

## **CUMBERLAND COUNCIL DELEGATED PLANNING DECISION**

1.	<b>Reference No:</b>	4/25/2362/0F1
2.	<b>Proposed Development:</b>	CONSTRUCTION OF A NEW 465SQM AGRICULTURAL BUILDING TO PROVIDE A COVERED SLURRY STORE
3.	<b>Location:</b>	LOW SHAW FARM, THE GREEN, MILLOM
4.	<b>Parish:</b>	Millom Without
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Flood Area - Flood Zone 3, Coal - Off Coalfield - Data Subject To Change, Key Species - Known Sites for Natterjack Toads
6.	<b>Publicity Representations &amp; Policy</b>	See report.
7.	<b>Report:</b>  <b>SITE AND LOCATION</b>  The application site relates to Low Shaw Farm, a working farm located within The Green, Millom.  The farm consists of a number of existing agricultural buildings of various sizes, and ages. The site is located within Flood Zones 2&3.  <b>PROPOSAL</b>  The application seeks planning permission for the erection of a new 465 square metre agricultural building to provide a covered slurry store for the farm.  The building will measure 30 metres x 15 metres with an eaves height of 3.7 metres and an overall height of 5.9 metres.	

It will be finished with aged vertical Yorkshire board concrete panels, Yorkshire boarding and metal clad doors. The roof will be covered with cement fibre natural grey corrugated roofing sheets.

## **RELEVANT PLANNING HISTORY**

4/25/2236/0F1 CONSTRUCTION OF A 465SQM EXTENSION TO AN EXISTING AGRICULTURAL BUILDING TO PROVIDE A GENERAL PURPOSE & COVERED MANURE STORE – Approve

4/24/2014/0N1 PRIOR NOTIFICATION APPLICATION FOR CONCRETING OF YARDS – Approve

4/23/2167/0F1 ERECT MILKING PARLOUR/DAIRY BUILDING; INSTALL BULK FEED TOWER; REMOVE PART OLD BYRE AND RECONCRETE AREA - Approve

4/21/2218/0F1 ERECT CATTLE CUBICLE BUILDING INCLUDING UNDERFLOOR SLURRY STORE - Approve

## **CONSULTATION RESPONSES**

### Millom Without Parish Council

With Reference to the above planning application, at the meeting of the Parish Council held on 3 November 2025, the council resolved to support this application.

### Highways & Local Lead Flood Authority

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm that we have no objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere.

### Environmental Health

There are no objections to this proposed development from Environmental Health. The covered manure store should help to reduce manure run-off that can potentially increase pollution levels to water courses and the River Duddon estuary.

The CPRE's Dark Skies Map for England shows this location to be less affected by artificial light pollution, and so any external artificial light provision should be sensitive to this.

Planners may wish to consider whether a condition on this is required:

- Artificial Lighting (External) Artificial light to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental



**Cumberland  
Council**

Zone E2 contained within the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting GN01:2021.

Reason: To safeguard the amenities of nearby residential occupiers and reduce light pollution.

#### Environment Agency

We have no objections to the development as proposed, however we do wish to make the following comments:-

#### **Flood Risk**

The planning application is accompanied by a Flood Risk Assessment (FRA) prepared by Rubicon Project Consultancy Ltd (dated: 8 October 2025).

We have reviewed the FRA in so far as it relates to our remit, and we are satisfied that the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented. The proposed development must proceed in strict accordance with this FRA and the mitigation measures identified as it will form part of any subsequent planning approval. Any proposed changes to the approved FRA and / or the mitigation measures identified will require the submission of a revised FRA.

#### **SSAFO Regulations**

The proposed development must fully comply with the terms of the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (SSAFO) Regulations 2010.

The applicant should also ensure the proposed development supports compliance with:

- The Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018 known as Farming Rules for Water (FRfW)
- The Environmental Permitting (England and Wales) Regulations 2016 (EPR)
- The Nitrate Pollution Prevention Regulations 2015 (NVZ)

Environmental good practice advice is available in The Code of Good Agricultural Practice (COGAP) for the protection of water, soil and air (produced by DEFRA).

Any agricultural development that will result in an increase in cattle numbers or water usage may adversely impact the storage of waste waters, slurry and other polluting matter.

The applicant is advised to consider both the proposed development and existing on farm slurry and manure storage to ensure compliance with the regulations (SSAFO, FRfW, EPR, NVZ).

