

SCHEDULE A: Applications with Recommendation

09/0018

Item No: 11

Date of Committee: 29/05/2009

Appn Ref No:
09/0018

Applicant:
Mr John Fisher

Parish:
Irthington

Date of Receipt:
14/01/2009

Agent:
H & H Bowe Ltd

Ward:
Stanwix Rural

Location:
Field No. 1724, The Glebe, Hethersgill, Carlisle,
Cumbria, CA6 6EZ

Grid Reference:
348300 565243

Proposal: Earth Banked Slurry Lagoon For The Storage Of Farm Slurry (Part Retrospective)

Amendment:

1. Additional information and Ordnance Survey extract indicating proposed route of umbilical cord
2. Proposed fencing and ramp details
3. Ordnance Survey extracts indicating land ownership of The Glebe
4. Revised route of propose umbilical cord
5. Revised fence details and proposed landscaping.

REPORT

Case Officer: Barbara Percival

Reason for Determination by Committee:

This application has been brought before Members of the Development Control Committee at the request of the Ward Councillor and the receipt of several letters/e-mails of objection.

1. Constraints and Planning Policies

Airport Safeguarding Area

Local Plan Pol CP1 - Landscape Character

Local Plan Pol CP5 - Design

Local Plan Pol CP11-Prot.Groundwaters &Surface Waters

Local Plan Pol CP13 - Pollution

Local Plan Pol LE25 - Agricultural Buildings

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): the Highway Authority had originally expressed concerns; however, following receipt of amended plans and having discussed the proposal with the applicant the Highway Authority has no objections subject to the imposition of one condition and the imposition of two advisory notes;

Irthington Parish Council: oppose the application for the following reasons:

1. Environmental Considerations

Further details of the lining of the lagoon are required i.e. the depth of the clay or the thickness of any lining that would be utilised.

The proximity of the lagoon to nearby water courses is a concern.

If the umbilical cord that is proposed to be laid across the road is temporary, regular use of rolling the cord in and out could weaken the structure and cause the cord to burst over the highway.

2. Traffic and Road Safety Considerations

How often would the umbilical cord be stretched across the highway?

Would vehicles be able to cross the cord safely or will a culvert be required?

The Parish Council discussed the application at length and felt that firstly it should be a "retrospective" application as the lagoon has already been built.

Parish Councillors who have many years of farming and slurry experience felt that the application was an inappropriate method of storing slurry and that a better alternative should be sought e.g. a slurry tank

Following receipt of amended plans the Parish Council still wish to raise concerns in regard to the location of the lagoon on high ground. Explaining that it would be better located elsewhere on the farm, preferably in a tower. The second issue was the operation of the umbilical cord system and questions if the system would be operated correctly;

Carlisle Airport: no objections;

Environment Agency (N Area (+ Waste Disp)): no comments to make on the proposal as it falls outside the scope of referrals the Agency would wish to receive. The proposal is required to comply with the 'Code of Good Agricultural Practice', the 'Silage, Slurry and Fuel Oils Regulations' and CIRIA Report 126 "Farm Storage Guidelines for Construction".

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Any slurry lagoon should be sited at least 10 metres or more from the nearest watercourse. Ideally it should not be sited where leaks may enter field drainage systems;

Environmental Services - Environmental Quality: no objections.

County Land Agent - Capita db: the proposed new slurry lagoon is to be constructed on land to the west of the steading and will be linked to the existing slurry facilities by a 5 inch (125mm) diameter pipe. The lagoon will have a cross sectional floor area of approximately 33 metres with gross dimensions (taken from the Design and Access Statement) of 78m x 55m x 81m x 64m. Whilst partly sunk below existing field level, the store will have retaining earth embankment walls of between 3 and 3.6 metres above ground level. At the time of the inspection on the 17 March, a substantial proportion of the work had been completed due to a misunderstanding of the requirement for planning permission. The volume of the lagoon is estimated at approximately 6000 cubic metres (1.6 million gallons).

In conjunction with the lagoon, the applicant proposes to install slurry separation facilities at The Glebe. The purpose of this is to separate heavier organic matter from the farm slurry to allow a lighter, less viscous liquid to be pumped to the lagoon. It is understood that this liquid retains much of the manurial value of slurry without containing the same high volume of organic matter. The separated organic matter will be stored separately in a midden type arrangement at The Glebe.

The lagoon is to be situated on land some distance from the steading. Although other sites were examined, the reasons given for construction at this location were as follows:-

- Geographically, this location on the farm is one of the few areas with a clay based soil and sub soil which is important for the impermeable lining of the lagoon;
- The existing land drainage around The Glebe and location of a Site of Special Scientific Interest just to the North of the steading make development in this location less acceptable;
- The access route to the large (110 acre / 45ha) block of land on which the lagoon is to be situated currently requires public road travel. This is not ideal with slurry tankers. Piping the slurry directly to the lagoon for spreading on the surrounding land will significantly reduce road traffic movements at spreading times;
- Located roughly midway between The Glebe and The Scare, the store will be able to serve both locations;
- A number of the applicant's neighbours have expressed interest in utilising any spare slurry for use on their adjoining land.

The size of the proposed lagoon is consistent with the requirement to store slurry from 700 head of stock (dairy cows and replacements) with spare capacity for the proposed expansion to 650 milking cows in the near future. At present, the applicant reports that he spreads in the region of 250,000 gallons of slurry each month which is slightly in excess of half his existing storage capability. By having

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capacity to store slurry for longer periods of time, the applicant will have the ability to use this valuable agricultural by-product at optimum times of the year. For information, the existing facilities were installed in 1991 when there were approximately 160 head of stock on the farm.

Although The Glebe does not fall within the newly enlarged Nitrate Vulnerable Zone, there is widespread belief that these zones will eventually be extended across the whole region. In addition to specific dates for non-spreading of slurry, the Nitrate Vulnerable Zone requirements ask each farm to show that it has the capacity to store 5 months production of slurry. The proposed facility at The Glebe will, under current rules, fulfil this requirement.

An earth walled lagoon is currently by far the cheapest means of storing large volumes of slurry. Below ground stores, slurry bags, circular towers and concrete panelled stores all require significantly higher initial capital investment.

Therefore, conclude that from an agricultural perspective the proposed facility is consistent with the applicant's objectives for the management of this business;

Farming & Wildlife Advisory Group: is familiar with the farm having undertaken a farm conservation advisory visit for Mr Fisher to provide advice on enhancing the wildlife value of the holding alongside his commercial dairy farming operations. As well as undertaking small-scale improvements following this advice, the applicant now has an Entry Level Stewardship (ELS) agreement at The Glebe, through which he has voluntarily committed to a series of measures that will further enhance the value of the farm for wildlife - these measures include sympathetic ditch and hedgerow management, provision of overwinter-stubbles to benefit farmland birds and management of grassland with very low inorganic fertiliser and manure inputs and management of unimproved rough grazing land to conserve its biodiversity. In addition he has prepared and follows a manure management plan for the farm to identify and reduce the risks associated with the storage and spreading of livestock manures on the holding.

The proposed lagoon corresponds with current environmental recommendations for the management of slurry. The lagoon will enable the cattle slurry that is produced on the farm to be stored throughout the winter so that it can be spread at the optimum time (late winter and through the growing season) to take best advantage of the nutrients it contains and minimise the risk of diffuse pollution due to run-off, which occurs where slurry is spread when ground conditions are inappropriate such as when they are frozen hard or waterlogged.

In conclusion, it is not envisaged that Mr Fisher's (retrospective) proposal to construct an earthbanked slurry lagoon will have a detrimental effect on wildlife. Moreover, it is likely to provide significant environmental benefits through enabling environmentally responsible management of slurry on the farm.

3. Summary of Representations

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Representations Received

Initial:	Consulted:	Reply Type:
The Close	20/01/09	
Common House	03/02/09	
Broomhills	03/02/09	
Bromwell	03/02/09	
	18/02/09	Objection
1 Woodhouses	26/01/09	Objection
The Scare	29/01/09	Support
West Knowe	03/02/09	
- Stanwix Rural		Objection
		Support
Wagtails		Objection
Meadow Cottage		Objection

3.1 This application has been advertised by the direct notification of eight neighbouring properties and the posting of a site notice. In response, one letter of objection, two e-mails of objection and an e-mail from the Ward Councillor have been received, together with an e-mail and a letter of support.

3.2 The Ward Councillor's e-mail identifies the following issues:

1. the Environment Agency has not wished to comment on the application; however, concerns have been raised as to the close proximity of this lagoon to water courses and the nature of the lining of the lagoon, which dispute the opinion expressed by the Environment Agency;
2. the Ward Councillor queries if the Environment Agency has undertaken a site visit or based their comments on the submitted documents. If it is the latter, he requests that the Development Control Committee undertake a site visit to ascertain the details for themselves;
3. the Ward Councillor is unhappy with the Environment Agency's response having heard concerns from Parish Council Members who have themselves many years of farming and slurry experience. It appears that the Parish Councillors opinions are at odds with the Environment Agency to such an extent that either a site visit or an explanation by the Environment Agency as to the reasons behind their comments should be requested. Members should note that the latter has since been provided;
4. there is no objection to the applicant having a facility for storing slurry, but there is concern that this is an inappropriate method in this particular case.

3.3 The writers of the objection letter and e-mails have raised a number of concerns in relation to the environment, animal and wildlife, highway and amenity issues. Their concerns have been classified into five broad headings outlined below:

Environmental concerns

1. Increased risk of pollution to waterways - the surrounding land is proportionately high in sand, which is unlikely to adequately contain the stored material. A local waterway (beck) that runs through one of the objectors back gardens has been accidentally polluted in the past by the activities of the applicants farm. Earthen pits do not provide for significant dilution or biological treatment and must be designed and constructed to prevent ground and surface water contamination. Future increased risk of this is, either directly, or through seepage from higher land surrounding residential properties would be a concern, especially for children, wildlife and for the Environment Agency. Given the scale of the proposal the objectors expect that core samples of the holding ground will have been undertaken and request a copy of said reports prior to the Council's decision. The details should be referenced to the Environment Agency's current permeability specifications. The large volume for which the lagoon is designed increases the likelihood of the earth bunds collapsing under the weight of water ;
2. Treatment of the dirty water with chemicals will in the event of seepage poses additional health concerns.
3. Public Right of Way - the required pumping infrastructure is understood to be installed along the route of a public right of way which is regularly used. Disruption to this would have a negative impact on the quality of life of the neighbouring public's leisure activities and may also down-classify the area as a site of natural and historic beauty. Members should note that the umbilical cord will not affect the Public Footpath Number 119013;
4. Noise related to pumping - the pump itself will impact a significant noise which is not only disruptive to members of the community, but also to wildlife. Due to the amount to be pumped it would require a very large pipe or a very powerful pump to get the amount of slurry into the lagoon and due to the volume would the pump be in use more than the stated number of times per year;

Animal and wildlife welfare

5. Attraction of flies – the stagnating contents of the lagoon would likely result in significant increases in insect populations. This is an unacceptable imposition on the community and also dramatically increases the risks between flies and infectious diseases for both humans and farm animals in neighbouring fields. There is documentary evidence that flies carry many different kinds of germs, such as typhoid, cholera, dysentery, scarlet fever, diphtheria, and even the eggs of intestinal worms and parasites. Given the recent high profile cases of conditions such as Blue Tongue which is transferred through biting insects, any such activity which at this stage could increase the likely detrimental impact of diseases such as this should be clearly minimised. The World Health

Organisation documents in depth the dangers to health from contact with stagnant water, with particular reference to the temperate nature of the summer climate, advising that this should routinely be avoided. Clear guidelines of how containment would be achieved should be provided if such an environmental situation arise in the area in relation to an open slurry storage facility, as should clear routes for liability in any finalised planning application;

6. Given the significantly increased rainfall in the local area, the applicants intention to spray water over dry fields may be impossible in practice, due to the permanently saturated nature of some fields. In order to continue the process of filling of the lagoon from the slurry tank, the applicant may be forced to spray water over very wet fields around their property, in order to lower the water level in the lagoon. This may result in flooding the land close to residential properties with possible contamination of becks due to localised flooding of fields. Additionally, this would increase the possibility of development of small pools of stagnant water close to residential properties bringing settlements of disease carrying insects even closer to their home and family than the proposed lagoon;
7. Protection of animals from the lagoon – appropriate protective measures would need to be assured, such that wildlife (mammals and bird life) would be safe from the contents of the lagoon.

Highway Safety

8. The applicant is known in the area for poor upkeep of the roads used by farm vehicles. This is indirectly relevant to this objection, because of a lack of trust that activities will be carried out with sympathy to the surroundings and other community members. Disregard for the impact of his business activities on the community has resulted in multiple chipped window screens while driving over soiled roads outside his farm entrance. There has been no action so far by the applicant to address the disorder of the roads he already uses. Increased farm activity that is based across a road would increase the applicant's use of the road;
9. Increased cattle on the farm will result in more cattle truck movements.

Living Conditions of Neighbouring Properties

10. Amenities, include tangible and intangible benefits of a property and its location, specifically the pleasantness, agreeableness, and acceptability of the aspects of their location and surroundings. Therefore, there are clear breaches to this in the acceptance of the application. Outside activities of residential properties would be measurably affected by smell and increased insect populations. The prevailing winds are from a westerly / north westerly direction and this would result in smells from the lagoon being continually be blown directly towards residential properties, thus spoiling enjoyment of homes for large periods of the year, rather than the occasional smells which currently arise from the local agricultural

practices. Smell is also a subjective sensation and will affect some individuals more than others. This would directly affect quality of life, in relation to spending time in the garden, especially with food. Some objectors currently grow their own produce, so they consider that odour and flies are pertinent to this activity, and they consider that their pursuit of this activity should be protected. They also live in a slight dip, and wind most often comes from the direction of the lagoon, exaggerating the problem;

11. Odour is also heavier than air. This is important given that the proposed is sited near the top of a hill (an elevation higher than most of the properties around it), and the odours will travel downwards to affect the downwind and downhill properties in the area without being diluted, and changes in air temperature is the main determinant of convection. This occurs, so smell would be transmitted, most often during the morning and evenings, when neighbours are most likely to be outdoors;
12. The smell is expected to be constant and permanent and they suspect there will be no way of measuring the intensity and extent of smell and therefore its impact, or lack of, as reassurance. While farm and "countryside" odours are an accepted part of life in rural areas, they are usually controlled in terms of timing and duration. Potential permanent odour, apart from being unpleasant, is a pollutant. Therefore, the character and enjoyment of our location will not be enhanced for residents or visitors, but will deteriorate by acceptance of the proposal;
13. the visual impact of the lagoon on the enjoyment of residential properties questions if the existing and proposed landscaping is sufficient.

