

SCHEDULE A: Applications with Recommendation

20/0226

Item No: 02

Date of Committee: 17/07/2020

Appn Ref No:
20/0226

Applicant:
Mr Holliday

Parish:
Dalston

Agent:
Edwin Thompson

Ward:
Dalston & Burgh

Location: Dobcross Hall, Gaitsgill, Dalston, Carlisle, CA5 7AW

Proposal: Formation Of Slurry Lagoon

Date of Receipt:
02/04/2020 16:01:39

Statutory Expiry Date
28/05/2020 16:01:39

26 Week Determination

REPORT

Case Officer: John Hiscox

1. Recommendation

- 1.1 It is recommended that this application is approved subject to conditions and appropriate advisory notes.

2. Main Issues

- 2.1 Whether the proposals would be prejudicial to the private amenity of residents;
- 2.2 Whether the proposals would be prejudicial to public amenity and safety;
- 2.3 Whether landscape and visual impacts would be acceptable;
- 2.4 Whether the proposed development would be harmful to biodiversity;
- 2.5 Other matters raised in objection;
- 2.6 Any other matters.

3. Application Details

The Site:

- 3.1 The site is located right at the southern end of the Carlisle District area, at the point where the District meets Eden District, adjacent to a lane which marks the line along which the Districts meet. The nearest settlement is Stockdalewath which lies around 1.3km (0.85m) west south-west at its

nearest point.

- 3.2 The site lies within the Dalston Parish boundary. On the opposite side of the road in Eden District is the parish of Skelton. Information submitted with the application shows part of the farm to be located within Skelton parish.
- 3.3 The site is situated close to the eastern boundary of a large field, just inside the field entrance which is in the north-east corner where the field meets a substantial area of plantation woodland known as Warren Plantation.
- 3.4 In terms of the field itself within which the development is proposed, the area is the highest part of the field as it drops away gently towards the main farmstead (westerly). The area identified for development is describable as a plateau, albeit not a substantial one.
- 3.5 At the time of the case officer site visit in April 2020, the field was grassed in its entirety but is likely to have been converted to meadow from previous arable uses.
- 3.6 The site location is separated from the public road by a substantial native hedgerow containing several individual mature trees clearly retained on purpose. There is a ditch and verge also between the hedge and the metalled surface of the road.
- 3.7 It may be noted that Warren Plantation (north of site) does not form part of the owner's land holding; neither does Lalbuss Plantation to the east, although the farm does include one parcel of land bounded by Lalbuss Plantation and the public road.

Background:

- 3.8 The farm consists of holdings as identified in mapping provided with the application, covering an area of 216 hectares. The holdings include the farmsteads at Dobcross Hall (within Carlisle District) and Beacon Hill (within Eden District).
- 3.9 The holdings extend westwards towards the village of Stockdalewath; indeed, an individual parcel of land adjoins the village.
- 3.10 The proposals reflect an ambition to site the slurry store central to the farm area as depicted in the submissions, to enable the slurry to be spread via an umbilical system, which is in effect a large hose attached to a tractor which pumps the slurry out onto the land.
- 3.11 It may be noted that both farmsteads at Dobcross Hall and Beacon Hill already have slurry storage facilities which are operational.

The Proposal:

- 3.12 A new clay-lined slurry lagoon with a capacity of 4 million gallons would be built adjacent to the edge of the field, but within (and not impacting upon) the roadside hedge and verge. The development area would occupy approximately 40% of the length of the field adjacent to the roadside.
- 3.13 The overall dimensions for the lagoon would be 94m x 50m (floor), with each containing bank being approximately 5m in width so that the upper outer edge of the lagoon would be 104m x 60m.
- 3.14 The dimensions taken from the outer edges of the banks would add approximately 10m in each direction, bringing the overall site length and width (not including any peripheral areas for parking., turning etc) to 124m x 80m.
- 3.15 It may be noted that there is no detailed site layout plan showing the precise layout of the lagoon with dimensions.
- 3.16 The depth of the lagoon is identified in planning drawings to be 3m throughout i.e. the depth of the storage area contained by the lower and upper edges of the surrounding bank.
- 3.17 The entire compound would be surrounded by security fencing being 1.3m high in between 1.5m high posts, each section of fence typically having a span of 2.75m (measured to the centre of the supporting posts either side); although, it may be noted that the applicant has indicated that a higher fence up to 1.85m could be installed if required for security/safety purposes.
- 3.18 The proposed lagoon is intended to provide storage in addition to existing facilities because there is currently inadequate capacity and because of likely future increase in livestock levels.
- 3.19 The proposed lagoon would store only slurry created within the farm and would not store any imported material.
- 3.20 The lagoon is intended to enable winter storage to reduce the frequency of spreading (i.e. it is currently throughout the year) and to enable this to be done after each first cut of silage in summer.
- 3.21 The slurry would be pumped up to the lagoon via temporary piping laid over the fields, from the main stading(s).