As a condition of SSAFO, the applicant must notify the Environment Agency of a new, reconstructed or enlarged slurry store, silage clamp or fuel stores at least 14 days before starting any construction work. The notification must include the type of structure, the proposed design and construction.

If the applicant intends to apply for a grant under the Farming Investment Fund – Slurry Infrastructure grant the proposed development must also fully comply with the grant scheme rules, found at - Slurry Infrastructure grant. In this case the SSAFO notification to the Environment Agency will be satisfied by the submission of the grant application form.

#### Natural England

Natural England advises that the potential for air quality impacts arising from this development needs to be assessed. Natural England refers your authority to Standing Advice 'Air pollution and development: advice for local authorities. How to assess sector-specific planning applications that could affect air quality on a protected site'.

Based on the plans submitted, no other environmental impacts have been identified that will have significant impacts on statutory protected sites

#### Cumberland Council Ecologist

No development hereby permitted shall commence until:

- a) a Biodiversity Gain Plan has been submitted to the planning authority demonstrating a 10% net gain,
- b) the planning authority has approved the plan in writing,
- c) the onsite habitat provision is accompanied by a Habitat Management and Monitoring Plan in place for 30 years as the gains here constitute 'Significant On-site Gains', this monitoring plan is to be accepted by the council and,
- d) Monitoring results are to be programmed to be submitted to the council. These should include evidence demonstrating how BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed. The development shall be carried out in accordance with the approved plans.

#### Public Representations

The application has been advertised by way of a site notice. No representations have been received as a result of this consultation process.

### **PLANNING POLICIES**

Planning law requires that 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



**Cumberland  
Council**

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 2021 - 2039 (LP):**

Cumberland Council continued the preparation of the LP as commenced by Copeland Borough Council. The LP was adopted by Cumberland Council on the 5th of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2001- 2016.

The following policies are relevant to this proposal:

Strategic Policy DS1: Settlement Hierarchy

Strategic Policy DS2 – Settlement Boundaries

Policy DS4 – Design and Development Standards

Strategic Policy DS6 – Reducing Flood Risk

Policy DS9: Protecting Air Quality

Policy RE1 – Agricultural Buildings

Strategic Policy N1 – Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N3 – Biodiversity Net Gain

Strategic Policy N6 – Landscape Protection

#### **Other Material Planning Considerations**

National Planning Policy Framework (NPPF)

Cumbria Development Design Guide

Conservation of Habitats and Species Regulations 2017 (CHSR)

The Wildlife and Countryside Act 1981

Cumbria Landscape Character Guidance and Toolkit (CLCGT)

#### **ASSESSMENT**

The key issues raised by this proposal are the principle of development, its siting, scale, design and impact on residential amenity, the landscape and visual impact, flood risk and drainage, air quality and impacts on ecology and biodiversity.

#### **Principle of Development**

Policy DS2 of the Copeland Local Plan supports development outside of settlements, which have a proven requirement for such location, this includes agriculture related developments.

The proposal relates to an existing farmstead, and it will provide a slurry store to support ongoing farming operations at the site.

Policy RE1 supports new agricultural buildings subject to detailed criteria, which is set out below.

On this basis, the principle of the development is acceptable, and the building satisfies Policies DS2 and RE1 of the Local Plan and the NPPF guidance.

#### Siting, Scale and Design

Scale and Design Policy DS4 and section 12 of the NPPF seek to promote high quality designs.

Policy RE1 states proposals for new agricultural buildings will be permitted as long as they are of appropriate scale and design and do not result in adverse visual impacts or unacceptable harm to the landscape character or the amenity of nearby residential properties.

The proposed building will cover an area of 465 square metres to provide a covered slurry store for the farm. The building will measure 30 metres x 15 metres and has been designed with a dual pitch roof, with an eaves height of 3.7 metres, and an overall height of 5.9 metres.

The scale and design of the proposed building is considered to be appropriate with regards to the existing farm buildings that are already located on site.

It will be finished with aged vertical Yorkshire board concrete panels, Yorkshire boarding and metal clad doors with a cement fibre natural grey corrugated roof.

The design of the structure and the proposed materials reflect the existing buildings and character of the farm. In addition, the use of similar materials is considered acceptable and are appropriate for their use.

On this basis, the proposal is considered to comply with Policies DS4 and RE1 of the Local Plan.

#### Residential Amenity

Policy RE1 and section 12 of the NPPF seek to safeguard good levels of residential amenity.