Other Issues

14. the objectors suggest that in light of the forgoing topics, and the acknowledged need for the applicant to manage his waste, it seems a more appropriate way forward would be another conventional slurry tower nearer his property, as other farmers commonly erect. In their view, the proposal appears not to be an appropriate use of land, especially the site proposed and that open manure storage structure should be suitably located to minimise odour and sight nuisances but practicably should be located near to the source of manure;
15. they question that the need for further mechanisms to absorb waste by the applicant may, at least in part, be due to the farming techniques used, as they are certain that the cattle rarely graze. Therefore, acceptance of this application would indicate your moral support of an intensive farming model of cattle, which they directly oppose;
16. the sheer size of the structure must warrant the slurry lagoon to be covered. Concerns were raised as to the fencing would it deter/keep out animals or even children;

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17. any accidental fracture of the pipe would potentially result in effluent being sprayed into the air in an uncontrolled manner, covering any people, livestock or vehicular transport in the vicinity of the pipe. Children regularly walk / cycle up and down the road which the umbilical cord pipe is scheduled to cross, they consider that the presence of the pipe may, due to the nature of the fluid it will carry, be dangerous to health in the events of fractures / leaks occurring.
 18. A firm of Consulting Engineers employed by objectors raised doubts about the technical aspects of the earth banked lagoon.
- 3.4 One letter of support has been received from a local resident which identifies the following issues;
1. the present farming operations require tractors spreading slurry to use the road network. The proposal will greatly reduce the traffic resulting in cleaner roads as less mud will be transferred from the fields onto the road;
 - 2 the reduction in traffic using the highway will improve highway safety and noise disturbance.
- 3.5 The National Farmers Union (NFU) wrote a letter of support for their Members explaining that they feel that it is appropriate to clarify the wider picture in relation to the required handling and storage of slurry now required of all farmers. The specific points highlighted by the NFU being:
1. the quantities of slurry produced by dairy cows is considerable, and with herds becoming ever larger as a result of economic pressure, the use of slurry must be both cost effective and environmentally sensitive;
 2. raft of regulation has meant that farmers must dispose of slurry in an environmentally sensitive way, not only to prevent pollution of local water courses, but to ensure that use of this by-product is such that the effects of nitrates within both ground water and subterranean supplies are kept to an absolute minimum;
 3. slurry is a valuable by-product if used effectively, both by way of storage, separation and use at the most beneficial time for the growth of grassland;
 4. considerable research has been undertaken culminating in many farmers utilising systems as proposed by the applicant. Not only are the systems now proposed the most cost effective and compliant, but are less intrusive upon the lives of the rural community. There are far less road journeys by noisy tractors and slurry tankers and of course far less mud and slurry being deposited on the highway;
 5. with the slurry being pumped and moved on fewer occasions in the year, there are far fewer occasions when odour will be cause a nuisance to

local residents.

4. Planning History

- 4.1 There is no relevant planning history for this site, however; the farmstead itself has a long and varied history which is summarised below.
- 4.2 In 1990, planning permission was granted for the erection of a slurry tower (application 90/0009).
- 4.3 In 2001, outline planning permission was granted for the erection of an agricultural workers dwelling (application 01/0730).
- 4.4 In 2004, planning permission was granted for the erection of a cow cubicle shed (application 04/1544).
- 4.5 In 2006, 3no. planning permissions were granted for the erection of steel portal frame buildings (applications 06/1002, 06/1004 and 06/1005).
- 4.6 Last year, planning permission was granted for the erection of 5no. agricultural buildings (applications 08/0855, 08/0856, 08/0857, 08/0858 and 08/0859).

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This application was deferred at the last meeting of this Committee in order to undertake a site visit. The site visit is scheduled to take place on Wednesday 27th May.
- 5.2 It will be recalled that the application seeks Full Planning Permission for the retrospective formation of a slurry lagoon in field number 1724 which forms part of the agricultural holding of The Glebe, Hethersgill. The main farmsteading is located in open countryside to the south-east of Hethersgill, with the slurry lagoon located approximately 570 metres to the north west of the main farm steading.

Background

- 5.3 The application was accompanied by a Design and Access Statement together with additional Supporting Statements prepared by the applicant's agent (reproduced in full in the Main Schedule). In summary, the Supporting Statements outline that:
 - 1. The Glebe is a 167.9 hectare (415 acre) dairy farm. Currently the stock

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levels stand at 455 dairy cows plus young stock; however, the applicant is expanding the herd with a view of having 650 dairy cows by Summer 2009;

2. the farm presently has 400,000 gallons of slurry storage which is inadequate for a farming operation of this size. The current facility consists of a 250,000 gallon ring tower and a 150,000 gallon slurry lagoon. The existing slurry facilities are insufficient for the current level of stock, therefore, the 43% uplift in cow numbers by Summer 2009 will significantly increase the amount of slurry produced. As such, there is an overriding need for additional slurry capacity to be provided which is essential for the farming operation;
3. there is a need to change the applicant's current method of slurry management due to the potential inclusion of his land into the Nitrate Vulnerable Zone (NVZ). Under the Water Framework Directive, areas of land are being designated as NVZs, which are to be fully implemented by 2010. Part of NVZ legislation, imposes a closed period when no spreading of slurries are allowed. This period is from 1st August to 31st December for arable land or 1st September to 31st December for grassland. In addition, from the 1st January until the last day of February the maximum amount of slurry that can be applied at any one time is 50 cubic metres per hectare with at least three weeks between each individual application. Farms, therefore, have to ensure that they have a minimum of five months storage capacity to meet NVZ requirements.

The Proposal

- 5.4 The submitted drawings illustrate a rhombus shaped slurry lagoon located at the top of a rise in the south eastern corner of field no. 1724. It would have a storage capacity of approximately 1,364,641 gallons (6,202,915 litres) and has a maximum external length of 82 metres and a maximum external width of 64 metres. The depth of the lagoon would be a maximum of 5.2 metres and would be surrounded by earth bunds ranging in height between 3 metres and 3.6 metres.
- 5.5 A 1.8 metre high protective fence would be erected around the base of the earth bunds, which are to be reseeded with grass. The existing hedgerow to the east and west of the lagoon would be allowed to grow and thicken whilst a new landscaping belt is to be planted along its northern and western boundary.
- 5.6 The applicant is going to install a separator at the existing 400,000 gallon storage facility at The Glebe which means the existing lagoon will be used to store the solids and the existing tower will store the dirty water. Once the existing tower, is full, an umbilical cord will be used to deliver the dirty water to the proposed slurry lagoon.
- 5.7 Once slurry has been through the separator it will be mixed with an additive which will reduce the odour produced and the dirty water will not require

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mixing. Under normal lagoon systems is necessary to ensure that the 'crusting' is broken up which is typically when the odour is produced.

- 5.8 The use of a slurry separator reduces the volume of slurry entering the tower / lagoon by 15% - 20%. Other benefits are that the solid portion is a potential saleable commodity (to other farmers to replace artificial fertilisers) and the liquid portion is more consistent making it quicker, easier and cheaper to spread thereby reducing sward (grass) contamination. Based on the planned herd size of 650 cows and a reduction of 15% of the slurry volume, by use of the separator, could reduce the slurry storage by 1,150 cubic metres over the close period (under NVZ designation, see below) and reduce the annual slurry output by 1,718 cubic metres.
- 5.9 Prior to excavating the lagoon the applicant had explored a number of other locations in and around the farm steading. The applicant's agent has explained that these were discounted due to:
1. proximity to residential dwellings;
 2. visual impact;
 3. the requirement of the land around the steading in case of emergency;
 4. unsuitable soil type;
 5. the distance from the steading, in relation to surrounding farm land to access all land;
 6. presence of field drainage and watercourses;
 7. increase in herd numbers resulting in insufficient slurry storage facilities;
 8. potential NVZ designation; and
 9. more efficient use of slurry throughout winter months.

Assessment

- 5.10 Advice against which the application is required to be assessed in contained within Planning Policy Statement 7 (Sustainable Development in Rural Areas), with this advice being transposed in Policies CP1, CP5, CP11, CP13 and LE25 of the Carlisle District Local Plan 2001-2016.
- 5.11 The proposals raise the following planning issues:
1. Whether The Principle Of Siting A Lagoon Is Acceptable In This Location
- 5.12 The applicant's agent has identified that a number of alternative locations for the proposed lagoon were considered, but were discounted for the reasons identified in paragraph 5.8.
- 5.13 Criterion 1 of Policy LE25 of the Local Plan states that proposals for farm buildings and structures should be sited, where practical, to integrate with existing farm buildings and/or take advantage of the contours of the land and any natural screening.
- 5.14 In this instance, the lagoon is located in open fields, approximately 570 metres to the north west of the main steading. The applicant's agent has

identified that there are several reasons for this which are summarised below:

1. lack of alternative sites; and
2. operational requirement to provide a lagoon of this size

5.15 In light of the above, the applicant has demonstrated that there is a clear need for the lagoon to be situated in the location specified. Whilst Officers accept that there is a need for the lagoon in this location Members must balance this against the potential harm, that may result, which is discussed in the following paragraphs.

2. Whether The Scale And Design Of Proposed Slurry Lagoon Is Acceptable

5.16 PPS7 and Policies CP1 and CP2 of the Local Plan seek to ensure that proposals for development in the rural area conserve and enhance the special features and diversity of the different landscape character areas. Development proposals are expected to incorporate high standards of design including regard to siting, scale and landscaping which respect and, where possible, should enhance the distinctive character of the landscape.

5.17 Policy LE25 of the Local Plan requires that agricultural buildings and other farm structures relating to agricultural development are sited where practical to integrate with existing farm buildings and/or take advantage of the contours of the land and any existing natural screening.

5.18 PPS7 also recognises the important and varied roles of agriculture, including the maintenance and management of the countryside and most of our valued landscapes. Government guidance goes on to state that Regional and Local Planning Policies should recognise these roles and support development proposals that will enable farming and farmers to:

- (i) become more competitive, sustainable and environmentally friendly;
 - (ii) adapt to new and changing markets;
 - (iii) comply with changing legislation and associated guidance;
 - (iv) diversify into new agricultural opportunities (e.g. renewable energy crops);
- or
- (v) broaden their operations to 'add value' to their primary produce.

5.19 The County Land Agent's advice has been sought and in his response he outlines that the size of the proposed lagoon is consistent with the requirement to store slurry from 700 head of stock (dairy cows and replacements) with spare capacity for the proposed expansion to 650 milking cows in the near future. At present, the applicant reports that he spreads in the region of 250,000 gallons of slurry each month which is slightly in excess of half his existing storage capability. By having capacity to store slurry for longer periods of time, the applicant will have the ability to use this valuable agricultural by-product at optimum times of the year. For information, the existing facilities were installed in 1991 when there were approximately 160 head of stock on the farm.

- 5.20 The Glebe does not fall within the newly enlarged NVZ, there is widespread belief that these zones will eventually be extended across the whole region. In addition to specific dates for non-spreading of slurry, the NVZ requirements ask each farm to show that it has the capacity to store 5 months production of slurry. The proposed facility at The Glebe will, under current rules, fulfil this requirement.
- 5.21 An earth walled lagoon is currently by far the cheapest means of storing large volumes of slurry. Below ground stores, slurry bags, circular towers and concrete panelled stores all require significantly higher initial capital investment. The County Land Agent concludes that from an agricultural perspective the proposed facility is consistent with the applicant's objectives for the management of this business.
- 5.22 It is acknowledged that the retrospective slurry lagoon has been formed approximately 540 metres to the north west of the main farm steading on the crest of a hill; however, any visual impact that the lagoon would have would be lessened by the bunds being reseeded with grass and the planting and retention of existing hedgerows. The scale and form of the lagoon is commensurate with the scale of the agricultural operation and the proposal accords with advice contained within PPS7 together with Local Plan policies.
3. The Impact Of The Proposal On The Living Conditions Of Neighbouring Residents
- 5.23 Policies CP5 and LE25 of the Local Plan both seek to ensure that there is no adverse effect on the residential amenity of adjacent properties. Within the immediate vicinity of the lagoon there are a number of residential properties, the closest of which being "The Close" which is approximately 210 metres to the south-east.
- 5.24 Within the immediate area there are also several other residential properties which have been notified and/or commented upon the proposal. These being: "The Scare" (291 metres to the south-east); "West Knowe" (310 metre to north-east); "1 Woodhouses" (385 metres to the south-east); "Common House" (659 metres to north-east); "Wagtails" (680 metres to the south-east); "Bromwell" (879 metres to the north-east); and "Broomhills" (976 metres to the north-east).
- 5.25 Several of these residents have raised objections, concerning possible increase in odour, attraction of flies to the lagoon, impact on the environment/biodiversity of the area, highway safety and noise. The proposal is to serve an existing farm and given that the closest residential property ("The Close") is over 200 metres from the lagoon and that the lagoon would be landscaped to minimise any visual impact, the lagoon would not create any additional adverse impact on the living conditions of the occupiers of these properties through noise or odours to those usually associated with the rural area to warrant refusal.

4. Impact Of The Proposal On Highway Safety

- 5.26 The proposal utilises an umbilical cord system which would pump the dirty water from the existing slurry storage facilities on The Glebe into the lagoon. The cord would be feed through a culvert under the road continue in a north-westerly direction across the fields to the lagoon and avoiding Public Footpath No. 119013. This, the applicant's agent has explained, would reduce the need for tractors and slurry tankers to transport the dirty water via the road network. The Highway Authority has been consulted and do not object to the proposal, subject to the imposition of a condition requiring that the works to the highway are constructed to a suitable standard and imposition of two advisory notes.

5. Impact Of The Proposal On The Environment/Biodiversity Issues

- 5.27 As the report has previously outlined, PPS7 recognises the important varied roles of agriculture and its need to become more competitive, sustainable and environmentally friendly whilst complying with changing legislation and associated guidance.
- 5.28 As previously stated, under the Water Framework Directive, areas of land are being designated as NVZs, which are to be fully implemented by 2010. Although, currently not within an NVZ it is envisaged that within the next ten years, the land farmed at The Glebe together with the rest of the UK will be included with the NVZ, in order to meet the increased demands of European Legislation on Nitrates.
- 5.29 Part of NVZ legislation, imposes a closed period when no spreading of slurries are allowed. This period is from 1st August to 31st December for arable land or 1st September to 31st December for grassland. In addition, from the 1st January until the last day of February the maximum amount of slurry that can be applied at any one time is 50 cubic metres per hectare with at least three weeks between each individual application. Farms, therefore, have to ensure that they have a minimum of five months storage capacity to meet NVZ requirements.
- 5.30 The applicant's agent has outlined in the Supporting Statement that The Glebe currently has a storage for 400,000 gallons of slurry which is inadequate for their needs. Apart from being insufficient for the current level of stock, the applicant is expanding stock numbers from the current 455 dairy cows to 650. They consider that this 43% uplift in cow numbers will significantly increase the amount of slurry produced and therefore there is an overriding need, essential for the farming business, for additional slurry capacity to be provided.
- 5.31 The applicant is proposing to change his current method of storage of slurry by introducing a slurry separation system. This method separates the solids from the liquid. The solids will then be stored in the existing slurry lagoon on the steading whilst the liquids will be stored in the existing slurry tower. Once this is full then it will be pumped via the umbilical cord to the proposed slurry

lagoon. The agent has explained that this method reduces the volume of slurry entering the tower / lagoon by 15-20%. It also has huge environmental benefits such as reducing the risk of run off and also no fibres lodge on the plant foliage where ammonia and nitrogen are easily released into the atmosphere.