4. Summary of Representations

- 4.1 The application was advertised by means of a site notice.
- 4.2 A total of 6 no. objections, representing 6 households and/or other properties have objected to the application. A summary of the grounds for objection is as follows:
- (i) potential pollution of watercourses arising from run-off from the development (e.g. leaks, spillages, overspill), especially with rainfall increasing every winter;
 - (ii) knock-on effect from pollution mentioned in (i) on properties in the event of repeated flooding (within Stockdalewath village);
 - (iii) impact on biodiversity as deer and other wildlife could drown in the lagoon, despite the fencing;
 - (iv) potential harm to red squirrels and otters;
 - (v) increase in fly infestation impacts on Stockdalewath due to location of village downwind and downhill from lagoon, taking into consideration the size and location of the lagoon and no cover/lid; health hazard arising;
 - (vi) potential odour impacts on residents of Stockdalewath;
 - (vii) development too large and too close to residents and pub at Stockdalewath and Broadfield (Crown Inn);
 - (viii) potential adverse impacts on tourism facilities in the locality (odour, flies);
 - (ix) no map outlining the applicants land holding boundary or information confirming its extent;
 - (x) information provided does not enable adequate consideration of whether the development would be excessive in terms of the farm holding's requirements;
 - (xi) no design/risk/safety or environmental statements accompany the proposal with which to assess the structural suitability or impact on the surrounding environment;
 - (xii) because the planning application contains no Risk Assessment, Method Statement or Maintenance Covenants, it should be deemed incomplete;
 - (xiii) dimensions differ in the design statement and profile diagrams (108x64m vs 104x60m) - no explanation is provided why;
 - (xiv) application not clear about levels as they do not appear to take into account gradients and commensurate bank construction levels;
 - (xv) concerns relating to (xiii) in terms of understanding potential volume of slurry that would be released if the embankment were ever to fail;
 - (xvi) unclear as to whether safety fencing is proposed on top of or adjacent to embankments;
 - (xvii) adverse landscape and visual impacts due to siting and scale of the development in popular walkers' locale and in landscape type sensitive to large scale agricultural development;
 - (xviii) no supporting information to demonstrate consideration of alternative proposals such as re-development at existing farmsteadings where slurry storage currently exist;
 - (xix) lack of clarity as to how umbilical distribution system would work, therefore unable to fully appreciate associated potential environmental risks;
 - (xx) lack of information relating to potential impact on water resource, which may be linked to from earthworks close to development location;
 - (xxi) absence of adequate information to enable complete understanding of how risks would be managed in terms of failures at the site, given that it is remote

