

SCHEDULE A

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## SCHEDULE A: Applications with Recommendation

13/0331

Item No: 01

Date of Committee: 19/07/2013

**Appn Ref No:**  
13/0331

**Applicant:**  
Mr & Mrs Fisher

**Parish:**  
Arthuret

**Date of Receipt:**  
02/05/2013

**Agent:**  
Edwin Thompson

**Ward:**  
Longtown & Rockcliffe

**Location:**

Land to the North East Of Scaurbank Wood,  
Longtown, Cumbria

**Proposal:** Formation Of Slurry Lagoon

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### REPORT

**Case Officer:** Richard Maunsell

#### 1. Recommendation

- 1.1 It is recommended that this application is approved with planning conditions.

#### 2. Main Issues

- 2.1 Whether The Principle Of Siting A Lagoon Is Acceptable In This Location
- 2.2 Whether The Scale And Design Of Proposed Slurry Lagoon Is Acceptable
- 2.3 The Impact Of The Proposal On The Living Conditions Of Neighbouring Residents
- 2.4 Impact Of The Proposal On Highway Safety
- 2.5 Impact Of The Proposal On The Environment And Biodiversity Issues

#### 3. Application Details

##### The Site

- 3.1 The application seeks Full Planning Permission for the formation of a slurry lagoon on land to the north east of Scaurbank Wood, approximately 0.85 miles (1.37 kilometres) from the centre of Longtown. The site is in open countryside on land that is currently in agricultural use. To the north and west of the site is Stackbraes Wood which is designated as a Dedicated Woodland. To the east and south is agricultural land bounded by

hedgerows. Adjacent and to the west is Powdrake Beck.

## **Background**

- 3.2 The main farm steading is located at Smalmstown, Longtown which is approximately 1.3 miles (2.1 kilometres) west of the application site as measured directly. The application was accompanied by a Design and Access Statement together with additional supporting information prepared by the applicant's agent which outlines the following:
1. Smalmstown Farm is a mixed farming business including grassland and arable production combined with livestock, predominantly sheep and cattle. Currently the stock levels stands at approximately 1000 dairy cows;
  2. the farm presently has 500,000 gallons of slurry storage which is inappropriate to the modern requirements of the herd;
  3. the proposal is for an excavated earth-banked slurry lagoon to provide the facility for the holding of approximately 2,000,000 gallons of slurry which is considered appropriate to the amount of agricultural land available for spreading. This also reflects the storage capacity for approximately 600 cows for more than 5 months in line with both best agricultural practice and Nitrate Vulnerable Zone (NVZ) regulations, future proofing the scheme against potential regulator requirements;
  4. the proposed storage capacity generates greater flexibility in the application of slurry allowing it to be more accurately tailored to the requirements of the land and to derive maximum benefit to both agricultural production and the natural environment;
  5. the proposed slurry lagoon would facilitate the use of an umbilical slurry application system to the 600 acres occupied around the site, reducing the use of slurry tankers and agricultural traffic in the area.

## **The Proposal**

- 3.3 The proposal seeks consent for the formation of an earth banked slurry lagoon that would be accessed along a permissive right of way, 310 metres to the east of the junction with Netherby Road.
- 3.4 The submitted drawings illustrate a quadrilateral slurry lagoon located adjacent to the northern boundary of the field. The lagoon would measure between 59 and 70 metres wide and 65 and 85 metres in length. The lagoon would be bounded by an earth bund measuring 15.7 metres in width and 2.8 metres in height from the external ground level around the lagoon. It would have a storage capacity of approximately 2,000,000 gallons (9,092,183.76 litres) and the depth of the lagoon would be 3.5 metres.
- 3.5 A 1.8 metre high protective fence topped with barbed wire to an overall height of 2 metres would enclose the lagoon which would then be re-soiled and re-seeded 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.

#### **4. Summary of Representations**

4.1 This application has been advertised by means of 2 site notices. In response, 17 letters of objection and a petition containing 232 signatures against the proposal have been received and the main issues raised are summarised as follows:

1. the proposal will result in increased vehicle movements through Longtown;
2. there is the potential that the vehicles transporting the slurry may overturn in Longtown which has happened recently;
3. the vehicular access to the woods is inappropriate;
4. children and young persons play in the lane and the across the adjoining agricultural land. The proposal may result in persons accessing the lagoon which may lead to a tragic accident;
5. the storage of slurry in lagoon will lead to an odour nuisance to properties along Lovers Lane and other areas of Longtown;
6. the area is prone to flooding and any slurry from the site may leak into adjoining watercourses and contaminate Powdrake Beck and the River Esk as well as the water table in the area. The River Esk is a SSSI;
7. the site is in close proximity to a Public Footpath;
8. there is no provision for the lagoon to accommodate additional rainfall in addition to the planned 2 million gallons of slurry;
9. the lagoon could be located closer to the farm steading.