- 5.32 Concerns have been raised in regard to the impact of the lagoon on animal and wildlife welfare. The Farming Advisory Wildlife Group (FWAG) have been consulted in this respect who are familiar with the farming practices of the applicant having undertaken a farm conservation advisory visit. FWAG outline that the applicant, following their advice, has undertaken small-scale improvements wildlife improvements as well as achieving Entry Level Stewardship which commits the applicant to a series of measures that will further enhance the value of the farm for wildlife. Two of the measures implemented being the provision of over winter-stubbles to benefit farmland birds and the management of grassland with very low inorganic fertiliser and manure inputs and management of unimproved rough grazing land to conserve its biodiversity. In addition he has prepared and follows a manure management plan for the farm to identify and reduce the risks associated with the storage and spreading of livestock manures on the holding.
- 5.33 FWAG continues by explaining that the proposed lagoon corresponds with current environmental recommendations for the management of slurry. The lagoon will enable the cattle slurry that is produced on the farm to be stored throughout the winter so that it can be spread at the optimum time (late winter and through the growing season) to take best advantage of the nutrients it contains and minimise the risk of diffuse pollution due to run-off, which occurs where slurry is spread when ground conditions are inappropriate such as when they are frozen hard or waterlogged.
- 5.34 They conclude by stating that it is not envisaged that the applicant's (retrospective) proposal to construct an earth banked slurry lagoon will have a detrimental effect on wildlife. Moreover, it is likely to provide significant environmental benefits through enabling environmentally responsible management of slurry on the farm.
- 5.35 Another issue raised was the potential pollution of waterways. The Environment Agency (EA) has been consulted in regard to this issue who have no objections to the proposal; however, the proposal is required to comply with the 'Code of Good Agricultural Practice', the 'Silage, Slurry and Fuel Oils Regulations' and 'CIRIA Report 126: Farm Waster Storage Guidelines for Construction'.
- 5.36 Further advice has been sought from the EA who have confirmed the procedures that have to be followed in the construction of slurry lagoons. These being that all work must be carried out in accordance with "The Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991 and as amended 1997". Under this Legislation farmers are required to give 14 days prior notification to the EA. The EA will then carry out an assessment of risk. If they consider that the lagoon has not been properly constructed, under the

forementioned legislation they can serve a "works notice" which can prevent or forestall commissioning of the lagoon; however, this further inspection by the EA should not preclude planning permission being granted.

- 5.37 It has been alleged that the construction of the lagoon and its earth bunds may render it not fit for purpose and that it is within 10 metres of a water course and field drains. Again it should be noted that the construction of a lagoon and its potential to seep into watercourse would be dealt with under EA Legislation. Officers have written to the EA and relayed the objector's concerns with regard to the method of construction and potential proximity to field drains and watercourses. Any subsequent pollution as a result of this development, should it occur, will be a matter for the EA to enforce under their Legislation.

6. Other Matters

- 5.38 Concern has been raised in regard to the prevention of unauthorised access to the lagoon from children and animals. The lagoon will be enclosed by a 1.8 metre high non-climbable fence with lockable gates. The height of which will be in excess of the Health & Safety Executive requirements under their legislation "Construction (Design and Management) Regulations" (2007). It is therefore considered that these will reduce any possible risks to human and animal welfare.

Conclusion

- 5.39 In conclusion, the recommendation is for approval. Policies do allow for development outwith the farm steading provided that the development utilises the topography of the land and does not adversely affect the character of the area. It has been demonstrated that the scale and design of the lagoon is commensurate with the farming operation and whilst the siting is detached from the existing steading, the use of landscaping would lessen any visual impact that the lagoon may have. As such, the character or appearance of the area would not be adversely affected by the development. The applicant also has a requirement to comply with the various EA Legislation which governs the structural integrity of the lagoon and its potential to seep into watercourse.
- 5.40 The living conditions of the occupiers of the neighbouring properties would not be adversely affected and in all other aspects, the proposal is compliant with current planning policies

6. Human Rights Act 1998

- 6.1 Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

SCHEDULE A: Applications with Recommendation

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Article 6 bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

Article 7 provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

Article 8 recognises the "Right To Respect for Private and Family Life";

6.2 **Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

6.3 The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict. If any conflict was to be alleged it is not felt to be of sufficient weight to refuse planning permission.

7. **Recommendation** - Grant Permission

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. Within two months from the date of this permission, details of the proposed alterations to the highway shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The details shall provide a full specification of the works and shall be designed to a suitable standard as laid down in the current Cumbria Design Guide. The approved works shall be completed prior to the lagoon being brought into use.

Reason: To ensure a minimum standard of construction in the interests of highway safety and to support Local Transport Plan Policies LD5, LD7, LD8.

3. The 1.8 metre high protective fencing and gate around the lagoon detailed on the letter and attached plan received on 23 March 2009 shall be completed prior to the lagoon being brought into use. The fencing and gates shall not be altered or removed without the prior approval of the local planning authority.

Reason: To ensure compliance with Policy CP5 of the Carlisle District

SCHEDULE A: Applications with Recommendation

09/0018

Local Plan 2001-2016.

4. Full details of the proposed hedging defining the northern and western boundaries of the lagoon shall be submitted to and approved in writing by the Local Planning Authority within two months from the date of this approval. All works comprised in the approved details of hedge planting shall be carried out in the first planting and seeding season following the lagoon being brought into use.

Reason: To ensure that the appearance of the area is enhanced by the proper landscaping of the site in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

5. The landscaping approved by condition 4 shall be maintained thereafter to the satisfaction of the Council; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

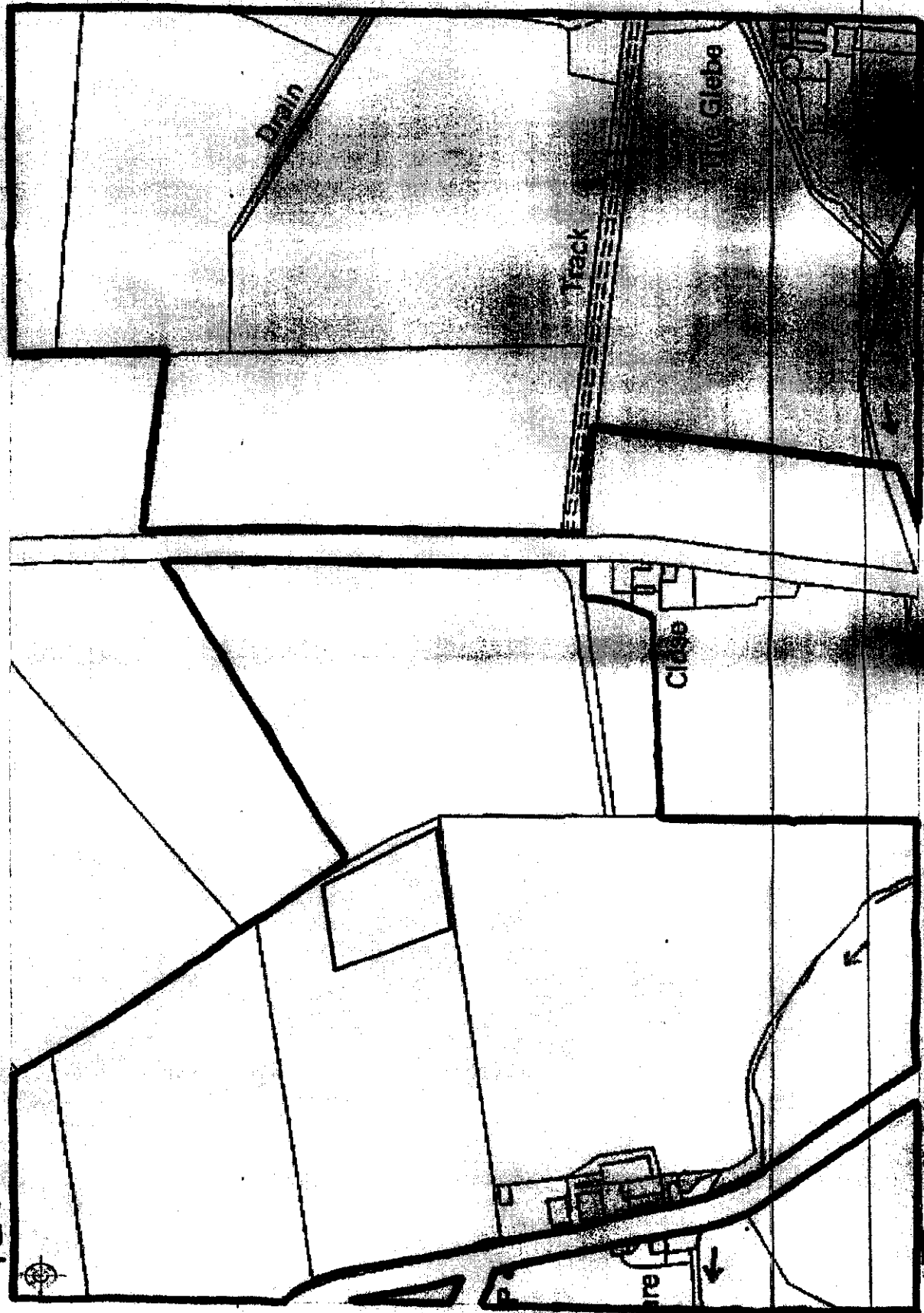
Reason: To ensure that a satisfactory landscaping scheme is implemented and that it fulfils the objectives of Policy CP5 of the Carlisle District Local Plan 2001-2016.

09/0018



PLAN 1

The Glebe, Hethersgill, Carlisle



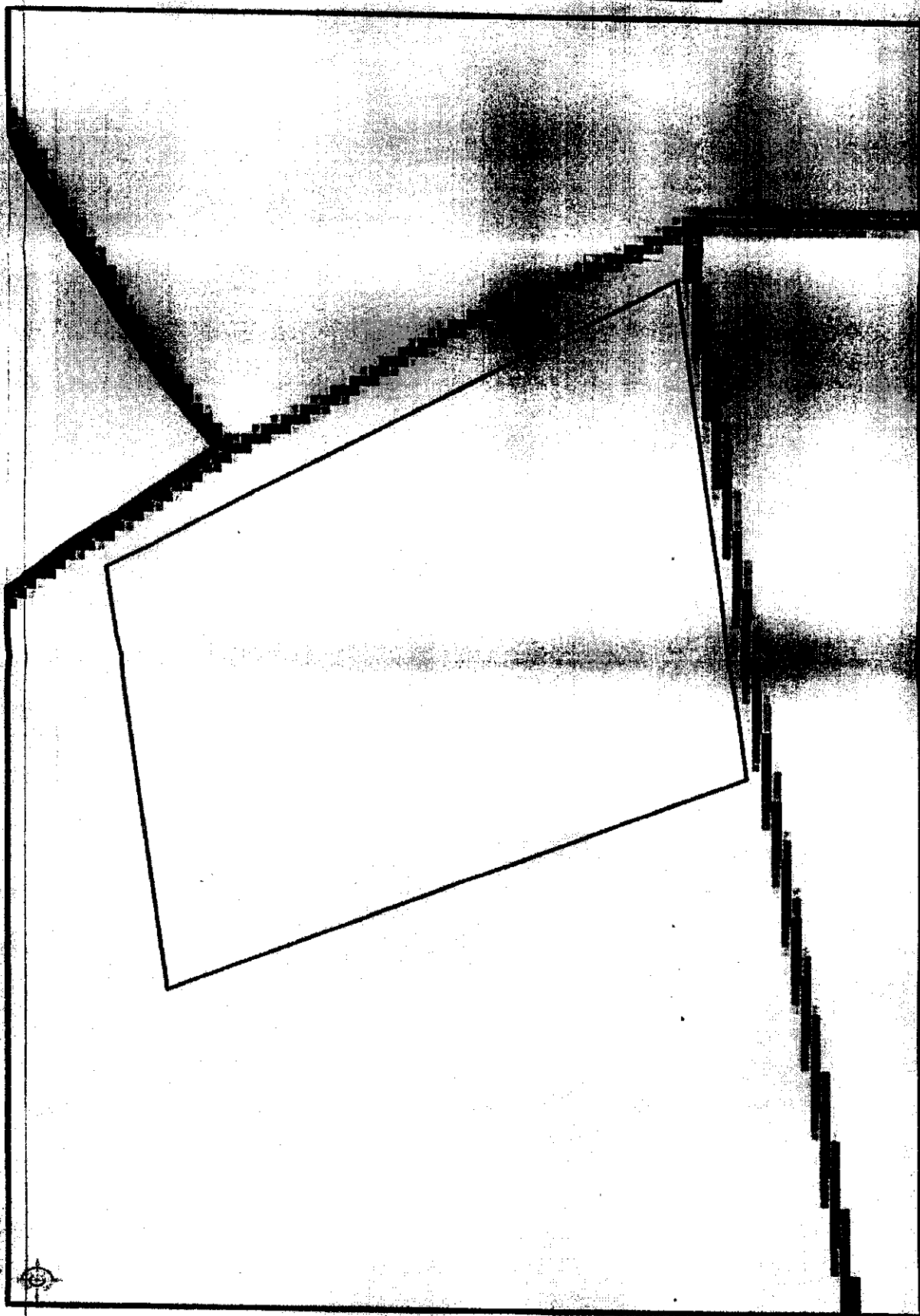
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The Glebe, Hethersgill, Carlisle

PLAN 2.



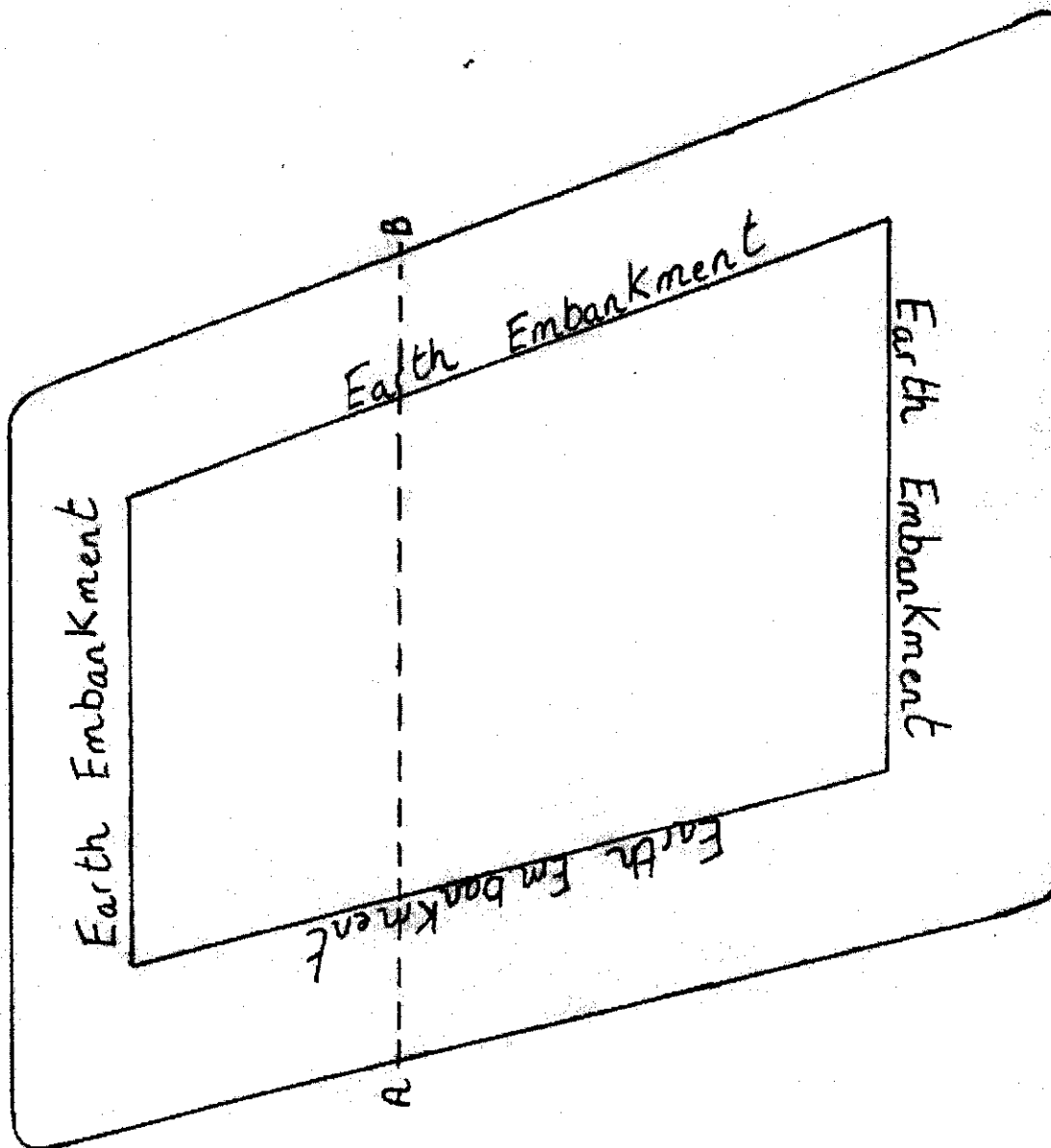
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Floor Plan: Plan 3



