Presumption in favour of Sustainable Development

Policy DS6PU – Design and Development Standards

Policy RE1PU – Agricultural Buildings

ASSESSMENT

The key issues raised by this proposal are the principle of development, its scale and design, the landscape and visual impact, the impact on residential amenity and flood risk.

Principle of Development

Policy ST2 of the Local Plan supports development outside of settlements, which have a proven requirement for such location, including agriculture related development. 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.

Scale and Design

Policy ST1 and section 12 of the NPPF seek to promote high quality designs. Policy DM10 seeks to ensure high standards of design are maintained, with appropriate scale and materials, responding to the character of the site.

Concerns regarding the size of the slurry lagoon and safety measures relating to the possibility of someone falling in or if the lagoon leaks were received from the Town Council. There are no public right of way in the field so this should reduce the risk of someone falling in and the applicant has confirmed the site will be secure. The proposal will also include lining under a protective felt and therefore this mitigates the leaking concerns.

The Environment Agency raised no objections as long as the development complies with Environmental Regulations. These details have been passed onto the applicant.

Overall, the scale and design of the proposed structure is considered to be appropriate in relation to the existing farm. It will be dug into the ground, and it will be screened by existing walls and hedges. The use of dark grey materials will also ensure the development relates well to the existing farm buildings.

On this basis, the proposal is considered to comply with Policies ST1 and DM10.

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 Watson Hill Farm complex and the proposed lagoon will be located within a field directly adjacent to a number of existing agricultural buildings. The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the site as being within Sub Type 5b – 'Lowland – Low Farmland', which includes an intensively farmed agricultural land. The CLCGT seeks to conserve and enhance the well-maintained working landscape.

The development is considered to be suitably located adjacent to the existing farm complex and it ensures the character of the area is not eroded with development away from the traditional farmstead. The proposal will be dug into the ground and given the existing topography and the location of the existing boundary walls and hedges it is considered that the proposal will not be excessively visible from the surrounding fields. This will minimise the impact of the development on the surrounding landscape in accordance with the vision in the CLCGT.

Overall, the works are not considered to have a significant impact on the character and appearance of the landscape or result in a significant intrusion into the open countryside. The proposal is therefore considered to comply with Policies ST1, ENV5 and DM26 of the Copeland Local Plan and provision of the CLCGT.

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 closest residential dwelling is approximately 300 metres away from the proposed location of the slurry lagoon. In addition, due to the relationship with the existing farm buildings and existing hedges along the boundary, the proposed structure will be well screened. Although there will be a potential for smell nuisance from the slurry lagoon, the proposed cover is considered to be suitable mitigation and therefore this installation can be secured by the use of a planning condition.

The Council's Environmental Health Officer also stated the chance of odour dispersion is most likely when the slurry lagoon is filled or emptied and the surface crust may be broken. In this instance, as there is a potential for odour, it is requested that an odour management plan is submitted, prior to the use. This can be secured by the use of a planning condition to

	<p>protect residential amenity and the general amenity of the area.</p> <p>On this basis, the proposal is unlikely to cause any demonstrable harm and it is considered to comply with Policies ST1, and DM10 of the Copeland Local Plan and provision of the NPPF.</p> <p><u>Flood Risk</u></p> <p>The NPPF and Policy DM24 seek to protect developments against risks of flooding.</p> <p>The proposal is relatively modest in scale and the LLFA have confirmed the proposal is not considered to increase flood risk within the site or elsewhere.</p> <p>On this basis, the proposal is considered to meet Policy DM24 and the NPPF guidance.</p> <p><u>Planning Balance and Conclusion</u></p> <p>This application seeks to construct a slurry lagoon adjacent to the existing farm buildings. The main issue raised by the application was the scale of the development and the potential impacts on the landscape character and residential amenity.</p> <p>It is considered to be suitable in scale and given the significant separation distances and existing boundary treatments, the proposal will have little impact on the landscape and visual impact and flood risk. In the interest of residential amenity and the general amenity of the area, the slurry cover installation and an Odour Management Plan can be secured by the use of a planning condition.</p> <p>Overall, the potential harm will not significantly and demonstrably outweigh the identified benefits of the development and therefore the proposal is considered to be an acceptable form of development which accords with the policies set out within the adopted Local Plan and the guidance in the NPPF.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <p><u>Standard Conditions</u></p> <ol style="list-style-type: none"> 1. The development hereby permitted must commence before the expiration of three years from the date of this permission. <p>Reason</p>

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

2. This permission relates to the following plans and documents as received on the respective dates and development must be carried out in accordance with them: -

Application Form, received 28th February 2023;

Site Location Plan and Site Block Plan, scale 1:2500 and 1:500, drawing 001 Mod A, received 28th February 2023;

Aerial View of the Proposed Lagoon Site, received 28th February 2023;

Proposed Plans of the Slurry Lagoon, scale 1:500 and 1:200, drawing 002 Mod A, received 28th February 2023.

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.

Prior To Use Conditions

3. Prior to the first use of the slurry lagoon hereby approved, an impermeable dark-grey 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.

4. Prior to the first use of the slurry lagoon hereby approved, an Odour Management Plan shall be submitted to, and approved, in writing by the Local Planning Authority. The approved odour management plan shall be complied with throughout the duration of the use.

Reason

In order to safeguard the amenity of the nearby properties and the general area in accordance with Policy DM30 of the Copeland Local Plan.

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. Unsworth

Date : 21/04/2023

Authorising Officer: N.J. Hayhurst

Date : 21/04/2023

Dedicated responses to:- N/A