#### **5. Summary of Consultation Responses**

Cumbria County Council - (Econ. Dir. Highways & Transportation): - no objection;

Arthuret Parish Council: - the application is not supported. The Parish Council are concerned about:

- the size of the lagoon close to a residential area;
- the increase amount of traffic to and from the lagoon through Longtown;
- Health & Safety concerns regarding flooding in the area and the possibility of pollution of the water course;
- reference to the drain on the plan is actually a ditch;
- the potential smell from the site would affect the community as the wind direct varies and is not always from the west;
- there are safety concerns for anyone (in particular) children as a crust forms over the top of the slurry that would appear safer than it actually is.

Environment Agency (N Area (+ Waste Disp & Planning Liaison Team): - a 1.5 metre depth of clay must be incorporated into the base of the lagoon to prevent slurry from infiltrating the ground. On this basis, there is no objection in principle to the development.

The news slurry facilities must comply with the design standards as required by the Water Resources (Control of Pollution) Silage Slurry and Agricultural

## **6. Officer's Report**

### **Assessment**

- 6.1 The relevant planning policies against which the application is required to be assessed are Policies CP1, CP2, CP5, CP6, CP11, CP13, LE1 and LE25 of the Carlisle District Local Plan 2001-2016. The National Planning Policy Framework (NPPF) is also a material planning consideration in the determination of this application. The proposal raises the following planning issues.
1. Whether The Principle Of Siting A Lagoon Is Acceptable In This Location
- 6.2 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.
- 6.3 The site is located in open countryside and on agricultural land. Although the structure would not be adjacent to existing agricultural buildings or structures, planning policies do not preclude the principle of development solely for this reason. Moreover, Policy LE25 accepts that agricultural development may not always occur adjacent to agricultural structures and the proposal must be considered against any potential that may occur as a result of the development. The principle of development is therefore acceptable.
2. Whether The Scale And Design Of Proposed Slurry Lagoon Is Acceptable
- 6.4 The NPPF together with 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 take advantage of the contours of the land and any existing natural screening and 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.
- 6.5 The land is within an area designated as Urban Fringe Landscape; however, this designation has been superseded by the more recently introduced NPPF. It is acknowledged that the lagoon would be in open countryside; however, any visual impact that the lagoon would have would be lessened by the bunds being reseeded with grass following completion. In addition, the site is adequately screened by Scaurbank Wood to the west and north of the site with hedgerows along the eastern and southern boundaries. Although there would be views of the lagoon from the permissive right of way, wider public views would be significantly limited and the development would not adversely affect the character or appearance of the area.

- 6.6 The application site 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 and a lagoon of this scale would achieve this requirement.

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

- 6.7 Policies CP5 and LE25 of the Local Plan both seek to ensure that there would be no adverse effect on the living conditions of the occupiers of residential amenity of adjacent properties. Within the immediate vicinity of the lagoon there are a number of residential properties, the closest of which being Crofthead which is 530 metres to the north-west, Moor Cottage which is 570 metres to the south-east of the site together several dwellings along Lovers Lane the closest of which is number 21 that is 585 metres from the application site.
- 6.8 Residents have raised objections concerning possible increase in odour. The lagoon could not be resited as the majority of the 600 acres farmed is to the south of the River Esk and is also within a designated Flood Zone. The land is in agricultural use over which slurry is currently spread. Given that the majority of the residential properties nearest the site i.e. those along Lovers Lane, are over 585 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

- 6.9 It is acknowledged that agricultural vehicles will travel through Longtown from the applicant's farm to the application site to fill the lagoon; however, these same vehicles already have to make the same journey to spread the slurry on the land. The proposal would utilise an umbilical cord system which would pump the slurry onto the adjoining land. The applicant has provided additional information which is reproduced following this report, which shows the reduced number of vehicle movements that would result in the immediate locality as a result of using this system. The Highway Authority has raised no objection to this application.

### 5. Impact Of The Proposal On The Environment And Biodiversity Issues

- 6.10 As the report has previously outlined, planning policies recognise 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.
- 6.11 As previously stated, under the Water Framework Directive, areas of land are being designated as NVZs. Although, currently not within an NVZ it is

envisaged that within the next ten years, the land farmed at 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.