The proposal site cannot be seen from the Highway, however, may be seen from the PRoW 416024 which is located approx. 200m to the South and the East of the site.

The application site sits at a lower level than the neighbouring properties therefore, given the appropriate separation distances and the existing land levels on the site, it is considered that the proposal would not create unacceptable dominance or impact upon neighbouring properties.



**Cumberland  
Council**

No concerns have been raised as a result of the site notice displayed, and Environmental Health have raised no objections, however they have suggested that a condition for lighting be considered given the fact it is located in an area where dark skies could be affected. Although this request is noted it is not deemed reasonable to condition this building as the other buildings on the site are not subject to the same conditions.

On this basis, residential amenity issues are considered to be minimal and therefore the proposal is considered to satisfy Policy RE1 and the NPPF.

#### Landscape and Visual Impact

Strategic Policy N6 states that landscapes will be protected and enhanced by ensuring that development proposals are assessed according to whether the proposed structures and associated landscaping relate well in terms of visual impact, scale, character, amenity value and local distinctiveness.

The development is considered to be suitably located within the existing farmstead, and it is to be located adjacent to existing farm buildings which will ensure that the character of the area is not eroded with development away from the traditional farmstead.

The proposed materials are to be in keeping with the existing buildings and therefore this will minimise the impact of the development on the surrounding landscape.

Overall, the works are not considered to have a significant impact upon the visual amenity of the site and surrounding area, or the character and appearance of the landscape.

The proposal is therefore considered to comply with Strategic Policy N6 of the Copeland Local Plan.

#### Flood Risk & Drainage

Policy DS6 seeks that development will not be permitted where: there is an unacceptable risk of flooding and or, the development would increase the risk of flooding elsewhere.

Policy DS7 requires that surface water is managed in accordance with the national drainage hierarchy and includes Sustainable Drainage Systems where appropriate.

The application site is located within Flood Zone 2 and 3. The application is therefore supported by a Flood Risk Assessment.

The proposed slurry store has been designed to include concrete panels extending approximately 1m from the ground around the perimeter at ground level, except for the openings for access. The existing ground levels at the site are at approximately 5.5m AOD for the Slurry store.

Tidal flood risk will always remain at the site due to its location; however, the FRA confirms that the farm benefits from the tidal defences of the Duddon Estuary embankment. It is stated in the FRA that over the lifetime of the development any increase in flood risk will be

managed by the landowners. The new buildings will be added to the existing soakaway system and maintained by the landowner.

It is therefore considered that the development would be acceptable without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented.

Whilst the Environment Agency offered no objections to the proposal, they recommended that the proposed development must proceed in strict accordance with this FRA submitted, and the mitigation measures identified. Any proposed changes to the approved FRA and / or the mitigation measures identified will require the submission of a revised FRA. This can be controlled by an appropriately worded planning condition.

On this basis, the proposal is therefore considered to achieve the requirement of Policies DS6 and DS7 of the Copeland Local Plan, and the NPPF.

#### Impact on Biodiversity and Ecology

Policy N1 of the ELP seeks to ensure that new development will protect and enhance biodiversity and geodiversity and defines a mitigation hierarchy.

Policy N3 requires that all development, with the exception of that listed in the Environment Act must provide a minimum of 10% biodiversity net gain over and above existing site levels, following the application of the mitigation hierarchy set out in Policy N1. This is in addition to any compensatory habitat provided under Policy N1. It is stated net gain should be delivered on site where possible and where on-site provision is not appropriate, provision must be made elsewhere in accordance with a defined order of preference. In England, BNG is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Applications must now deliver a Biodiversity Net Gain of 10%, resulting in more or better-quality natural habitat than there was before the development. Some developments are however except from these BNG requirements.

The Council's ecologist has recommended a BNG condition is imposed on the decision notice to ensure that a 10% net gain is met and that a Habitat Management and Monitoring Plan ensures onsite habitat provisions are met.

The application site is identified as a potential area for natterjack toads. Although the application site is located within 200m of a watercourse (as indicated within the ALGE trigger list), the proposed structure will be located on an area of hardstanding and is therefore not considered to significantly impact existing habitats.

On the basis of the above it is considered that this is not a habitat that is likely to contain natterjack toads and so it would not be necessary to seek an ecological survey for this minor application. However, the Council's Ecologist has recommended a condition to ensure a Habitat Management and Monitoring Plan is submitted.