- from the farm;
- (xxvi) in the context of items (iix) to (xxv) listed above, the proposals conflict with Policies SP6, EC12, CC5 and GI1 of the Carlisle District Local Plan 2015-2030.
- 4.3 A letter and accompanying information have been received from the local Ward Councillor, advising of no objection and providing the following observations:
- 4.4 *"To address the concerns expressed about flies, smell and potential river pollution, I have studied carefully the documents in the application. Without compromising current social distancing, I followed this up by adapting my daily exercise routine, cycling twice to Dobcross Hall farm and to the development site. Attached are photos with explanatory notes.*
- 4.5 *I have also consulted by phone with two local farms operating slurry lagoons. A pig farm at Muncastle has several thousand pigs, with a large capacity clay lined lagoon. There are five bungalows within a few hundred metres. They have no issues with flies or smell. A cattle farm at Burthwaite has a concrete lined lagoon of 1.5M gallons capacity which they installed approximately 4 years ago. It is in close proximity to the hamlet. Apparently this resolved the previous odour issues from spreading slurry at unsuitable times. They are both open top lagoons but I understand that they may be required to install some sort of cover in 2021. One option is a floating cover of polystyrene spheres. There have been no issues of overflowing, which I note is a concern.*
- 4.6 *It seems that the local Thackwood clay is highly impermeable and in demand for lagoons*
- 4.7 *The location is well screened and remote*
- 4.8 *The development site is not an NVZ classification, which suggests low risk of seepage into watercourses (in this case the Roe).*
- 4.9 *It provides the elements of an NVZ classification by avoiding spreading on wet consolidated land and applies the slurry directly onto the land.*
- 4.10 *Independent of the figures quoted in the documentation, my own assessment from the OS maps from the development site, as the crow flies:*
- | | |
|---------------------------------------|---------------|
| <i>Mobile Homes site at Crown Inn</i> | <i>1.13Km</i> |
| <i>Nearest House at Skiprigg</i> | <i>1.13Km</i> |
| <i>To Stockdalewath bridge</i> | <i>1.46Km</i> |
- 4.11 *The Church Commissioners are aware of this application on their land.*
- 4.12 *(Conclusion): on the basis of the above, I have no objection and see it as an improvement on the present system. This is subject to clarification on whether the impending requirement for surface cover by some means will apply now or in the future."*

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - No objection; no conditions recommended.

Dalston Parish Council: - No objection.

Local Environment - Environmental Protection : - No objection; includes information that may be conveyed through Advisory Notes if planning permission is granted.

Environment Agency: - No objection; includes information that may be conveyed through Advisory Notes if planning permission is granted.

Forestry Commission: - No response.

Eden District Council: - No response.

Skelton Parish Council: - No response.

6. Officer's Report

Assessment

6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the development plan, unless material considerations indicate otherwise.

6.2 The proposed development requires to be assessed against the National Planning Policy Framework (2019) and the Policies of the Carlisle District Local Plan 2015-2030 listed in paragraph 6.5 below.

6.3 The main issues, as listed earlier in the report, are as follows:

1. Whether the proposals would be prejudicial to the private amenity of residents;
2. Whether the proposals would be prejudicial to public amenity and safety;
3. Whether landscape and visual impacts would be acceptable;
4. Whether the proposed development would be harmful to biodiversity;
5. Other matters raised in objection;
6. Any other matters

6.4 It is noted that, in an objection to the application submitted on behalf of a local resident, it is suggested that the application is not adequately supported in terms of the information provided. The Development Manager is not in agreement with this suggestion and is satisfied that the application is adequately supported to enable a recommendation to be made.

6.5 The most pertinent policies from with the Local Plan would be;

SP1: 'Sustainable Development'

SP6: 'Securing Good Design'

SP9: 'Healthy and Thriving Communities'

EC12: 'Agricultural Buildings'

CM5: 'Environmental and Amenity Protection'
GI 1: 'Landscapes'
IP2: 'Transport and Development'
GI 3: 'Biodiversity and Geodiversity'

- 6.6 The proposed development would also give rise to issues relating to surface water management and potential impacts on Trees and Hedgerows. Therefore, in addition to those policies listed in 6.5 above, the following Policies would also be of relevance to the proposals:

CC5: 'Surface Water Management and Sustainable Drainage Systems'
GI 6: 'Trees and Hedgerows'

Private Amenity:

- 6.7 Matters raised in objection identify potential adverse impacts on private amenity arising from odour and insect nuisance. These issues are relevant in the context of Policies SP6, SP9, EC12 and CM5.