- 6.12 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.
- 6.13 The applicant's agent has outlined in the Supporting Statement that Smalmstown Farm currently has storage for 500,000 gallons of slurry which is inadequate for their needs; therefore, there is an overriding need, essential for the farming business, for additional slurry capacity to be provided.
- 6.14 Objections have been received on the basis that there is the potential for slurry to leach from the lagoon into the surrounding water table and watercourses and pollute Powdrake Beck and the River Esk. The lagoon has been designed such that it will be formed with a minimum depth of 1.5 metres of clay with an appropriately sized earth bank with a clay core. Pre-application discussions took place between the applicant and the Environment Agency with regard to the siting and construction of the lagoon. The lagoon was resited in accordance with the Agency's advice and the formal consultation response to this application raises no objection. Notwithstanding this, there is a separate requirement for the applicant to comply with 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'.
- 6.15 All work must be carried out in accordance with "Water Resources (Control Of Pollution) (Silage, Slurry And Agricultural Fuel Oil) (England) Regulations 2010 and as amended 2013 (SSAFO)". Under this Legislation farmers are required to give 14 days prior notification to the Environment Agency. The Agency will then carry out an assessment of risk. If they consider that the lagoon has not been properly constructed, under the aforementioned legislation they can serve a "works notice" which can prevent or forestall commissioning of the lagoon; however, this further inspection by the Agency should not preclude planning permission being granted.
- 6.16 A further point raised by the objectors about the lack of provision to accommodate any rainfall within the lagoon. The structure has been designed with a 0.75 metre freeboard which is an area between the potential height of the slurry and the embankment. This area would be sufficient to cope with any additional capacity demands placed on the lagoon.
- 6.17 The Councils GIS Layer has identified that the site has the potential for bats and breeding birds to be present on or in the vicinity of the site. As the proposed development would be located on agricultural land and would not

involve disturbance of any related habitats, the development would not harm a protected species or their habitat.

## 6. Other Matters

- 6.18 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 topped with barbed wire together 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.
- 6.19 Although the lagoon would be sited away from the farm steading, the practical reasons in relation to the 600 acres farmed in the immediate vicinity have already been discussed. In addition, the lagoon could not be sited at Smalmstown as the land is within Flood Zone 3.
- 6.20 Objectors have raised concerns that the site is prone to flooding. Whilst the land may be subject to some localised flooding, it is not within a designated flood zone. As discussed in the earlier paragraphs, the scale and method of construction would ensure that the development would not result in pollution of the surrounding watercourses.
- 6.21 The application site is located adjacent to a footpath which is not a Public Footpath but rather it is a permissive right of way. The development would not prohibit the right of access along the right of way and whilst the development would be visible, it would be well related to the boundaries of the site and the adjacent woodland and would not be detrimental to the character of the area.
- 6.22 Adjacent to the site is a Dedicated Woodland; however, the development would not affect this designated area.

## Conclusion

- 6.23 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 Environment Agency legislation which governs the structural integrity of the lagoon and its potential to seep into watercourse.
- 6.24 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.

## **7. Planning History**

- 7.1 There is no planning history associated with this land.

## **8. 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. The approved documents for this Planning Permission comprise:

1. the Planning Application Form received 24th April 2013;
2. the Site Location Plan received 29th April 2013 (Drawing no. F203/SL004 Rev B);
3. the Site Plan received 24th May 2013 (Drawing no. F203/SL002 Rev B);
4. the Identification Plan received 24th April 2013 (Drawing no. F203/SL003 Rev B);
5. the Environment Agency Flood Risk Maps: Smalmstown Steading received 24th May 2013;
6. the Agricultural Land Occupied With Proposed Slurry Lagoon received 29th April 2013;
7. the Existing Tanker Movements For The Spreading Of Slurry Over Holding received 24th May 2013;
8. the Proposed Tanker Movements For The Spreading Of Slurry Over Holding received 24th May 2013;
9. the Design And Access received 24th April 2013;
10. the Soil Report Slurry Lagoon, Scaurbank, Longtown received 24th April 2013;
11. the Notice of Decision; and
12. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

3. The 2 metre high protective fencing and gates around the lagoon detailed on Drawing no. F203/SL002 Rev B received on 24 May 2013 shall be completed prior to the lagoon being brought into use. The fencing and gates shall not be altered or removed without the prior written approval of the Local Planning Authority.