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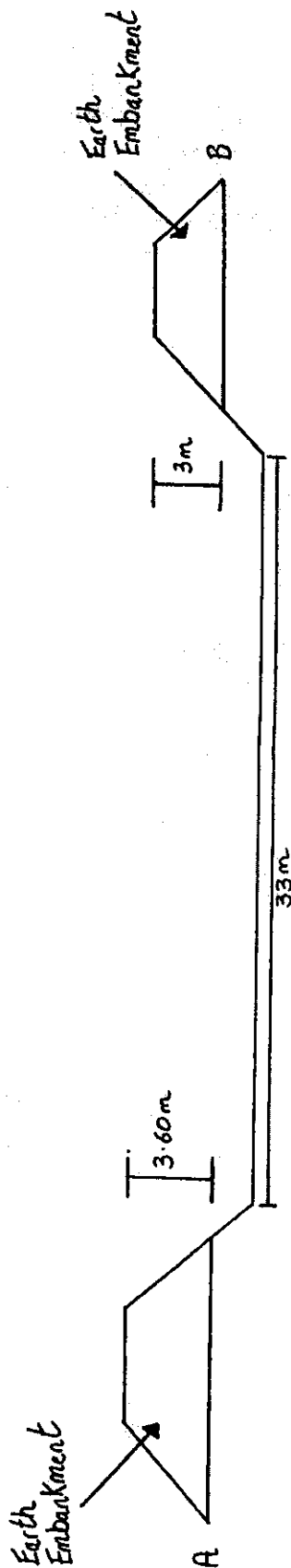
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PLAN 6.

Elevation Plan: Cross Section



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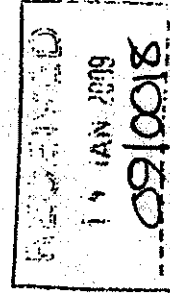


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Elevation Plan: Plan 5

Earth
Embankment

East Elevation
82m



THE GLEBE FARM, HETHERSGILL,
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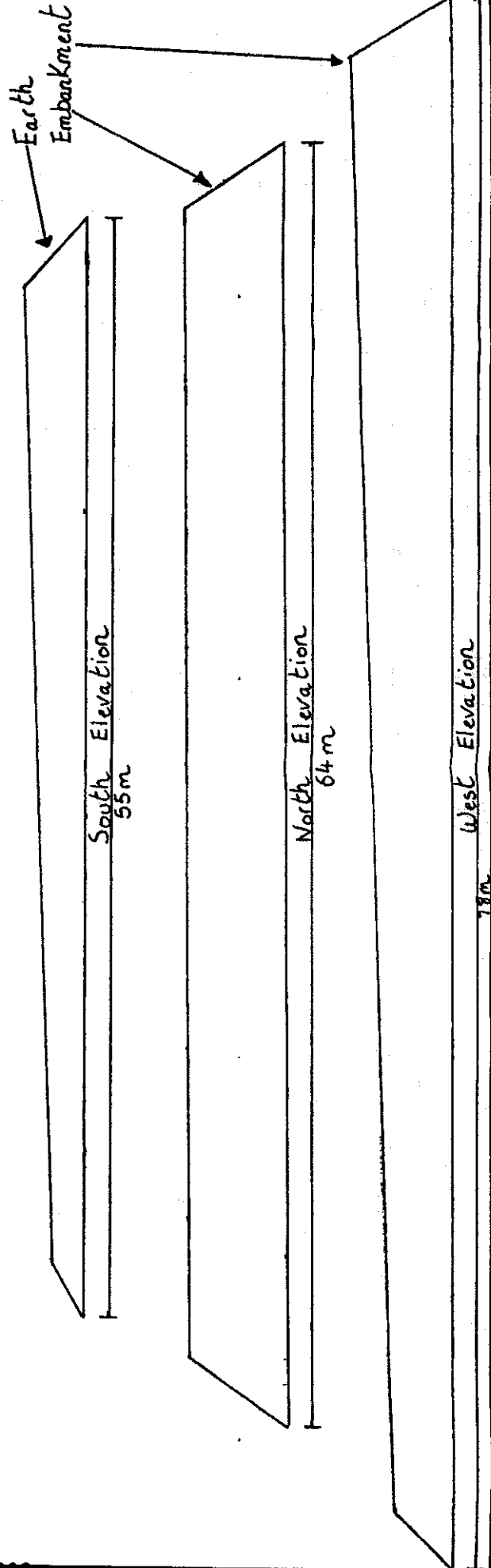
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Elevation Plan: Plan 4

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DESIGN & ACCESS STATEMENT

Mr J Fisher
The Glebe
Hethersgill
Carlisle
Cumbria

1.0 CONTEXT

This Design and Access Statement is to support the application for planning permission to create a slurry lagoon at the above.

2.0 AMOUNT

One slurry lagoon.

3.0 LAYOUT

To be located to the West of The Glebe, as this is where the clay lies for lining the slurry lagoon.

4.0 SCALE

The slurry lagoon will be 78m x 55m x 81m x 64m.

5.0 LANDSCAPING

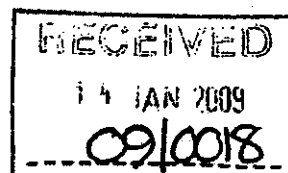
The lagoon has earth embankments around it; the site is also screened by existing hedgerows.

6.0 APPEARANCE

The lagoon will be dug into the ground and lined with clay from the excavation. Screening earth walled bunds will surround the lagoon at the toe of which a 2m high stock proof fence will be erected.

7.0 ACCESS

The lagoon will be accessed through an agricultural field. As such access to the public highway will not change.





H & H BOWE LIMITED
Chartered Surveyors, Land Agents, Valuers and Quota Brokers

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2RS

e-mail: j

Barbara Percival
Development Services
6th Floor
Civic Centre
Carlisle
Cumbria
CA3 8QG

Our Ref: JL/MRB/HF11

Your Ref:

Date: 19 March 2009

PLANNING & HOUSING SERVICES	
REF	09/003
23 MAR 2009	
RECORDED	
INDEXED	
FILED	
ACTION	

Dear Barbra

Mr Fisher, The Glebe, Hethersgill, Carlisle, CA6 6EZ
Proposed Slurry Lagoon

Following our meeting of the 11 March 2009, please find enclosed the amended fencing drawings and also the proposed area for further landscaping.

The protective fencing around the lagoon will now be 1.8 metres high and the fence posts will be wooden.

With regard to the proposed additional screening, along with allowing the hedgerows to grow and grassing over the earth banks, Mr Fisher is now proposing to plant a hedgerow along the North and West sides of the lagoon.

The hedgerow will be a mixture of Hawthorn and Blackthorn to be in keeping with the surroundings.

If you require anything further please do not hesitate to contact me.

Yours sincerely

Julie

Ms J Liddle

Enc.



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AMC
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Fencing

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Supporting Information

for

Mr J Fisher
The Glebe
Hethersgill
Carlisle
Cumbria
CA6 6ez

January 2009

by

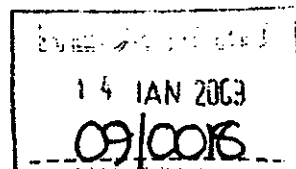
Julie Liddle MRICS, FAAV

All correspondence to be addressed to:

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INTRODUCTION

The following information is supplied to support the application for a slurry lagoon at Field Number 1724, The Glebe, Hethersgill, Carlisle. The Glebe is a 167.9 hectare (415 acre) dairy farm located at grid reference NY 488 650, the proposal is to build a slurry lagoon 550m to the West of The Glebe. The current stock numbers are 455 dairy cows plus young stock, the proposal in the future is to expand the dairy herd.

1.0 SURVEYS

The slurry lagoon will be located in the South East corner of field number 1724. This area lies approximately 85 metres above sea level, which is higher than the farm steading. Neither this field or the farm has never been known to flood since Messrs Fisher have farmed at The Glebe which is over 28 years, and therefore there is no discernable need for the site to be surveyed. The development will not impact the flood potential of the area.

2.0 Need for a Slurry Lagoon in Field Number 1724.

The reasons why the slurry lagoon needs to be located away from the main steading:

- This is where the clay is located for the lining of the slurry lagoon. If it was built near the farm the clay would have to be excavated from this area and taken to an alternative site resulting in a large hole being left to infill, which would mean the loss of good agricultural land.
- The land immediately around The Glebe is used in the summer months for the calving cows to grazed in as they are then near the farm for calving and also general welfare purposes. The loss of 1.135 acres would have a

huge impact on the field near the steading and result in the cows having to be located away from the steading, thus putting additional pressure on the resources (staff) of the business.

- The slurry will be pumped to the lagoon via an umbilical cord system this may happen two / three times a year for a couple of hours at a time. This will result in fewer traffic movements along the narrow roads as currently is the case, the present slurry facilities at The Glebe have to be emptied every couple of months.
- The new slurry lagoon will permit Mr Fisher to use the slurry more effectively. By having more storage capacity it will allow Mr Fisher to spread the slurry in the spring when the land utilises it to its best advantage. This will also result in less artificial fertiliser being purchased (Current price of £380/ton) which would be most beneficial to the family business.
- This location is the centre of the land holding which means, by having a slurry lagoon located here it will allow the slurry to be spread to almost every field Mr Fisher owns. This once again will result in fewer traffic movements on the narrow roads around The Glebe.
- The slurry lagoon will allow Mr Fisher to provide longer term slurry storage. This will enable the unit to remain within the guidelines of the Code of Good Agricultural Practise, with regard to spreading of organic material on land, especially having regard to the possible future extension of the Nitrate Vulnerable Zones (NVZ). This requires longer term storage, so as to allow for non spreading periods over winter months, reducing the risk of nitrate leeching to ground water.

- Mr Fishers land lies within the Catchment Sensitive Farming Delivery Initiative 2006 – 2009. This is a programme that aims to develop measures to tackle diffuse water pollution from agriculture to meet the Water Framework Directive requirements. The slurry lagoon will help meet this need and allow Mr Fisher to have sufficient slurry storage over the winter months, as per NVZ Rules.



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**Supporting Statement to
Planning Application 09/0018
On behalf of**

**TG & K Fisher Ltd
The Glebe Farm
Hethersgill
Carlisle
Cumbria
CA6 6EZ**

March 2009

by

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26 MAR 2009

09/0018

Julie Liddle MRICS FAAV

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The Glebe
Carlisle
Hethersgill
Cumbria

1.0 BACKGROUND

Mrs K Fisher and her son Mr J G Fisher are the owner occupiers of the Glebe, Hethersgill, Carlisle, Cumbria and also the Scare, Hethersgill, Carlisle. The property lies near the village of Hethersgill. The Fisher family have farmed at the holding since 1981.

2.0 THE HOLDING

The farmhouse is located at Grid Reference NY488 650, the steading lies 70 metres above sea level, and extends in total to 167.9 hectares (415 acres). The business is a very successful modern dairy enterprise.

See Appendix 1 for location plan.

3.0 THE APPLICANT

The applicant is the business of TJ & K Fisher. John Fisher and his mother Kathleen are the partners in the business. Mr Fisher and two full time employees currently supply the workforce for the business along with several part time staff.

Mr Fisher has had many applications approved for the construction of agricultural buildings at this large modern holding but had commenced construction of the lagoon as he was unaware that this constituted works of an operational nature under planning law.

4.0 THE FARMING BUSINESS

There are 455 dairy cows plus young stock. Winter Barley, Spring Barley and Maize are grown for home consumption and also silage is produced.

Current stock numbers are:

4.1 Stock Numbers

- 455 Dairy cows
- 250 Young Stock
- 1 Stock Bull

4.2 Cropping

110 acres (44.51 hectares) of Winter Wheat, 60 acres (16.18 hectares) of Spring Barley and 45 acres (18.21 hectares) of Maize are grown for cattle feed. Approximately 180 acres (72.84 hectares) of grassland are cut and conserved for silage over 3 cuts.

4.3 Buildings on the holding

This substantial modern holding comprises:

- Traditional stone range consisting of calf boxes; workshop; consumables; chemical and mineral stores.
- Calf rearing shed (40' x 40')
- Loose housing (75' x 45')
- Calf shed (60' x 20')
- Dry cow cubicles with 60 cubicles (60' x 70')
- Parlour (75' x 20')
- Dairy (35' x 20')
- Cubicle building with 220 cubicles (180' x 90')
- Cubicle building with 120 cubicles (225' x 40')
- Loose housing (270' x 50')
- Collecting yard (60' x 40')
- Straw shed (45' x 20')
- Silage shed (180' x 100')
- Steel Portal Frame Loose House (134" x 36")
- Steel Portal Frame Crop Store (134" x 36")
- Steel Portal Frame General Purpose (72" x 22")
- Steel Portal Frame General Purpose (59" x 44")

5.0 SYSTEM PRACTICED

The system practised is a modern intensive dairy enterprise comprising 455 dairy cows, which are milked twice per day. Calving takes place all year round with heifer calves retained as dairy replacements and the rest of the livestock sold at 18 months old.

The business is modern and forward thinking. Investment is clearly evidenced on viewing the holding (six new buildings are currently under construction) and this approach is necessary to maintain such an intensive unit with modern efficient facilities and up to date techniques.

6.0 THE NEED FOR ADDITIONAL STORAGE CAPACITY

6.1 Mr Fisher has 400,000 gallons of slurry storage which is inadequate for a farming system of this size. This facility consists of a 250,000 gallon ring tower and a 150,000 gallon slurry lagoon. Apart from being insufficient for the current level of stock, Mr Fisher is expanding numbers from the current 455 to 650, by summer 2009. This expansion is already underway and therefore additional slurry facilities are imperative as transporting slurry by road will be particularly difficult for the business and very inconvenient to neighbouring properties.

6.2 There is a need for a change in the method of storage for management purposes. Mr Fisher is going to install a separator at the present 400,000 gallons storage facility which means the existing lagoon will be used to store the solids and the tower, to store the dirty water. Once the tower is full, the proposal is to use an umbilical cord and to deliver the dirty water to the new lagoon.

The use of a slurry separator reduces the volume of slurry entering the tower / lagoon by 15% - 20%. Other benefits are that the solid portion is a potential saleable commodity (to other farmers to replace artificial fertilisers) and the liquid portion is more consistent making it quicker, easier and cheaper to spread reducing sward contamination. Based on the planned herd size of 650 cows and a reduction of 15% of the slurry volume by use of the separator, it would reduce the slurry storage requirement by 1,150.5 m³ over the close period (under NVZ designation,

see below) and reduce the annual slurry output by 1,718 m³ (Based on a farm survey at Gourds Farm, Dorset).