Odour:

- 6.8 The size and location of the lagoon, and its open nature, have promoted concerns from residents about odours being carried on the wind from the lagoon, resulting in harm to private amenity enjoyed by residents at their dwellings, especially in the village of Stockdalewath.
- 6.9 The applicant has pointed out that the existing slurry lagoon at Dobcross Hall is nearer to Stockdalewath than the lagoon now proposed; however, it must be noted that the lagoon at Dobcross Hall is markedly smaller at 950,000 gallons as opposed to the proposed lagoon at 4 million gallons.
- 6.10 The applicant has pointed out in response to this issue that the applicants would be mixing a product called "Epizym Slurry Bugs" into the slurry prior to it being pumped up to the lagoon. The applicants also advise that this product is added into the existing slurry facilities at Dobcross and is proven to reduce both odour and flies as well as making its nutrients more available to the plants.
- 6.11 The applicant also advises that when the slurry is spread by the "Cord System" it is spread with a dribble bar so the slurry is placed on the ground rather than being spread into the air, which reduces smell but also means the plant receives all the nutrients.
- 6.12 The applicant advises that siting of the lagoon is approximately 910m away from the nearest dwelling not occupied by the applicants, and is approximately 1500m as the crow flies away from the village of Stockdalewath, approximately 400m further away than the current slurry facilities at Dobcross Hall.
- 6.13 Lastly, the applicant advises that it should also be noted that there are a further four farms located around the village of Stockdalewath which have

outdoor slurry handling facilities.

- 6.14 In respect of the point made at paragraph 6.12 it is adjudged by the case officer that the actual distance from the site to the nearest dwelling is nearer to 1300m, as the crow flies.
- 6.15 It may be noted that potential odour arising from the development has not been identified by the Environmental Health Officer as a matter requiring further consideration.
- 6.16 It may also be noted that there must be a level of tolerance in the presence of farm odours if the sources are located reasonably distant from settlements and in relation to genuine agricultural operations on long established agricultural units.
- 6.17 Most important, however, is the aforementioned separation from Stockdalewath village, which would be mitigative even if odours are carried on the wind, as their effects would not be intense, and would not introduce a 'new' odour with a number of existing facilities being present in closer proximity. By the time odours reach the village, if the wind is blowing in such a way that it does carry odours (which is likely at times), potential effects would dissipate.
- 6.18 In this regard, it may be concluded that any additional odours arising from the development would not give rise to overriding planning concerns and would be compatible with the agricultural nature of the locality. Residents would not be subjected to unacceptable levels of odour as a result of placement/proximity and thereby private residential amenity is adjudged not to be prejudiced in any substantive way.
- 6.19 The development, therefore, in respect of odour impacts, is not in conflict with the Policies mentioned in paragraph 6.7 above.

Insect Nuisance:

- 6.20 The concerns raised in objection are submitted in a similar context of the concerns relating to potential odour impacts, in that the nature and location of the development would promote the risk of nuisance being caused to nearby residents.
- 6.21 The applicant referred to a product called "Epizym Slurry Bugs" which would be mixed with the slurry before it enters the lagoon. As well as reducing odour, the applicant advises that it reduces flies.
- 6.22 It may be noted that potential insect nuisance arising from the development has not been identified by the Environmental Health Officer as a matter requiring further consideration.
- 6.23 Similarly to any potential effects caused by odour arising from the development, it is considered that the substantial distance between the development and the nearest dwellings not within the applicants' ownership is

adequate to provide mitigation through distance; however, there is no overriding concern about the nature of the development which, as long as it is managed in accordance with licences and permits required to be obtained and complied with via the Environment Agency, will enable measures to be put in place to minimise risk.

- 6.24 The development, therefore, is considered not to conflict with the aforementioned Policies mentioned in paragraph 6.7 above.

Public Amenity and Safety:

- 6.25 Matters raised in objection identify potential adverse impacts on public amenity arising from potential pollution (of the water resource) and from the potential danger of the installation in terms of falling into the uncovered slurry. The proposed development also requires to be assessed in the light of potential highway safety impacts. These issues are relevant in the context of Policies SP6, EC12 and IP2.