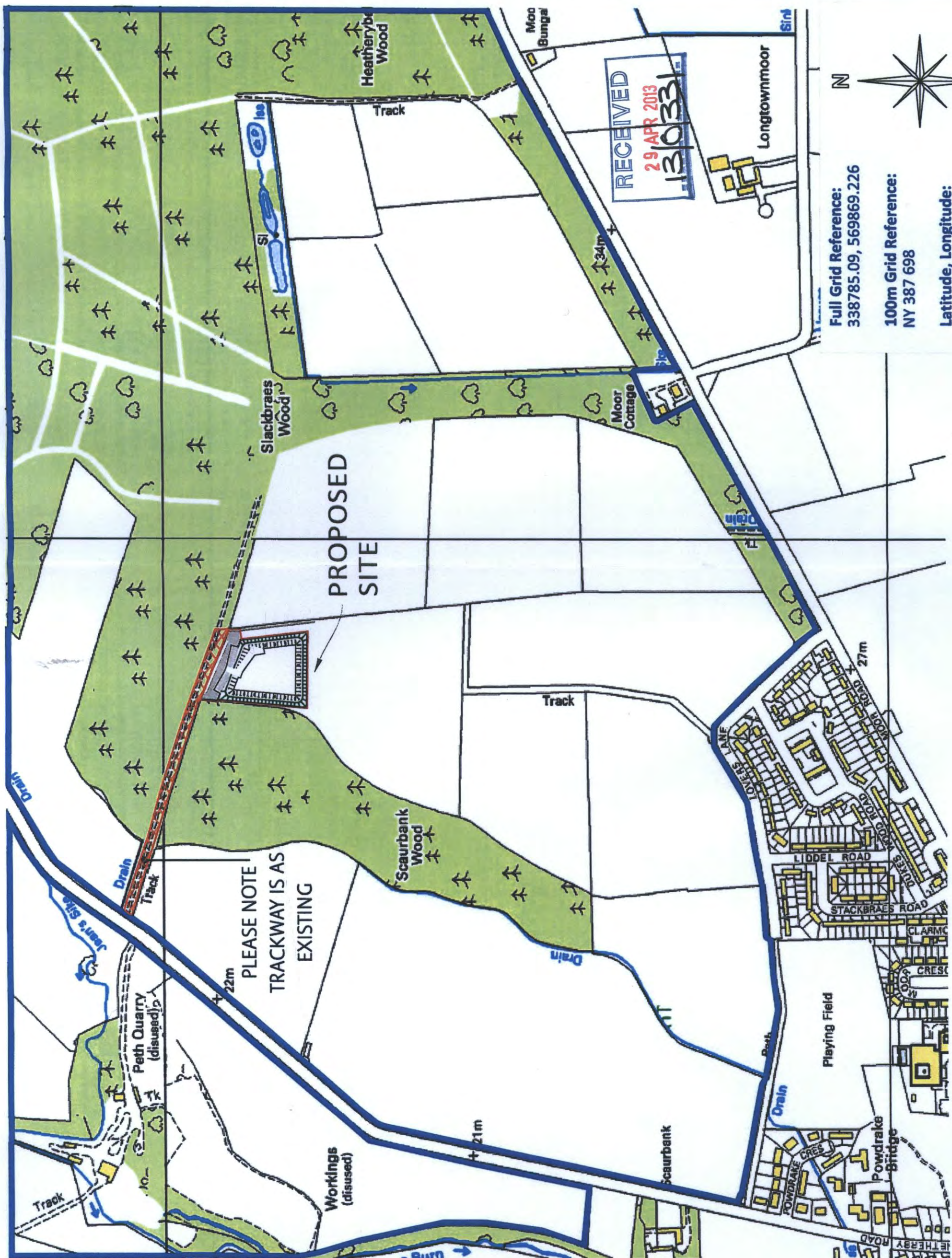
**Reason:** To ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.