- 6.3 As noted previously, Mr Fisher is currently extending his cattle housing to increase the dairy herd from the current 455 cows to 650 cows by summer 2009. This 43% uplift in cow numbers will significantly increase the amount of slurry produced and therefore there is an overriding need, essential for the farming business, for additional slurry capacity to be provided.
- 6.4 There were a number of trial holes were dug around the land to ascertain the best location for the lagoon. The site was chosen as the most suitable because the sub-soil contained a high percentage of clay. Please see **Appendix 2** for a letter from J Fell Plant, who have been involved for many years in excavating lagoons and also trial hole testing. J Fell Plant undertook the work to date.
- 6.5 A number of sites for the proposed lagoon were discounted on the basis that these areas need to be kept clear. If for example, there was an emergency situation within the buildings (e.g. fire), the fields immediately surrounding the steading would be required to permit all livestock to be quickly released from the buildings until the problem can be resolved. With an intensive system it must be understood that it takes some considerable area of land to hold 455 – 650 head of dairy cows, along with a further 250 – 350 young stock.

Other sites were considered but they were closer to third party dwellings much more visually intrusive.

The soil contained too much sand and insufficient clay, i.e. there is peat to the north of the steading, heavy land around the steading and sand/gravel to the east and south of the steading hence the former quarry sites.

The existing slurry provision is already on the east side of the road.

For this and the reasons mentioned above sites on the east side of the road were discounted. Please see **Appendix 3**.

- 6.6 In its present location, the lagoon will permit Mr Fisher access to spread slurry to all of the land under his ownership to the west of the road using an umbilical cord system. If the lagoon was located to the east of the road, it would mean Mr Fisher would have to purchase a larger pump, thicker pipe and a new heavier horsepower tractor in order to drive the pump to get the slurry the additional distance to the furthest point of the land under Mr Fisher's control. This would not be financially beneficial to the business as this tractor would only be used to pump slurry, whereas with the lagoon located on the land to the east of the road, means existing tractors can be used.
- 6.7 Nitrate Vulnerable Zones (NVZ) are areas of land designated under the Water Framework Directive, which must have a reduced amount of nitrogen placed on the land. Whilst not currently within an NVZ area, the designation is getting closer to the Glebe and will in due course encompass all of the land.

The main difficulty farms have within these designated areas is being limited to certain rates of fertiliser application, means they must have additional holding facilities for slurry.

When the NVZ designation arrives it will mean that Mr Fisher will not be allowed to apply any organic manure during the periods of 1 September to 31 December on grassland and 1 August – 31 December for arable land each year, also from the end of the closed period until the last day in February the maximum amount that can be applied at any one time is 50 m³/ha of slurry. In addition, there must be at least three weeks between each individual application. The current storage facilities would only last a few weeks and not the 22 weeks required.

Due to the increasing number of dairy cows this summer, the lagoon will help Mr Fisher to overcome this problem. Attached at Appendix 4 is a letter from Mr Andrew Dyer of H & H Bowe Limited, who is a qualified agricultural adviser. The letter explains the effect the NVZ designation has on farming businesses such as Mr Fishers.

This is an example of Mr Fisher's forward thinking for the business.

6.8 Numerous alternatives to the lagoon were considered. These included a steel tower, a slurry bag and the clay lined lagoon. The slurry tower was discounted for three reasons; 1) the visual impact of a very large steel tower, 2) the cost which would be approximately £34/m³ which accrues to £210,000 for the size of tower required, and 3) a tower only has a lifespan of 30 years. A clay lined lagoon is more reliable and will last up to 50 years.

The slurry bag was discounted for two reasons, 1) the cost of £29/m³ which accrues to £180,000 and therefore could not be justified along with the cost of digging under the road and the purchase of the cord system, 2) there is no need for a slurry bag, as it will be principally dirty water that is to be stored in the lagoon and not pure slurry and therefore this airtight facility is not required.

The clay lined slurry lagoon was considered when it was shown to be the most suitable, feasible and cost effective construction in comparison to the others (being £5/m³). It will allow a large amount of slurry to be stored and will be naturally screened from view. There was also a large amount of clay available on that particular site which further justifies the need for it to be located at that site but also reduced the cost of construction.

6.9 This site was also chosen because it was considered very much naturally screened and other locations around the farm would be more visually intrusive to third party properties. Mr Fisher is also proposing to grass over the earth banks, allow the existing hedgerows to grow around the lagoon and also to plant a hawthorn and other hedgerow species along the North and West sides approximately 2 metres from the fence. This will further help to screen the lagoon. Planning policy LE26 agricultural buildings supports landscaping of agricultural structures stating, "It may be possible to do this by using natural contours in the land or existing natural screening such as woodland, trees or mature hedgerows."

6.10 Mr Fisher spreads slurry on a neighbours land and this reduces the amount of fertiliser they have to apply/purchase. The land on which Mr Fisher can spread is marked blue on the plan at **Appendix 3**.

- 6.11 The lagoon will benefit both holdings which Mr Fisher owns namely The Glebe and The Scare. At The Scare there are 100 cubicles and a small underground tank which has been in situ for many years. The new lagoon will serve both steadings. From a financial point of view this will also permit the expenditure to be spread over two farms.
- 6.12 Other sites around the farm were discounted because of the drainage in these fields, as one of the requirements of the Environment Agency is to close all field drains 30m back from the site of a lagoon. The land to the east of the road is heavy and leads to peaty land to the north. Without field drainage all the land will become very wet and unusable resulting in good agricultural land being rendered useless for the purpose for which it is required.

To the north of The Glebe is a SSSI (Site of Scientific Special Interest), and Natural England will not look favourably on a lagoon adjoining this area. Furthermore, from here, the umbilical system could not reach the furthestmost land holding to the west of the Glebe.

The land to the east of the steading is too close to watercourses.

- 6.13 The lagoon in the proposed location will significantly reduce traffic movements by tractors and slurry spreaders. If the lagoon was situated on the east side of the road there would still be the need to travel on these narrow country roads to spread slurry on the cropping land at the Scare side of the road. With a significant increase in stock numbers currently taking place there will be a corresponding increase in vehicle movements transporting slurry.
- 6.14 The lagoon will not pose any environmental concerns. If permission is granted for this lagoon it will mean Mr Fisher will be able to store slurry for considerably longer than he can presently. This will result in the slurry being applied when the land utilises it best, and the slurry need not be spread during the winter months when there is the possibility of the slurry being washed off the land. This is also a requirement of the forthcoming NVZ regulations.

- 6.15 There is a public right of way which lies from the bottom of the property known as the Close, to the north side of the buildings at the Scare. Neither the lagoon nor the proposed route of the umbilical cord will cross this access or block any part of the public right of way.
- 6.16 Once slurry has been through the separator it will be mixed with an additive which will reduce the odour produced and the dirty water will not require mixing which, under normal lagoon systems is necessary to ensure 'crusting' is broken up, and this is when the odour is produced. A copy from the supplier of this additive is attached at **Appendix 5**.
- 6.17 The lagoon will have a 1.8 metre high non climbable fence erected around it and lockable gates, the fence will be in excess of the Health and Safety Executive requirements (Construction (Design and Management) Regulations). This will protect the lagoon from unauthorised entry by both people and wildlife.

7.0 CONCLUSION

As can be seen from the aforementioned report, numerous sites around the holding were considered and discounted. In summary the choice of site was established by consideration of numerous factors:

- proximity to third party dwellings
- visual impact
- the need for land around the steading in case of emergency
- soil type
- distance from the steading to access all land
- field drainage
- increase in cow numbers i.e. increased slurry production
- significant reduction of travelling on roads by tractors and spreaders
- forthcoming NVZ designation
- better use of slurry throughout winter months

Given the above information we consider retrospective permission should be forthcoming for this development at the current location as it best serves the needs of the business.

SIGNED:

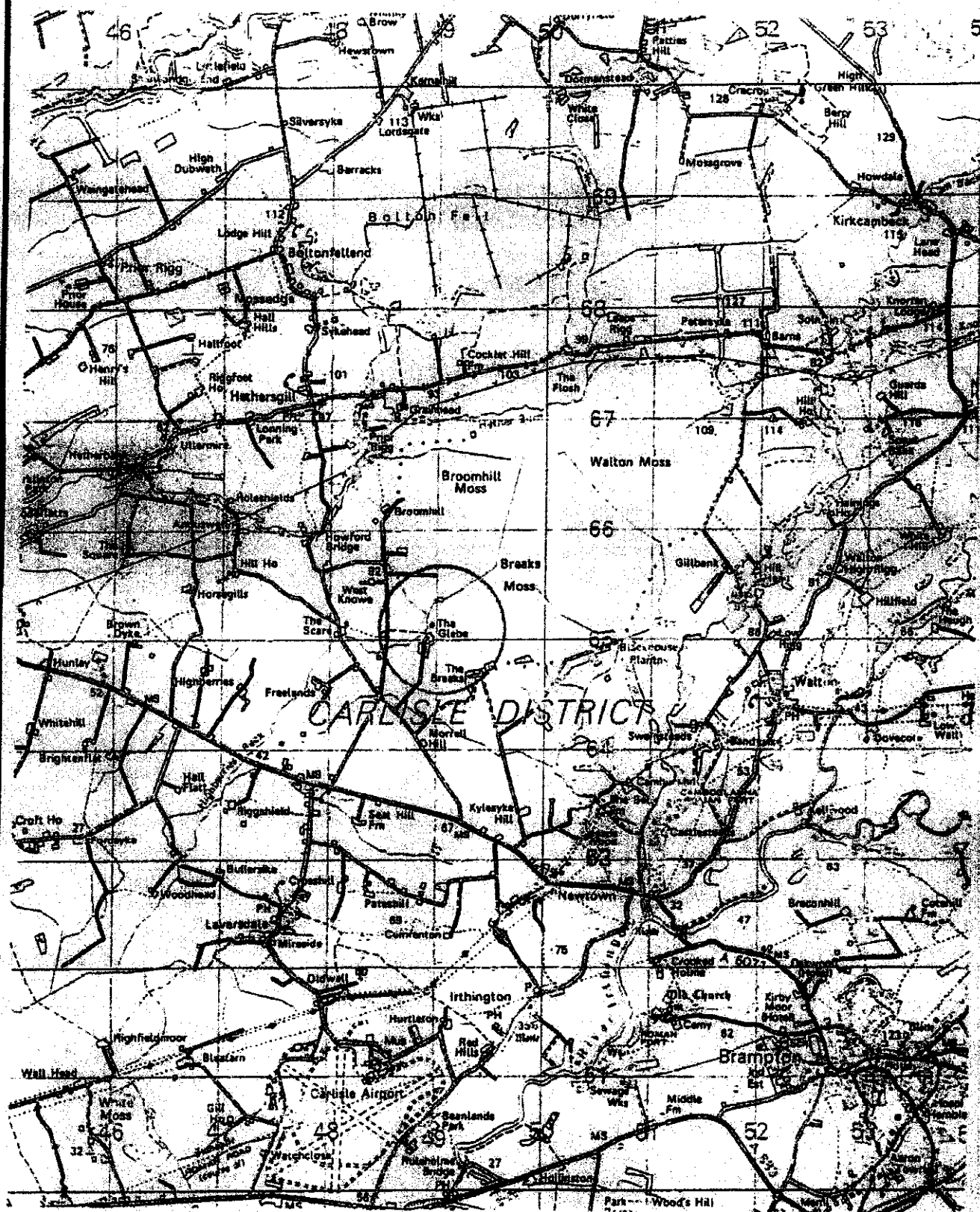
Julie Liddle

Julie Liddle MRICS, FAAV
For and on behalf of H & H Bowe Limited

DATE:

26th March 2009

Appendix 1



**THE GLEBE,
HETHERSGILL,
CARLISLE**
(Scale : 1:50,000)

H & H Bowe Limited

Borderway, Rosehill,
Carlisle, Cumbria, CA1 2RS

Tel: 01228 640920

Fax: 01228 640938



OS Licence No: ES 004177

Appendix 2

J Fell Plant

Drainage, Site Clearance, Demolition
VAT No. 828 808 395

Staffler
GRETNA
Dumfriesshire
DG16 5HW

Tel/Fax : 013873 72282
(m) 0771 288 9046

15th March 2009

Dear John

Lagoon Site

After digging a series of investigation holes at The Glebe for the siting of your slurry lagoon, it was found that the material consisted of sandstone and therefore porous and unsuitable. Test holes at The Scare proved to be of a more clay-based consistency.

As a business that has specialised in Ground works and Drainage for 6 years, I have prepared lagoon sites similar to your own and have a further 2 earth-bank slurry stores to construct in the near future.

I trust this consolidates our decision to place the Lagoon where it is and if you have any other questions then please do not hesitate to phone me.

Regards,

James

James Fell

Appendix 3

P = Peat Land
 /// = Field Drains
 ■ = Emergency Land / Grazing Land
 □ = Cropping Land
 □ = Land Mr Fisher spreads slurry on.

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C

Appendix 4



H & H BOWE LIMITED

Chartered Surveyors, Land Agents, Valuers and Quota Brokers

Borderway · Rosehill · Carlisle · Cumbria · CA1 2RS

Tel: 01228 640920 · Fax: 01228 640938

www.hhbowe.co.uk

email:andy.dyer@hhbowe.co.uk

Our Ref: AD

Date: 16th March 2009

Dear Sirs

Messrs Fisher – Slurry Lagoon

I have been asked to provide supporting evidence in connection with the construction of a slurry lagoon at one of Messrs Fisher's agricultural farm businesses.

I am employed as a Senior Agricultural Advisor with H & H Bowe Ltd and have in excess of twenty seven years experience within the livestock and arable sectors. Twenty one years were spent managing large farming units in Scotland, and six years have been spent in an advisory role within the agricultural industry providing strategic advice throughout the North of England and Southern Scotland. I have an honours degree in Agriculture (Aberdeen 1982) and hold a number of qualifications which are well recognised within the agricultural industry. I am a FACTS qualified adviser (FE/2283) and also hold a BASIS Crop Protection Certificate (E/5712/ICM. Additionally I also hold a BASIS Soil and Water Protection Certificate (SW/89).

Messrs Fisher are currently expanding their dairy herd in response to industry and market place demands and the new slurry lagoon is seen as pivotal to this expansion. The current slurry, dirty water and solid manure storage facilities on the farm are inadequate to meet the needs of this proposed expansion of the dairy herd. Currently the farmland is located out-with any of the proposed new Nitrate Vulnerable Zone (NVZ) designations which are to be fully implemented by 2010. It is however likely that, within the next ten years, the land farmed by the business will be included in a NVZ, along with the rest of the UK, in order to meet the increased demands of European Legislation on Nitrates.

Cont/



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DIRECTORS: John D H Robson BLE FRICS (Managing) · Tim Parsons BSc MRICS FAAV
Julie Liddle BSc MRICS FAAV · Brian E Richardson

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AMC
AGENT

16th March 2009

As demands increase within the NVZ's to meet legislative criteria so the regulatory burden on farming businesses will also increase. The enforcement of NVZ legislation requires that slurries are stored on farm for in excess of the four month closed period (when no spreading of slurries is allowed) which extends from September until January. In fact farms need to ensure that they have a minimum of five month's storage capacity to meet NVZ requirements. The new lagoon would be essential to meet the increased regulatory burdens on the farm when they are implemented in the future.