Pollution:

- 6.26 The proposed development entails an open-topped lagoon which, although is relatively shallow compared to, say, a cylindrical storage container as often seen within farm complexes, has a far greater footprint so that it would be able to hold 4 million gallons of slurry.
- 6.27 The construction, and therefore physical integrity depends on the use of soil embankments and a clay base to contain the slurry. If the local materials are not adequate, it would be necessary to import them or to use synthetic lining for the structure as set out in the initial consultation response of the Environment Agency. This type of structure is purpose designed to function appropriately if the physical conditions are correct and can enable pollution prevention to be successfully implemented. The underlying soil is understood to be clay, which is the type of lining that limits permeability and enables the slurry to be contained.
- 6.28 In practical terms, it is valid to question what measures would be in place to ensure that failure events such as overtopping (for example, in the light of extreme rainfall), leakage/spillage/seepage (for example, if any part of the structure were to fail to contain the slurry) may be mitigated.
- 6.29 Due to the potential pollution arising, the development, as advised by the applicant, is required under The Water Resources (Control of Pollution)(Silage, Slurry and Agricultural Fuel Oil)(England)(SSAFO) Regulations 2010 and Amended 2013, the structure must be designed to have a lifespan of 20 years and the walls and base must withstand the wall loadings set out in British Standard 5502-50:1993+A2:2010. The applicant confirms that the submitted plans comply with the above Regulations, which must be adhered to over and above any conditions of planning permission, if granted.
- 6.30 The applicant confirms that as part of the development a 'freeboard' of

750mm is required. This freeboard must be maintained at all times and will remove any risk of the lagoon overflowing. The freeboard is the unoccupied upper volume of the lagoon.

6.31 The applicant further confirms that, prior to the construction of the lagoon it is a requirement that notification is made to the Environment Agency; and that it is likely that during construction that the Environment Agency may carry out a site inspection to ensure the lagoon is being constructed correctly.

6.32 In its initial response, the Environment Agency provides advice in this respect as follows:

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

6.33 The lagoon would require to be properly constructed and managed in accordance with the limitations imposed through Regulations operated by the Environment Agency. The Agency is the controlling body whose main concern is pollution prevention. It is therefore considered, with relevant Regulations in place and required to be adhered to, there would be no planning concerns which would otherwise conflict with the Agency's objectives and responsibilities.

6.34 The absence of an objection from the Environment Agency is reiterated, which is of the utmost significance in the light of it being the body which would control pollution through Regulations it operates.

6.35 In the light of this information, and the position of the specialist consultee (which the Development Manager accords with), the proposals would not be in conflict with Policies EC12 and SP6 of the Local Plan.

Security/Safety:

6.36 The site would generally be unmanned and unsupervised most of the time. It is therefore possible that it could be accessed by people wanting to view what is within the structure, especially as the locality is frequented by (informal) pedestrians/walkers.

6.37 The applicant has confirmed that a security fence would be erected around the entire site. In the original Design and Access Statement, the applicant stated that: *"the site will be fully fenced with a security fence which will meet the standards set by the Health and Safety Executive, in addition two large security gates will be installed which will remain locked when the lagoon is not*

in use. Other safety features which will be installed are several tyre ladders at points around the lagoon so in the event something did fall into the lagoon they have a point of escape."

- 6.38 The elevational drawings submitted with the application identify that the fence would be placed on the embankment, as opposed to the existing ground level surrounding it.
- 6.39 Further, the applicant has indicated a willingness to erect a fence with a height of 1.85m as opposed to the initial 1.3m high fence proposed, to increase security and safety. In the event of planning permission being granted, it is likely that a condition would be imposed requiring the higher fence to fully ensure the compound cannot easily be accessed by passers-by.
- 6.40 The measures proposed are considered to be adequate in terms of the safety of the site and ensure that the development would not be prejudicial to human safety in any way that makes it conflict with Policies SP6 or EC12.