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**Full Grid Reference:**  
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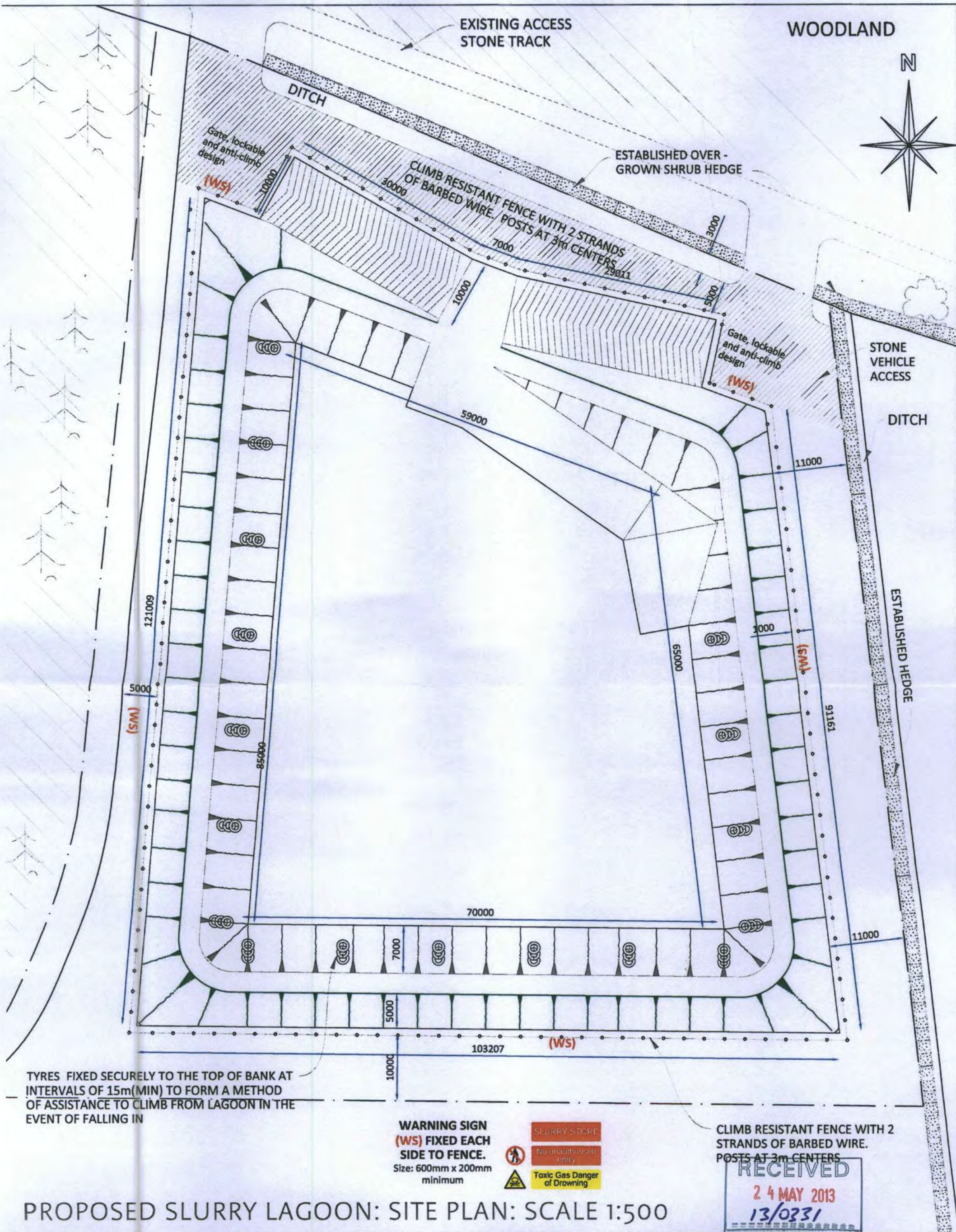
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**Latitude, Longitude:**  
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# SITE LOCATION PLAN

SCALE 1:5000





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Project & Client  
Messrs R M Fisher -  
Proposed Slurry Lagoon Smalmstown  
Longtown, Carlisle, Cumbria, CA6 5LH