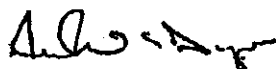
The longer term storage of solid manures, slurries and dirty water on farms is highly beneficial in relation to the maintenance and enhancement of soil fertility and making best use of the nutrients that are available in these products. Progressive farmers, such as Messrs Fisher, recognise the wisdom of storing these products for use on crops at times in the seasons when crops are actively growing and when these crops can derive most benefit from the nutrients present in the slurry or manure.

Increased use of modern technology such as slurry separators, which Messrs Fisher intend investing in, makes handling the slurry easier and more environmentally aware by splitting it into water and solid fractions, which can then be stored separately and handled differently on farm. The intention is to make use of the new lagoon to assist with the storage of the liquid fraction produced by the separation of the slurry.

The ability to store slurry, dirty water and solid manures on the agricultural holdings farmed by Messrs Fisher for use when the business and the crops grown on farm can make best use of them is seen as being of paramount importance. The cost savings to the business from utilising the benefits of the nutrients contained within the slurry and other products are also important. Increased awareness of the potential of the nutrients contained within the slurry to harm the environment, if applied in excess of crop requirements or when run-off into water courses is a danger means that the construction of the new lagoon will enable Messrs Fisher to meet and exceed any current legislative requirements. Furthermore it will enable Messrs Fisher to continue to operate their farming business efficiently and effectively within the current economic climate. Planning approval for the new lagoon is integral to the aims and objectives of this progressive farming business, which contributes to the local economy in terms of labour usage and spends money within the local business community.

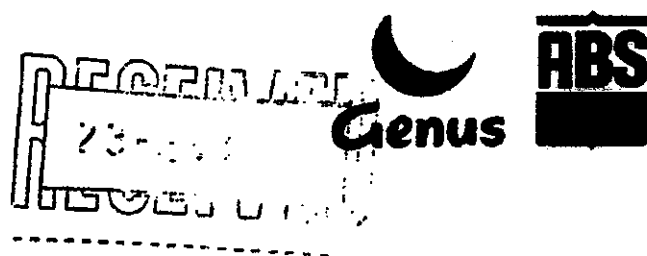
If you require further clarification on any point, then please do not hesitate to contact me.

Yours faithfully



Andrew S Dyer
Senior Agricultural Advisor

Appendix 5



Genus Breeding Ltd
Alpha Building
London Road
Nantwich
CW5 7JW

Telephone 01270 616616
Fax 01270 616700

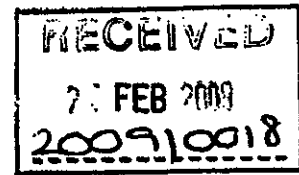
18th February 2009

Dear Mr Bell,

John Fisher has recently contacted us at Genus ABS regarding managing his slurry in a sensitive and environmentally friendly way. As a result of these discussions John is in the process of starting to use SOP, this product when used in the correct manor will minimise the stirring time needed in his slurry lagoon and greatly reduce the odour from this slurry. He is also investing in a study tour with us to Italy researching slurry management in areas of high population.

Yours Sincerely

Richard Gordon
Territory Sales Manager



FIELD NUMBER OS 1724 THE GLEBE, HETHERSGILL, CARLISLE

**REPORT ON A PROPOSED EARTH BANKED
SLURRY LAGOON FOR THE STORAGE OF FARM SLURRY**

Capita Symonds
Clint Mill
Cornmarket
PENRITH
Cumbria
CA11 7HP

CAPITA SYMONDS

Tel: 01768 242340

March 2009

**FIELD OS 1724 THE GLEBE, HETHERSGILL, CARLISLE – REPORT ON A
PROPOSED EARTH BANKED SLURRY LAGOON**

1.0 Introduction

1.1 This report has been prepared at the request of Carlisle City Council who on the 19 February 2009 asked if I would provide a report on the agricultural need for a proposed earth banked slurry lagoon in field OS 1724 at the Glebe, Hethersgill for the purpose of storing farm slurry.

1.2 I met the applicant Mr John Fisher at the Glebe on 17 March 2009 and inspected the holding and development site. The following information was provided:-

2.0 Land Occupied

2.1 The Glebe at Hethersgill extends to 420 acres (170 ha) or thereabouts and has been owned and farmed by the Fisher family since 1981. The holding includes ownership of the range of farm buildings at The Scare.

3.0 Livestock

3.1 The Glebe is a dairy farm currently carrying in the region of 455 Holstein dairy cows together with approximately 250 young stock. Calving takes place all year round.

4.0 Cropping

- 4.1 Approximately half the farm is laid down to grass for grazing and conservation of silage with the other half used to grow crops for consumption on the farm including winter wheat, spring barely and maize.

5.0 Farm Buildings

- 5.1 There are a substantial range of traditional and modern farm buildings on this holding comprising:-

- Traditional sandstone and slate range of buildings including calf boxes, farm workshop, chemical and mineral stores.
- 2 calf sheds.
- 3 steel portal framed loose cattle houses.
- Cow cubicle accommodation for 400 head of stock.
- Milking parlour.
- Dairy.
- Collecting yard.
- Straw shed.
- Silage shed.
- 3 general purposed crop and machinery stores.

- At The Scare, there are a small number of traditional farm buildings providing cubicle accommodation for 100 head of stock together with a small, below-ground slurry store.

5.2 The existing slurry storage on the unit comprises a 250,000 gallon above ground circular tower together with a 150,000 gallon open slurry lagoon.

6.0 Domestic Buildings

6.1 The farmhouse at the Glebe is a substantial, traditionally constructed property under a slate roof.

7.0 The Proposed New Slurry Lagoon

7.1 The proposed new slurry lagoon is to be constructed on land to the west of the steading and will be linked to the existing slurry facilities by a 5 inch (125mm) diameter pipe. The lagoon will have a cross sectional floor area of approximately 33 metres with gross dimensions (taken from the Design and Access Statement) of 78m x 55m x 81m x 64m. Whilst partly sunk below existing field level, the store will have retaining earth embankment walls of between 3 and 3.6 metres above ground level. At the time of my inspection on the 17 March, a substantial proportion of the work had been completed due to a misunderstanding of the requirement for planning permission. The volume of the lagoon is estimated at approximately 6000 cubic metres (1.6 million gallons)

7.2 In conjunction with the lagoon, the applicant proposes to install slurry separation facilities at the Glebe. The purpose of this is to separate heavier organic matter from the farm slurry to allow a lighter, less viscous liquid to be pumped to the lagoon. It is understood that this liquid retains much of the manurial value of slurry without containing the same high volume of organic matter. The separated organic matter will be stored separately in a midden type arrangement at the Glebe.

8.0 Comments on the Reasons for Location, Design and Size of the Lagoon

8.1 The lagoon is to be situated on land some distance from the steading. Although other sites were examined, the reasons given for construction at this location were as follows:-

- Geographically, this location on the farm is one of the few areas with a clay based soil and sub soil which is important for the impermeable lining of the lagoon
-
- The existing land drainage around the Glebe and location of a Site of Special Scientific Interest just to the North of the steading make development in this location less acceptable.

- The access route to the large (110 acre / 45ha) block of land on which the lagoon is to be situated currently requires public road travel. This is not ideal with slurry tankers. Piping the slurry directly to the lagoon for spreading on the surrounding land will significantly reduce road traffic movements at spreading times.
- Located roughly midway between the Glebe and The Scare, the store will be able to serve both locations.
- A number of the applicant's neighbours have expressed interest in utilising any spare slurry for use on their adjoining land.

8.2 The size of the proposed lagoon is consistent with the requirement to store slurry from 700 head of stock (dairy cows and replacements) with spare capacity for the proposed expansion to 650 milking cows in the near future. At present, the applicant reports that he spreads in the region of 250,000 gallons of slurry each month which is slightly in excess of half his existing storage capability. By having capacity to store slurry for longer periods of time, the applicant will have the ability to use this valuable agricultural by-product at optimum times of the year. For information, the existing facilities were installed in 1991 when there were approximately 160 head of stock on the farm.

8.3 Although the Glebe does not fall within the newly enlarged Nitrate Vulnerable Zone, there is widespread belief that these zones will eventually be extended

across the whole region. In addition to specific dates for non-spreading of slurry, the Nitrate Vulnerable Zone requirements ask each farm to show that it has the capacity to store 5 months production of slurry. The proposed facility at the Glebe will, under current rules, fulfil this requirement.

- 8.4 An earth walled lagoon is currently by far the cheapest means of storing large volumes of slurry. Below ground stores, slurry bags, circular towers and concrete panelled stores all require significantly higher initial capital investment.

9.0 Conclusions

- 9.1 I therefore conclude that from an agricultural perspective the proposed facility is consistent with the applicant's objectives for the management of this business.

David Rawle MRICS
March 2009

**COMPLIANCE WITH RICS PRACTICE STATEMENT SURVEYORS ACTING
AS EXPERT WITNESSES**

I hereby declare that my Report complies with the requirements of the RICS Practice Statement "Surveyors Acting as Expert Witnesses" 3rd Edition effective from 1 January 2009 in particular

- (i) that the report includes all facts which the surveyor regards as being relevant to the opinion which he or she has expressed and that the judicial body's attention has been drawn to any matter which would affect the validity of that opinion; and
- (ii) that the report complies with the requirements of The Royal Institution of Chartered Surveyors, as set down in *Surveyors acting as Expert Witnesses: Practice Statement*; and
- (iii) That the expert understands his or her duty to the judicial body and has complied with that duty.
- (iv) 'I believe that the facts I have stated in this report are true and that the opinions I have expressed are correct'.

Barbara Perchival

From: Matthew Bell [mailto:matthew.bell@hbbows.co.uk]
Sent: 17 February 2009 10:39
To: Barbara Perchival
Subject: Mr Fisher, The Close, Hethersgill
Attachments: MX-2300N_20090217_105258.pdf

Morning Barbara

Please find enclosed a copy of the map which shows the route of the umbilical cord will go, if there is a problem with this we could amend the route it takes.

The proposed fencing will be 1.40 meters high and wooden fencing posts will be used instead of concrete posts.

Have you received the letter objecting which Taylor and Hardy is action on behalf of the occupants of the Close, if so would it be possible to forward me a copy as it is not on the internet.

If you require anything further please do not hesitate to contact me.


Regards

M R Bell

Matthew Bell

H&H Bows Limited, Borderway, Roschill, Carlisle, CA1 2RS
Tel: 01228 640930 Fax: 01228 640938
e-mail: matthew.bell@hbbows.co.uk

website: www.borderway.co.uk

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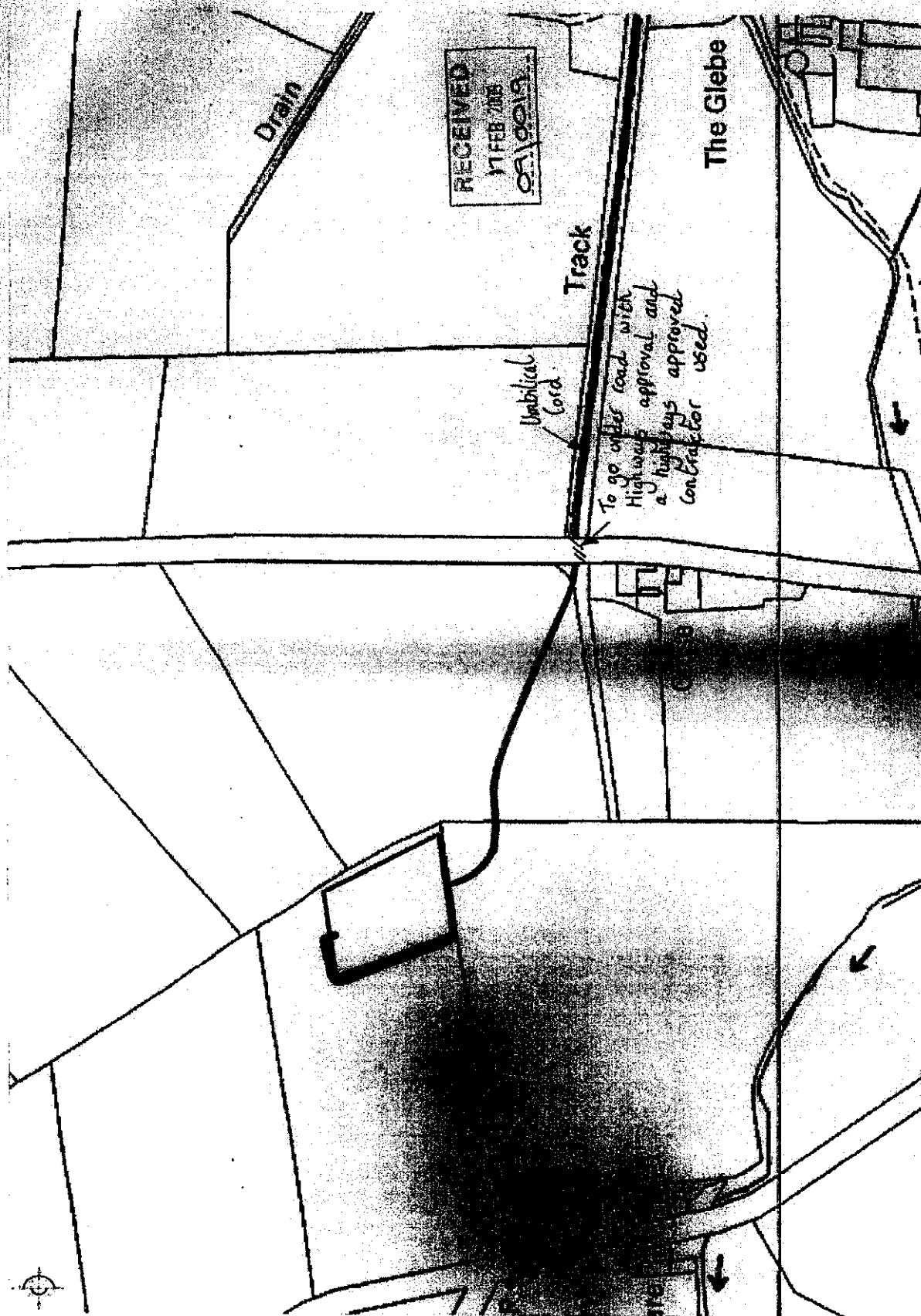
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<http://www.eset.com>

The Glebe, Hethersgill, Carlisle



Carlisle, CA1 2RS
649938

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Barbara Percival

From: Riccardo Consigliere SopGroup [consigliere@sopgroup.com]
Sent: 21 April 2009 14:39
To: Barbara Percival
Cc: rgordon@genusbreeding.co.uk; 'Paolo (Sop Group)'
Subject: Query on SOP LAGOON

Dear Mrs Percival

Let me thank you for your interest in SOP, one of our company missions is produce products and system for a better environment for animals and humans, within this mission fits the SOP LAGOON treatment a new generation product to enhance the quality of the liquid manure and reduce the problems connected with the management of this important dairy farm by-product.

The base of the SOP technology is the utilization of a carrier material (calcium sulphate in the case of SOP LAGOON) to expose to low frequency electromagnetic field biological system (in broad terms any material containing living bugs) such as liquid manure.

Until comparatively recently it has been widely assumed that low-frequency magnetic and electric fields have no detectable physiological or biological effects.