On this basis, it is therefore considered that given the conditions proposed, the development will comply with Policies N1 and N3 of the Copeland Local Plan and the NPPF guidance.

### Air Quality

Policy DS9 seeks that development will only be granted where it does not give rise to unacceptable levels of air pollution.

The application seeks permission for the construction of a new 465SQM agricultural building to provide a covered slurry store.

As the slurry store is proposed to be enclosed on 3 elevations with vertical Yorkshire board concrete panels, with a cement fibre natural grey corrugated roof, the slurry will be contained which will help to control odorous gases like ammonia and would minimise nuisance smells compared to an open slurry store.

The proposal site cannot be seen from the Highway, and the nearest property to the South 'The Old Pump House' is located approx. 1,000 metres away, and to the West 'Low Arnaby Cottage' is located approx. 1,200 metres away. There are no immediate residential properties to The North or the East. The slurry store may be seen from the PRoW 416024 located approx. 200m to the South and the East of the site.

However, given the large separation distances between the proposed slurry store and the nearest neighbouring properties and the PRoW, it is considered that the development will not give rise to unacceptable levels of air pollution.

Environmental Health raised no objections to the proposal and Natural England issued Standing Advice in their consultation response to the proposal.

On this basis, the development is considered to comply with Policy DS9 of the Copeland Local Plan.

### Planning Balance & Conclusion

This application seek permission for the construction of a new 465 square metre agricultural building to provide a covered slurry store to support works at Low Shaw Farm.

The proposed development is considered to be appropriate in scale and design and given the separation distances to the closest residential property, will not have an adverse impact on residential amenity.

The use of an appropriately worded planning condition will protect Ecology and Biodiversity Net Gain.

The proposal will not have any detrimental impacts upon the landscape and visual impact or flood risk and drainage.

The proposal is therefore considered to be an acceptable form of development which is compliant with policies of the Copeland Local Plan and the provisions of the NPPF.

### **8. Recommendation:**

Approve (commence within 3 years)

9.	<p><b>Conditions:</b></p> <p><u>Standard Conditions</u></p> <ol style="list-style-type: none"> <li>1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</li> </ol> <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"> <li>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"> <li>- Application Form, received 15<sup>th</sup> October 2025;</li> <li>- Site Location Plan, scale 1:250, drawing 25-02-P-L2, received 15<sup>th</sup> October 2025;</li> <li>- Proposed Site Plan, scale 1:500, drawing 25-02-P-001 received 15<sup>th</sup> October 2025;</li> <li>- Proposed Elevations, scale 1:100, drawing 25-02-P-07, received 15<sup>th</sup> October 2025;</li> <li>- Proposed 3D Sketches, drawing 25-02-P-08, received 15<sup>th</sup> October 2025;</li> <li>- Flood Risk Assessment, received 15<sup>th</sup> October 2025;</li> <li>- Biodiversity Net Gain Assessment and Planting Plan – Report 0625/3, received 15<sup>th</sup> October 2025.</li> </ul> </li> </ol> <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>Flood Risk Mitigation</u></p> <ol style="list-style-type: none"> <li>3. The development shall be carried out in accordance with the details and mitigation measures set out in the Flood Risk Assessment prepared by Rubicon Project Consultancy, dated October 2025.</li> </ol> <p>Reason</p>
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To ensure development would be safe without exacerbating flood risk elsewhere in accordance with Policy DS6 of the adopted Copeland Local Plan 2021-2039.

#### Biodiversity Net Gain

4. No development shall commence until a Habitat Management and Monitoring Plan has been submitted to and approved in writing by the Local Planning Authority.

The Habitat Management and Monitoring Plan shall include the following:

- i. A detailed scheme of habitat creation and habitat enhancement works that demonstrate the delivery of a minimum 10% net gain in biodiversity value post development over a minimum period of 30 years.
- ii. Planned management activities including details of site-wide aims and objectives.
- iii. Details of the persons and organisation(s) responsible for delivery of the habitat creation and habitat enhancement works.
- iv. The habitat condition targets that form the basis of what the Habitat Management and Monitoring Plan is setting out to achieve.
- v. Details of monitoring methods and a monitoring reporting schedule.
- vi. Details of adaptive management approaches.

#### Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of Strategic Policy N3 of the Copeland Local Plan 2021-2039, the National Planning Policy Framework and The Environment Act 2021.