Drawing no. F203/SL002

Drawn by JPT

Date  
05.04.12

Scale As shown @ A3

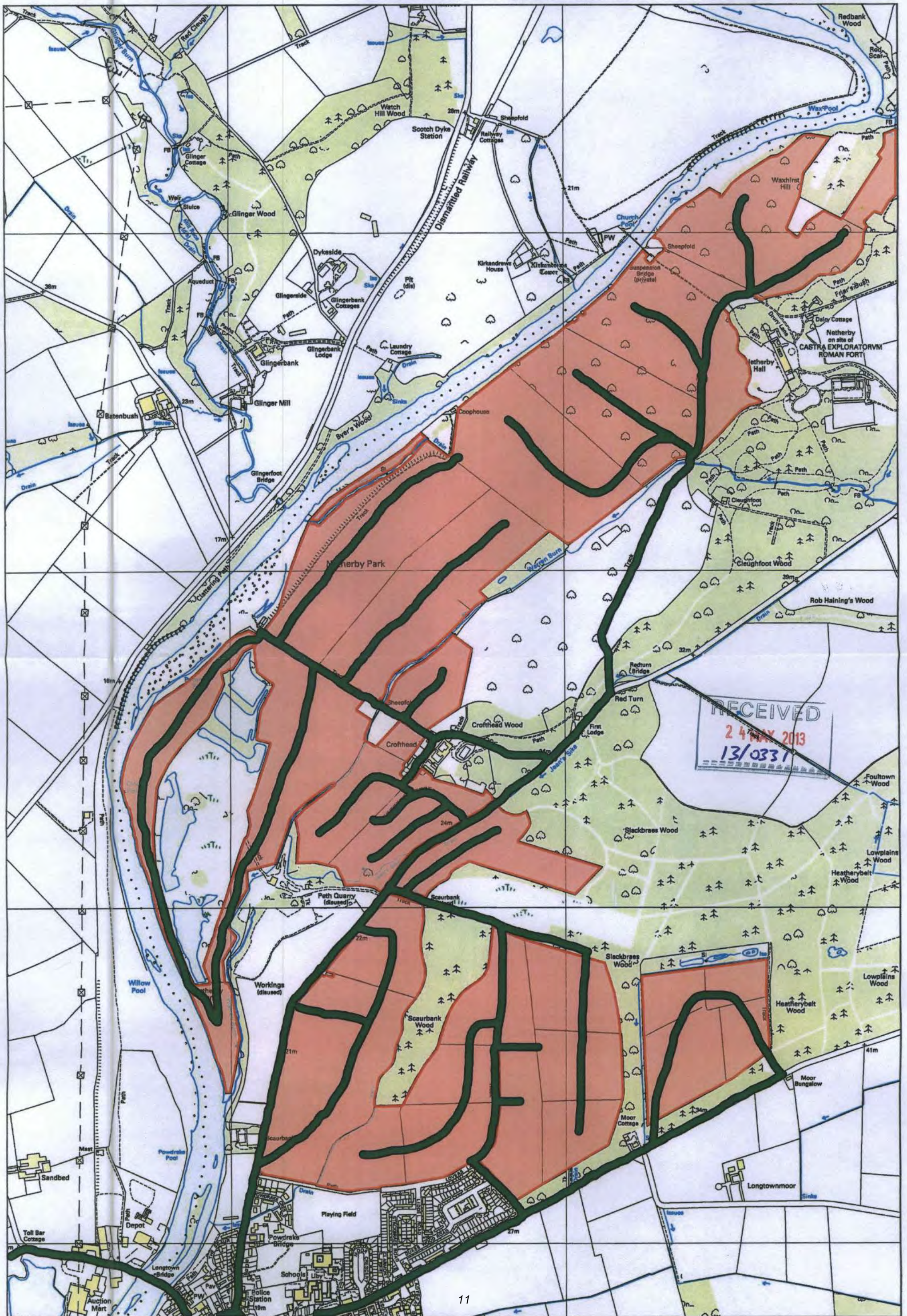
Rev.  
B

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NOT SCALE FROM DRAWING: All dimensions are to be checked and verified on site. Any discrepancies are to be brought to the immediate attention of the Contract Administrator.