Highway Safety:

- 6.41 The development would use an existing enlarged field access (enlarged and with new gate installed prior to site visit) for construction and general post-construction vehicular access.
- 6.42 The gated access is located in a safe location with good visibility; the proposals have not attracted adverse comment from Cumbria County Council as highway safety specialist, which has advised that the proposed development would not affect the highway.
- 6.43 There have been no objections raised specific to the potential impacts of the development currently proposed in a highway safety context. Issues of potential future usage changing, as mentioned in objections, are speculative and not relevant to consideration of the current proposal.
- 6.44 The proposals are considered not to give rise to any impacts on highway safety and are therefore in accord with Policies IP2, EC12 and SP6.

Landscape and Visual Impacts:

- 6.45 The development would be located in open countryside and would be visible from the public realm over short and long distances. It would include a safety/security fence on top of the surrounding embankments which would also give rise to visual effects. Policies SP6, EC12 and GI 1 are therefore relevant to consideration of the proposal.
- 6.46 The landscape setting is situated within the landscape described as 'Type 6: Intermediate farmland' under the Cumbria Landscape Character Guidance and Toolkit (2011). The Toolkit (2011) highlights that in the last decade there has been an increase in the number of large scale farm buildings sometimes in prominent locations; and that the introduction of newer, larger slurry tanks within these types could impact upon character. The Toolkit (2011) goes on to

recommend that new development needs to respect the scale and character of the landscape; be well related to distinctive forms; and reduce the impact of large scale new buildings (presumably also structures) by careful siting and design.

Earth embankments:

- 6.47 The actual embankments would project above ground on this relatively flat site (albeit with some change in levels, but not sufficient to require a full visual analysis) by around 1.5m, although this may vary across the site to a little more at the southern end. The embankment would be grassed to blend in with the surroundings by ensuring that it is generally green.
- 6.48 The embankments would be visible in the landscape setting, but with the upward projection being a maximum of around 2m and with the seeding proposed, any visual impact would not be severe.
- 6.49 There is topographical and vegetative containment offered by the presence of woodlands on the north and east sides of the site; and by the presence of the substantial, mature native hedgerow between the nearby highway and the site. In the context of the embankment, these features are highly mitigative and would limit landscape and visual impacts so that they are localised and offset.
- 6.50 There is a risk that at any stage the woodlands (which are mature plantations) could be felled with the appropriate felling licences; and, also, that the hedgerow could change or be lost over time in unforeseen or planned circumstances. However, the latter is unlikely because the land is in good stewardship and appropriate consent under the Hedgerow Regulations is likely to be required; whereas, the former may occur but with the hedgerow remaining in place, the hedgerow alone would provide strong visual mitigation in relation to the embankment.
- 6.51 In the unlikely event that the woodlands and hedgerow are all removed in time, the embankments would be visible and look mildly incongruous as man-made interventions in the landscape. However, that is such an unlikely scenario that it may be discounted and at least some certainty exists that they will continue to provide visual mitigation.

Security fencing:

- 6.52 The overall height of the security fencing above general ground level would be 3.35m to the top, if the offer to increase the fence height to 1.85m (from 1.3m) is taken up by the local planning authority in the event of planning permission being granted. This height includes the 1.5m of embankment upon which it would stand.
- 6.53 The agent has confirmed that uncoloured galvanised steel would be used. Arguably, in the short term it would be better as a dark green plastic-coated steel fence rather than a plain steel fence, to enable to blend a bit better with its generally green and brown surroundings. However, as the agent has

pointed out, the plastic coated fences tend to flake over time revealing the metal beneath which subsequently rusts.