However, in the past few years several workers have suggested that this long-held view is in fact incorrect, and have reported both stimulatory and inhibitory effects of such fields; it has been pointed out that cells may contain magnetic structures, so that their enzyme structures and RNA systems may well be influenced by applied magnetic fields and so it became clear that the growth rate, mutation frequency, spore germination rate and other parameters of cells will be affected by exposure to magnetic fields (See "Effects of low-frequency magnetic fields on bacterial growth rate" E Aarholt, E A Flinn and C W Smith Department of Electrical Engineering, University of Salford, Salford M5 4WT, England).

With SOP LAGOON, the liquid manure is bio-conditioned through the exposure to VLF (very low frequency) electromagnetic field which stimulates the anaerobic mineralising and denitrifying micro-organisms, and thus SOP products do not introduce foreign micro-organisms into the environment such as bacteria, protozoa nor enzymes.

The main points on which SOP LAGOON can play an important role in the slurry management are:

1. REDUCTION IN SURFACE CRUSTS AND SEDIMENT ON THE BOTTOM OF PITS UNDER SLATS, RECEIVING PITS AND LARGE STORAGE PITS/LAGOONS
2. GREATER FLUIDISATION AND HOMOGENEITY IN THE PITS AND UNDER THE SLATS WITH A REDUCTION IN MIXING AND PUMPING OUT TIMES
3. REDUCTION IN AMMONIA EMISSIONS AND BAD SMELLS ON THE FARM, IN STORAGE AND IN SPREADING
4. DECOMPOSITION OF THE LIQUID MANURE IS FAVOURED, WITH LESS PHYTOTOXICITY FOR THE CROPS AND A GREATER FERTILISING CAPACITY
5. REDUCTION IN NITRATES AND TOTAL NITROGEN

The anaerobic break down of organic substance is a process which occurs both in the bedding and in the liquid manure pits and the main cause of this action are the micro-organisms.

If, for any reason, the action of the micro-organisms is reduced, this break down occurs only partially and the solid materials present in the liquid manure (straw, sawdust bedding, uneaten forage or feed, undigested material) tend to accumulate and form deposits.

Furthermore, if the putrefying bacteria (*Proteus* sp., *Cytophaga* sp., etc.) are dominant the liquid manure becomes putrefied and ammonia emissions are increased, SOP LAGOON strongly inhibits these microorganisms. SOP LAGOON stimulates the hydrolytic and acetogenic bacteria in the liquid manure to carry out this anaerobic break down.

The greater fertilizing capacity of liquid manure treated with SOP LAGOON is caused by the nitrogen component, mostly present in an organic form, which is a result of the bacterial activity stimulated by SOP LAGOON.

In fact, bacteria require nitrogen for their growth (both in a nitric and ammoniacal form) and absorb that available in the liquid manure; through the stimulation of SOP LAGOON, the bacteria increase in number and subsequently the quantity of nitrogen they absorb also increases.

When the liquid manure is spread on the fields, it dehydrates and dries "killing" the bacteria in it which begin to decompose, gradually breaking down the nitrogen in form of proteins into smaller and smaller fractions (polypeptides - > peptides -> amino acids).

The nitrogen in form of protein has a very complex structure and its degradation requires a long time. In this way, the crops have a nitrogen source at their disposition which is released gradually and is thus available to them for a longer period of time.

This form of nitrogen is less susceptible to being washed away by the rain and so the quantity of nitrogen dissolved in the rain water is significantly reduced, strongly limiting the pollution of the underground water sources.

This is the phenomenon which gives liquid manure treated with SOP a greater fertilizing capacity: slow "release" of nitrogen which is available for the crops for a longer period of time with less losses due to washing away by the rain.

It is important to note that with new structures particularly if made of concrete there might be a slight reduction of efficacy of SOP LAGOON thus we strongly recommend to use SOP CONCRETE alongside during the activation period (4 weeks).

I hope this information are sufficient to answer your question if you wish to either read the scientific literature about SOP or get access to other info you could log on our website WWW.SOPGROUP.COM, in any case I am at your disposal for any further clarification.

Best regards

Riccardo Consigliere

Riccardo Consigliere MRCVS
SMT Sales & Monitoring Trainer
SOP Srl

Tel (+39) 3407158143

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SCHEDULE A: Applications with Recommendation

09/0278

Item No: 12

Date of Committee: 29/05/2009

Appn Ref No:
09/0278

Applicant:
Mr K McAll

Parish:
Hayton

Date of Receipt:
09/04/2009

Agent:
HTGL Architects Ltd

Ward:
Hayton

Location:
L/A Stockdale House, Heads Nook, Brampton,
Cumbria, CA8 9AF

Grid Reference:
349318 555416

Proposal: Erection Of 1no. Detached Dwelling With Garage
Amendment:

REPORT

Case Officer: Barbara Percival

Reason for Determination by Committee:

This application is brought before Members as the proposed site lies outside of the settlement boundary for Heads Nook although Officers consider that the development would form a logical termination of development to the north west edge of the village.

1. Constraints and Planning Policies

Local Plan Pol DP1 - Sustainable Development Location

Local Plan Pol H1 - Location of New Housing Develop.

Local Plan Pol H9 - Backland Development

Local Plan Pol CP3 - Trees and Hedges on Development Sites

Local Plan Pol CP5 - Design

Local Plan Pol CP6 - Residential Amenity

Local Plan Pol CP9 - Devel., Energy Conservation and Effic.

Local Plan Pol CP12 - Foul&Surf.Water Sewerage/Sew.Tr.

Local Plan Pol T1- Parking Guidelines for Development

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): comments awaited;

Community Services - Drainage Engineer: comments awaited;

United Utilities (former Norweb & NWWA): comments awaited;

Development Services Planning & Housing Services - Local Plans: the proposal is for a dwelling in the side garden of Stockdale House. Policy H1 of the Carlisle District Local Plan lists Heads Nook as a local service centre; however, Stockdale House falls outside the settlement boundary for Heads Nook. The supporting text for Policy H1 does make provision for new housing to be located on the edge of villages in paragraph 5.4 provided the proposal is acceptable in landscape terms, and meets the criteria set out in Policy H1 and the supporting text.

The site in question, Stockdale House, would appear to form a natural boundary to the village. Utilising part the side garden of this property would result in infill development with Croft House adjacent and the rest of the village, and would not, therefore, result in a precedent for extending the settlement beyond the built up extent of the village. The principle of this development is considered acceptable in respect of planning policy;

Development Services Planning & Housing Services - Local Plans (Trees): comments awaited;

Hayton Parish Council: comments awaited.

3. Summary of Representations**Representations Received**

Initial:	Consulted:	Reply Type:
, Croft House	16/04/09	Objection
Croftlands	16/04/09	
Stocklands	16/04/09	Objection
Eden Holme		Objection

3.1 This application has been advertised by the direct notification to occupiers of three neighbouring properties and the posting of a site notice. In response, three letters of objection have been received.

3.2 The letters identify the following issues:

SCHEDULE A: Applications with Recommendation

09/0278

1. highway safety. The proposed dwelling is within the 30 mph zone but vehicles often exceed the speed limit. Does not appear to be any turning within the site, forcing vehicles to reverse onto the road. Existing boundary treatments would give very limited vision onto the road;
2. design. Modern design is out of keeping with the character of the village. There are no new houses along the road frontage. As such this would detract from the attractiveness of the village and set a precedent for further modern dwellings;
3. capability of existing sewage system;
4. no requirement for any new houses in Heads Nook as there are existing properties for sale in the village.

4. Planning History

- 4.1 There is no relevant planning history.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 The proposal is located in the extensive gardens of Stockdale House located on the northern fringe of Heads Nook, east of the road running through the village. To the north west of the site is Stockdale House, a large two storey sandstone with slate roof dwelling and its various outbuildings. To its south east is Croft House, a large two storey render and slate roofed property. The property's roadside boundary (south west) consists of a combination hedges and close boarded wooden fences approximately 1.8 metres in height with its remaining boundaries being hedges, trees and stock proof fences of various heights.

Background

- 5.2 The application seeks Full Planning Permission for the erection of a detached house with an attached garage, located in the garden to the south east of Stockdale House. The submitted drawings illustrate an "L-shaped" dwelling with the single storey garage wing projecting forward of the main elevation. The overall length of the proposed dwelling would be 12.7 metres and at its widest part (including the garage wing) would be 15.5 metres wide. The maximum ridge height of the dwelling would be 7.6 metres.
- 5.3 The accommodation provided would comprise of an attached double garage, entrance hall, w.c., utility, kitchen, dining room and living room with 3no. bedrooms, bathroom and ensuite bedroom above. Access would be via a

new private driveway in the north west corner of the site, access gates being set back to provide sufficient space for a vehicle to clear the highway.

- 5.4 The scale and massing of the proposed dwelling would be similar to those of its immediate neighbours. The proposed materials are red sandstone with white render panels, natural slate roof and white upvc windows and doors.

Assessment

- 5.5 The relevant planning policies against which the application is required to be assessed are Policies DP1, H1, H9, CP3, CP5, CP6, CP9, CP12 and T1 of the Carlisle District Local Plan 2001-2016.

- 5.6 The proposals raise the following issues:

1. Whether The Principle of Development Is Acceptable

- 5.7 Policies require that development proposals, and in this instance, residential development, should enhance the overall quality of life within Cumbria through the promotion of sustainable development that seeks to protect the environment, ensure prudent use of resources and maintain social progress and economic growth. In particular, H1 of the Local Plan, identifies Local Service Centres that are considered to be sustainable and appropriate for additional development, subject to consideration against the relevant policy criteria.
- 5.8 Although Heads Nook is one such Local Service Centre, the application site falls outwith the settlement boundary. Paragraph 5.4 of the supporting text of Policy H1 does; however, make provision for new housing to be located on the edge of villages provided that: firstly, they relate well to, and are contained by the existing landscape features; secondly, relate well to the form, scale and character of the village; and finally the scheme does not adversely affect the amenity of adjacent dwellings.
- 5.9 In this instance, Stockdale House forms a natural boundary to the village. The utilisation of part of the garden of this property resulting in an infill development with the property to its immediate south east (Croft House) and the village of Heads Nook itself. It is, therefore, considered that this application would not set a precedent for extending the settlement beyond the built up extent of the village and that the proposal satisfies the objectives of Policy H1.

2. Whether The Scale And Design Of The Dwelling Is Acceptable

- 5.10 The submitted drawings illustrate that the proposed dwelling would be of a similar scale and massing to those of its immediate neighbours and other properties within the immediate vicinity. The Design and Access Statement, submitted as part of the application, indicates that the proposed materials would also complement the existing dwellings. Furthermore, the proposal

would achieve adequate amenity space and off-street parking.

- 5.11 In summary, the scale and design of the proposed dwelling is considered acceptable and that the proposed dwelling would not form a discordant feature in the street scene.

3. The Impact Of The Proposal On The Living Conditions Of Neighbouring Residents

- 5.12 The proposed dwelling would be so orientated so as to achieve adequate separation distance between the primary windows of the nearest residential property, Stockdale House, and the proposed dwelling (21 metres). As such, taking into consideration the scale and position of the proposed dwelling in relation to Stockdale House and other properties with the immediate vicinity, it is unlikely that the living conditions of the occupiers of these properties will be compromised through overlooking or overdominance.

4. Impact Of The Proposal On Highway Safety

- 5.13 The occupiers of two neighbouring properties have raised objections in regard to highway safety. Following standard procedures, the Highway Authority has been consulted. At the time of preparing the report, the formal observations of the Highway Authority in regard to revised access arrangements are awaited. These observations will be reported verbally to the Committee.

Conclusion

- 5.14 In overall terms, the principle of the proposed development is acceptable. The scale, siting and design of the proposed dwelling is acceptable in relation to the site and the surrounding properties. The living conditions of neighbouring properties would not be compromised through unreasonable overlooking or overdominance.
- 5.15 Subject to the receipt of satisfactory observations from the Highway Authority, the recommendation is approval, as it is considered that the proposal is compliant with the objectives of the adopted Local Plan policies.

6. Human Rights Act 1998

- 6.1 Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

Article 6 bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

Article 7 provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

Article 8 recognises the "Right To Respect for Private and Family Life";

6.2 **Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

6.3 The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict. If any conflict was to be alleged it is not felt to be of sufficient weight to refuse planning permission.

7. Recommendation - Grant Permission

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. No development approved by this permission shall be commenced until a scheme for the conveyance of foul drainage to a septic tank has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until such treatment plant has been constructed and completed in accordance with the approved plans.

Reason: To prevent pollution of the water environment.