5. The development hereby approved shall not be brought into use until the habitat creation and habitat enhancement works detailed in the Habitat Management and Monitoring Plan secured by Planning Condition 4 have been completed in accordance with the approved details.

#### Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of Strategic Policy N3 of the Copeland Local Plan 2021-2039, the National Planning Policy Framework and The Environment Act 2021.

	<p>6. Within 3 months of the completion of the habitat creation and habitat enhancement works detailed in Habitat Management and Monitoring Plan secured by Planning Condition 4, a completion report, evidencing the completed habitat creation and habitat enhancements shall be submitted to and approved in writing by the local planning authority.</p>
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**Reason**

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of Strategic Policy N3 of the Copeland Local Plan 2021-2039, the National Planning Policy Framework and The Environment Act 2021.

	<p>7. The habitat creation and habitat enhancement works detailed in the Habitat Management and Monitoring Plan secured by Planning Condition 4 shall be managed and maintained in accordance with the provisions of approved Habitat Management and Monitoring Plan secured by Planning Condition 4 for a minimum period of 30 years post completion of the habitat creation and habitat enhancement works.</p>
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**Reason**

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of Strategic Policy N3 of the Copeland Local Plan 2021-2039, the National Planning Policy Framework and The Environment Act 2021.

	<p>8. Monitoring reports demonstrating how the habitat creation and habitat enhancement works detailed in Habitat Management and Monitoring Plan secured by Planning Condition 4 is delivering on its site-wide aims and objectives and habitat condition targets</p>
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Monitoring reports shall be submitted to the Council during years 2, 5, 7, 10, 20 and 25 posts completion of the habitat creation and habitat enhancement works detailed in the Habitat Management and Monitoring Plan secured by Planning Condition 3 unless otherwise stated in the Habitat Management and Monitoring Plan secured by Planning Condition 4.

**Reason**

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of Strategic Policy N3 of the Copeland Local Plan 2021-2039, the National Planning Policy Framework and The Environment Act 2021.



## **Informative Note**

### **Biodiversity Net Gain – Applicable**

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

- a) a Biodiversity Gain Plan has been submitted to the planning authority demonstrating a 10% net gain,
- b) the planning authority has approved the plan in writing,

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

Before commencing development, a Biodiversity Gain Plan needs to be submitted and approved by the local planning authority. Commencing development which is subject to the biodiversity gain condition without an approved Biodiversity Gain Plan could result in enforcement action for breach of planning control.

The template for the preparation of a Biodiversity Gain Plan can be accessed via this link: <https://www.gov.uk/government/publications/biodiversity-gain-plan>

## **SSAFO Regulations**

The proposed development must fully comply with the terms of the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (SSAFO) Regulations 2010.

The applicant should also ensure the proposed development supports compliance with:

- The Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018 known as Farming Rules for Water (FRfW)
- The Environmental Permitting (England and Wales) Regulations 2016 (EPR)
- The Nitrate Pollution Prevention Regulations 2015 (NVZ)

Environmental good practice advice is available in The Code of Good Agricultural Practice (COGAP) for the protection of water, soil and air (produced by DEFRA).

Any agricultural development that will result in an increase in cattle numbers or water usage may adversely impact the storage of waste waters, slurry and other polluting matter.

The applicant is advised to consider both the proposed development and existing on farm slurry and manure storage to ensure compliance with the regulations (SSAFO, FRfW, EPR, NVZ).

As a condition of SSAFO, the applicant must notify the Environment Agency of a new, reconstructed or enlarged slurry store, silage clamp or fuel stores at least 14 days before starting any construction work. The notification must include the type of structure, the proposed design and construction.

If the applicant intends to apply for a grant under the Farming Investment Fund – Slurry Infrastructure grant the proposed development must also fully comply with the grant scheme rules, found at - Slurry Infrastructure grant. In this case the SSAFO notification to the Environment Agency will be satisfied by the submission of the grant application form.

### **Statement**

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against, primarily, the development plan policies, any duties applicable and also all material considerations, including Local Plan policy, the National Planning Policy Framework and any stakeholder representations that may have been received. In this context, having identified matters of concern with the application as originally submitted and, if applicable, following negotiations with the applicant, acceptable amendments and solutions to the proposal have been received. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal.

<b>Case Officer:</b> Demi Crawford	<b>Date :</b> 18/12/2025
<b>Authorising Officer:</b> N.J. Hayhurst	<b>Date :</b> 19/12/2025
<b>Dedicated responses to:-</b> N/A	