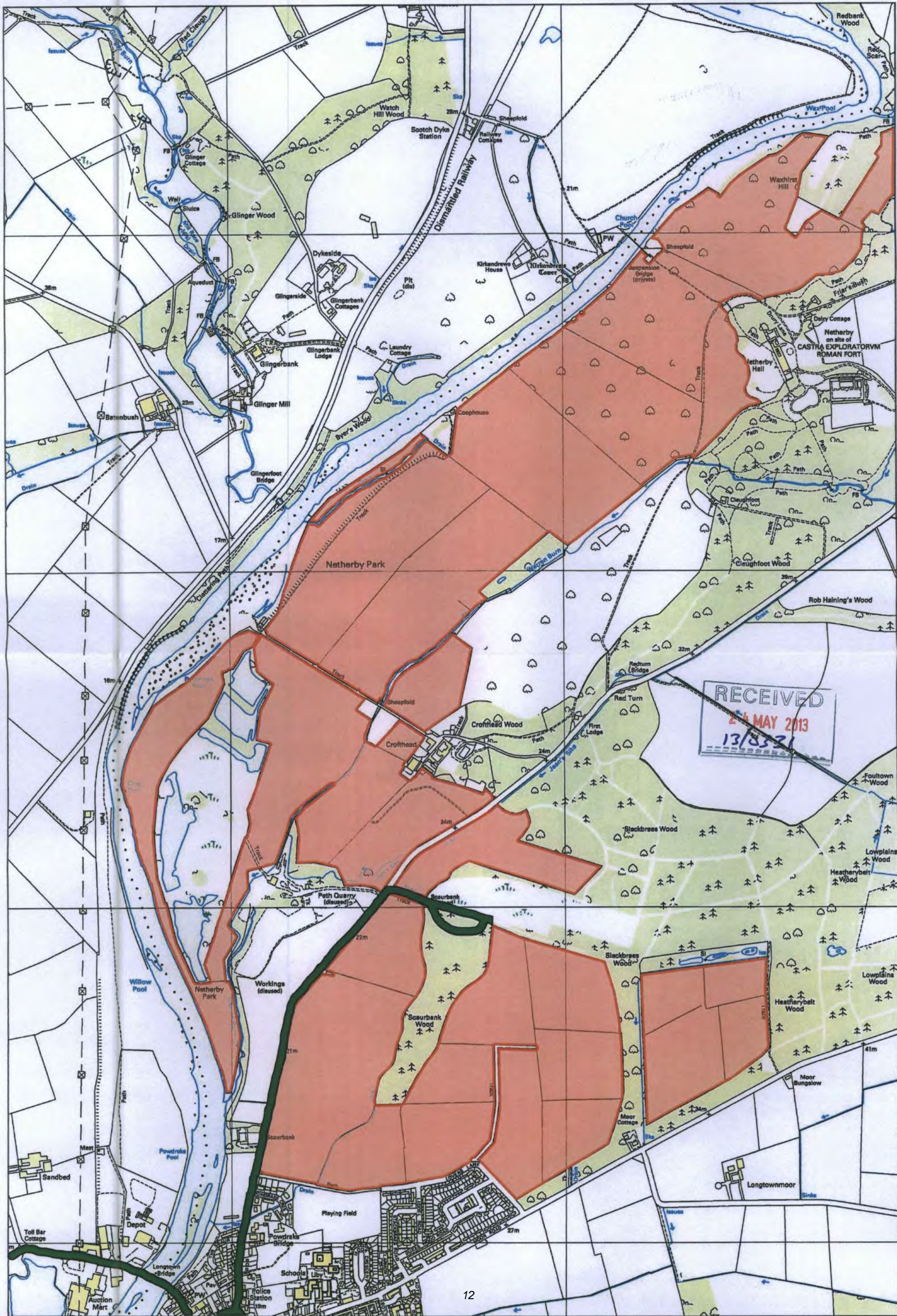


A1) Existing: tanker movements for the spreading of slurry over holding





A2) Proposed: tanker movements for the spreading of slurry over the holding

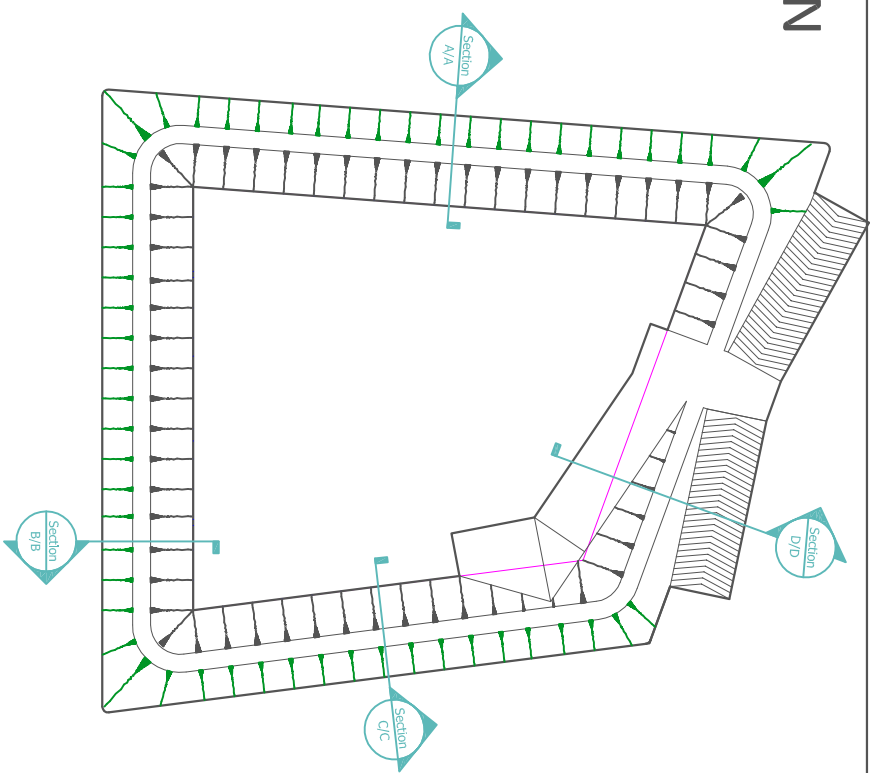








IDENTIFICATION  
PLAN

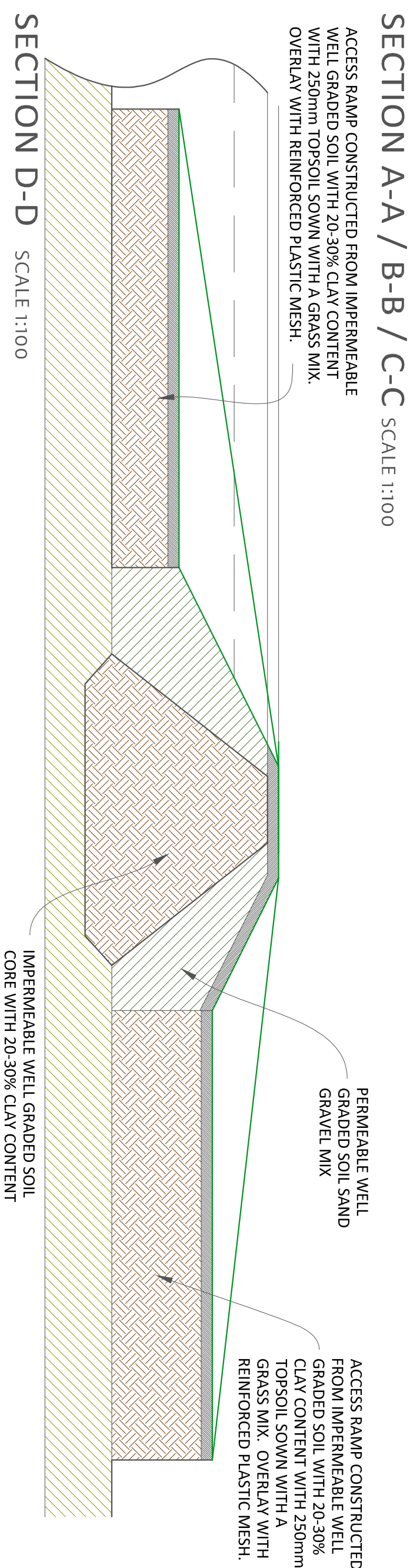
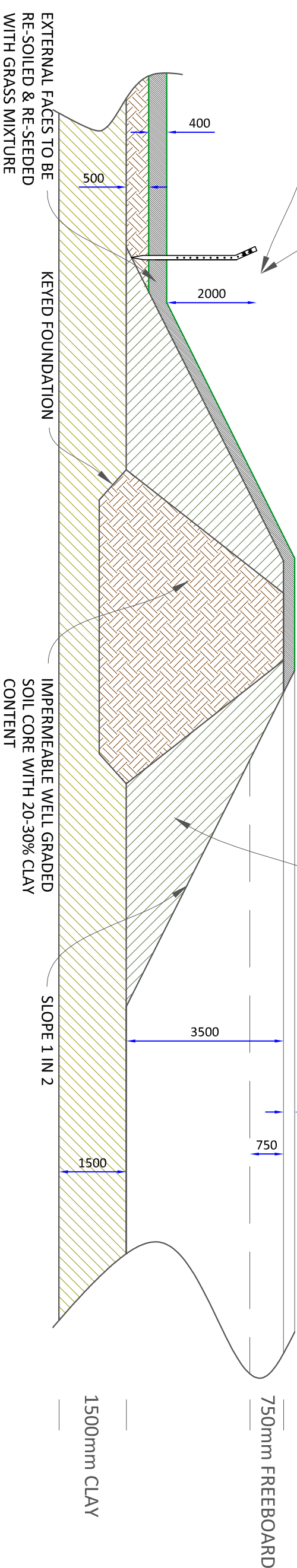


**WARNING SIGN**  
**(WS) FIXED EACH SIDE TO FENCE.**  
Size: 600mm x 200mm minimum

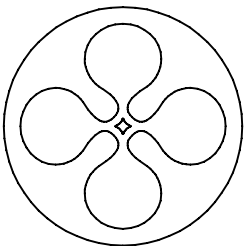
**SLURRY STORE**  
**No unauthorised entry**

**Toxic Gas Danger of Drowning**

CLIMB RESISTANT FENCE WITH 2 STRANDS OF BARBED WIRE. POSTS AT 3m CENTERS



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**Proposed Slurry Lagoon** Smalmstown  
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Drawing no. F203/SL003

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Scale As shown @ A3

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