RECEIVED

06 APR 2009

09/02/08

HTGL

ARCHITECTS

l i m i t e d

15 Brunswick Street

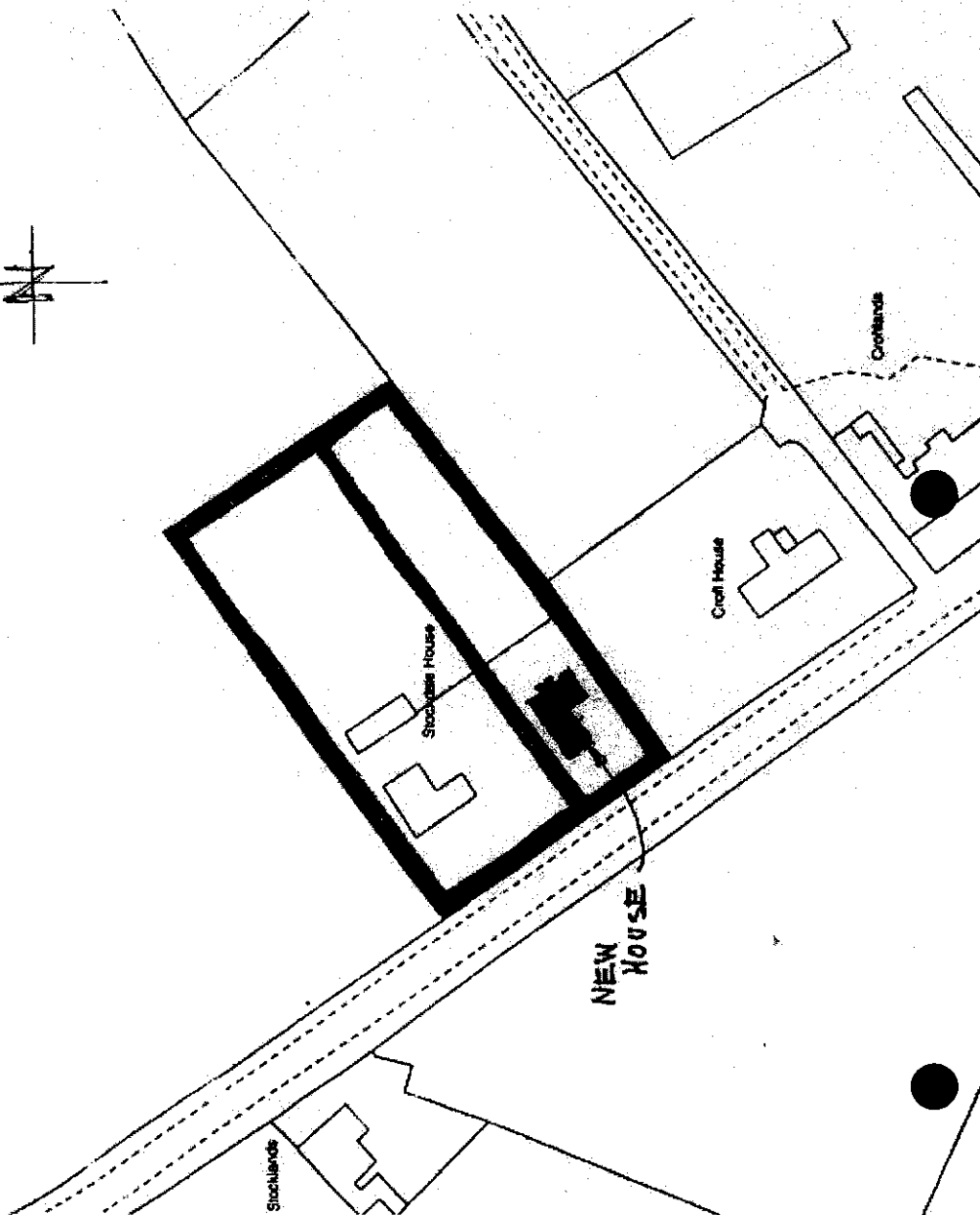
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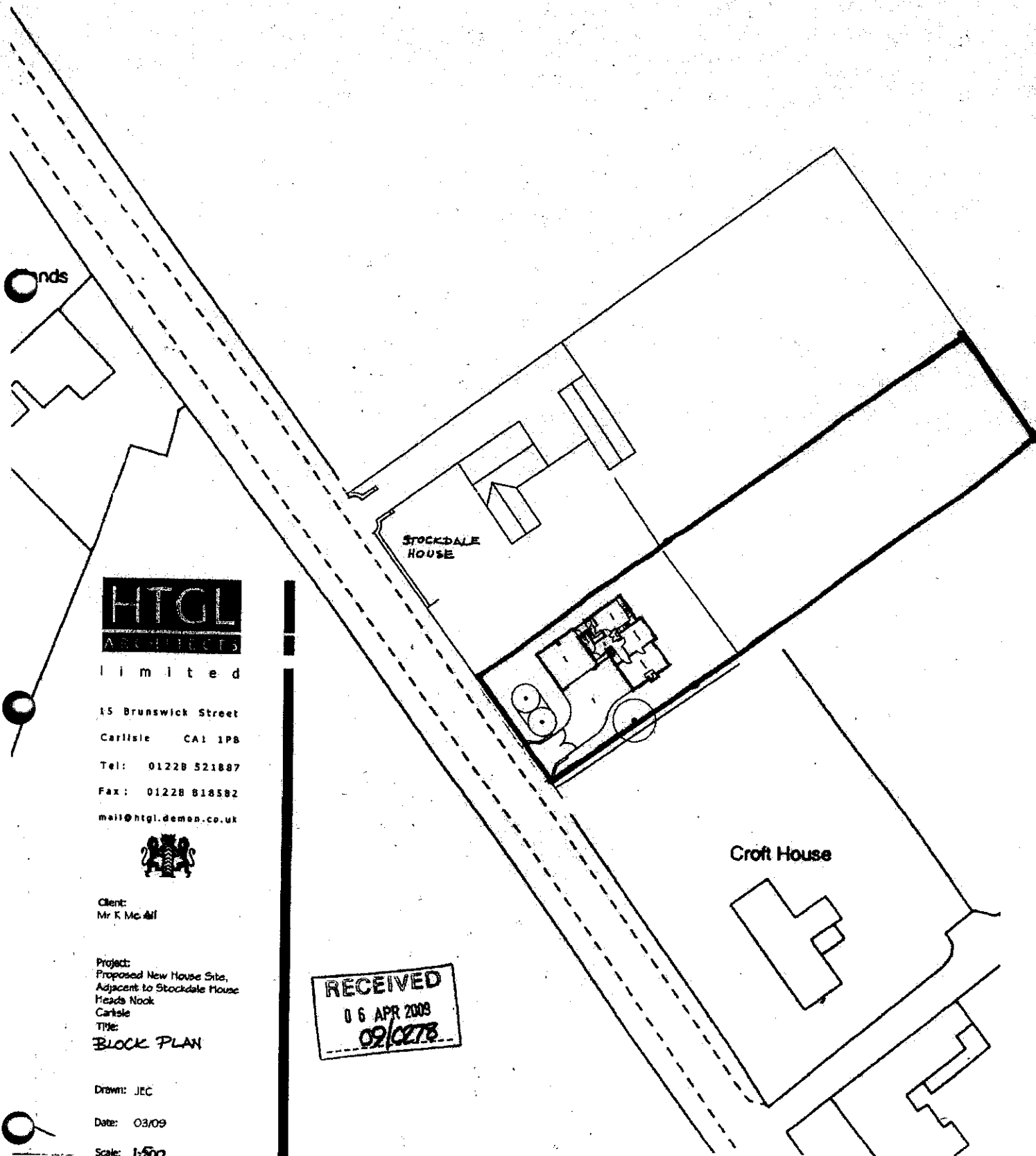
Fax: 01228 818582

mail@htgl.demon.co.uk

Stockdale Hall



Stockdale Hall



l i m i t e d

15 Brunswick Street

Carlisle CA1 1PB

Tel: 01228 521887

Fax: 01228 818582

mail@htgl.demon.co.uk



Client:
Mr K McAll

Project:
Proposed New House Site,
Adjacent to Stockdale House
Heads Nook
Carlisle
Title:

BLOCK PLAN

Drawn: JEC

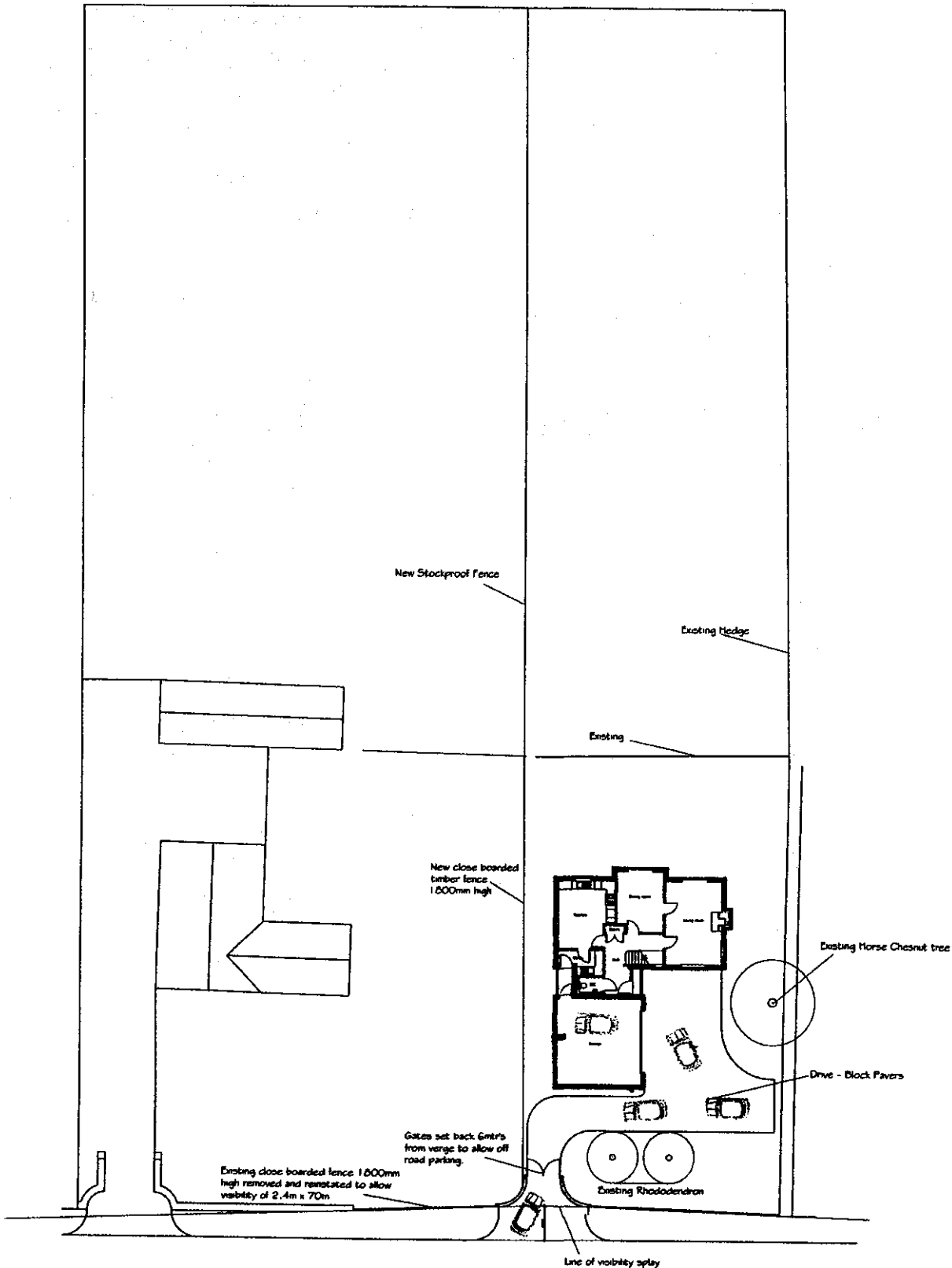
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Scale: 1:500

DRAWING No.

1956/03





SITE PLAN

0910278

Amended 120509: Amended drive position as required for visibility displays and drive length added. JEC



limited

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Client:
Mr K Mc All

Project:
Proposed New House Site,
Adjacent to Stockdale House
Heddy Road
Carlisle
Title:
Site Plan

Drawn: JEC

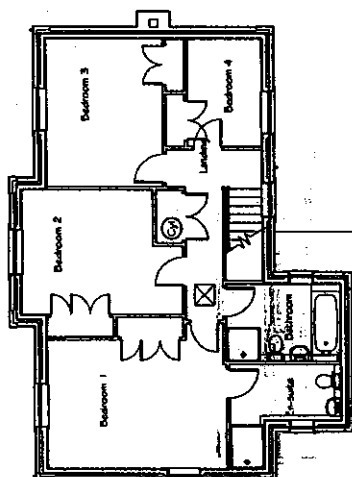
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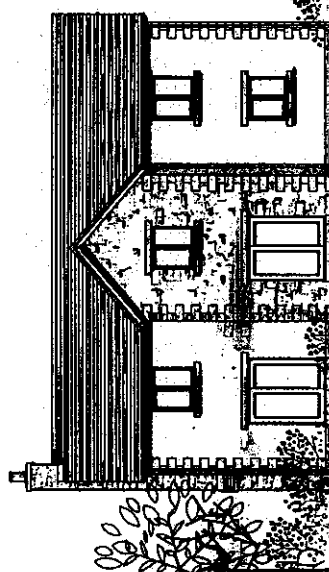
DRAWING No.
1956 / 02a

MATERIALS

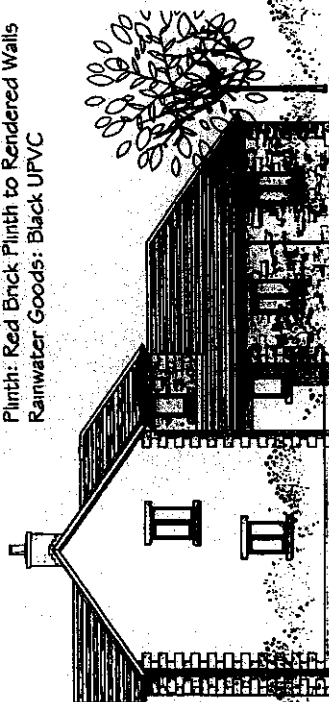
Walls : Red Sandstone / White Render
Roof: Natural Slate
Doors & Windows: White UPVC
Cills, Heads & Quoins: Red Sandstone
Plinth: Red Brick Plinth to Rendered Walls
Rainwater Goods: Black UPVC



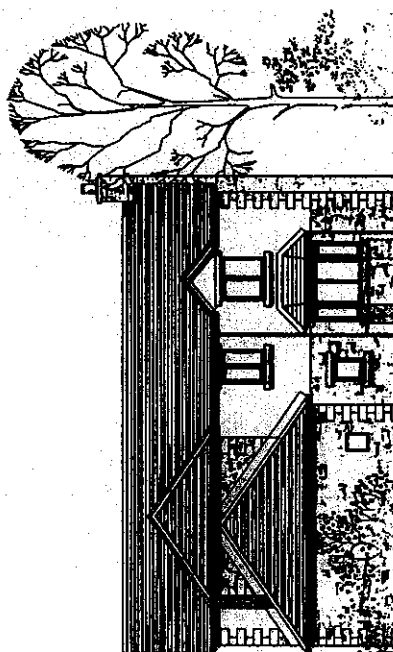
FIRST FLOOR LAYOUT



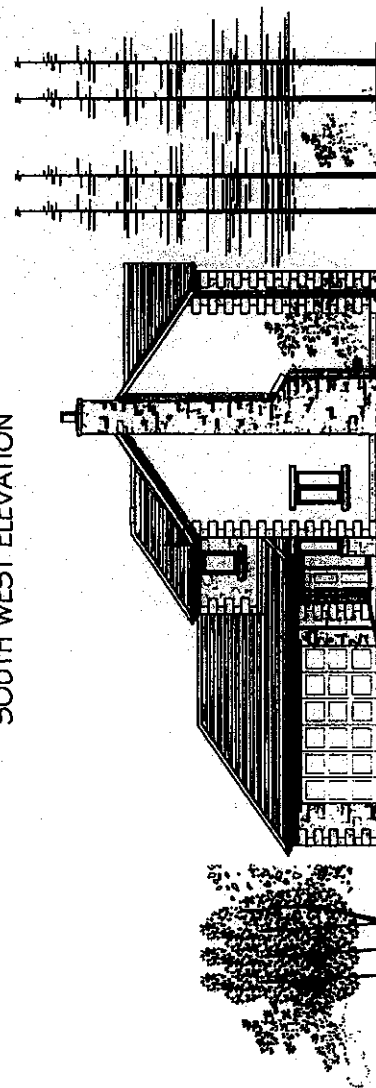
NORTH EAST ELEVATION



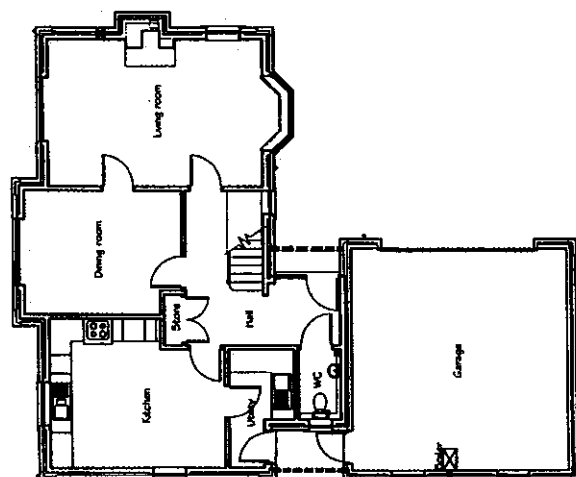
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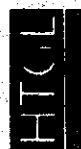
SOUTH WEST ELEVATION



SOUTH EAST ELEVATION



GROUND FLOOR LAYOUT



limited
15 Brunswick Street
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Fax: 01228 818502
mailto:light.damage.co.uk



Client: **MR K MCALL**

Project: Proposed New House, Site
Adjacent to Stockdale House
Nassau Neck
Corteau
Title: Premises As Proposed

100

DATE: 03/09

100

10/9561