- 6.54 It is accepted that a security fence is required to restrict entry by people and animals, and that any such fence should be adequate to deter entry by humans and animals such as deer.
- 6.55 In broader terms, the topography and vegetation available would be adequate to offset the landscape and visual impacts of the fence in addition to the embankment. Glimpses to the site across open countryside from the west would be strongly backdropped by the mature hedgerow and, in particular, the woodland plantations.
- 6.56 More locally, there is a likelihood that passers-by would see the upper reaches of the fence from the public road obliquely in passing. The existing hedgerow has a height of around 2m.
- 6.57 However, there would be several metres of separation between the hedgerow and the fence, meaning that visibility alongside would be diminished because most peoples' sightlines would look over the hedge in a slightly upward direction - people would not see 1.35m of fencing protruding above the hedge because they would not be looking straight across the top of the hedge unless they were extremely tall.
- 6.58 Overall, in terms of the potential landscape and visual impacts of the development, including the security fence, although noticeable they would be acceptable and not give rise to significant harm to the Intermediate Landscape within which they would be situated. Existing vegetation and topography are such that both wider and localised impacts are acceptable. In this context, the development would not be in conflict with any of Policies EC12, SP6 or GI 1.
- 6.59 It is noted that the applicants have indicated a willingness not only to let the existing hedgerow grow to a higher height to increase screening from the public road, they have also indicated a willingness to plant a hawthorn hedgerow around the development i.e. within the field. Neither action is considered to be strictly necessary because the development proposal would be acceptable in their absence; however, it may be appropriate to liaise with the applicants if either item is to be actioned, perhaps by way of an Advisory Note rather than a planning condition. Caution should be applied to any encouragement to actions that have the potential make the roadside hedgerow look like it has been left to grow abnormally tall just to hide a development.

Biodiversity Impacts:

- 6.60 In respect of biodiversity impacts on the water resource, these are related to the pollution control overseen by the Environment Agency and are not required to be considered separately under this heading.
- 6.61 In respect of animals potentially entering the compound and perishing in the

slurry, it is considered that the higher fence at 1.85m would reasonably deter entry although it could not guarantee that deer would not jump over into the compound area. It would be undesirable in the balance of this issue to insist on any higher fencing being erected because visual impacts would begin to arise which are disproportionate to the issue.

- 6.62 There are no matters arising in terms of biodiversity impacts which are found to be overriding, and therefore in this respect the development would be compatible with Policies EC12, SP6 and GI 3.

Other Matters Raised in Objection:

- 6.63 Although most of the matters mentioned in the objections have been addressed earlier in this assessment, there are a number of outstanding issues which may benefit from further assessment.

Potential adverse impacts on tourism facilities in the locality (odour, flies):

- 6.64 The development is not known to be in such proximity to any existing tourism accommodation or attractions that its placement would compromise their attractiveness or useability.
- 6.65 The proposal in terms of its nature, which is similar (although acknowledgedly larger) and surrounding land uses is considered to be acceptable and not in conflict with any such developments or uses.
- 6.66 The potential impacts in this regard would be similarly reasonable as they would be in relation to the residential amenity of residents in private dwellings. Any potential effects would be mitigated by distance, and the development being of an agricultural nature, sited logically on agricultural land and in a sensible location in relation to the overall holding(s).

No map outlining the applicants land holding boundary or information confirming its extent:

- 6.67 This information was provided and published in ample time for all interested parties to view. It shows the location of the proposed slurry store in relation to the extent of the farm holdings upon which its need is based.

Dimensions differ in the design statement and profile diagrams (108x64m vs 104x60m) - no explanation is provided why:

- 6.68 The dimensions shown in the planning drawings are 60m x 104m. It is upon these dimensions shown in the scaled drawings that the application is being considered (the agent has recently confirmed in an email that this is the correct approach).

No supporting information to demonstrate consideration of alternative proposals such as re-development at existing farmsteadings where slurry storage currently exist:

- 6.69 This type of sequential test is not required, although it is accepted that it is generally preferable for new agricultural development to be sited at or close to existing groups of buildings.
- 6.70 The applicant seeks to justify the proposed development in this location because it is central to the overall farm enterprise and would not prejudice future operations at/within the two farm complexes it is intended to serve.
- 6.71 There are no requirements within Policy EC12 in particular to preclude new agricultural developments in locations away from existing groups.

Lack of clarity as to how umbilical distribution system would work, therefore unable to fully appreciate associated potential environmental risks:

- 6.72 The applicants have provided information relating to the umbilical system early in the course of consideration of the application, describing how in effect it is a hose system attached to a tractor which then distributes it via a pump operated off the PTO (Power Take-Off) drive.
- 6.73 The agent has confirmed that there is an existing pipe under the road which would allow the umbilical hose to be placed underneath it (would not have to be laid across the public highway).

Lack of information relating to potential impact on water resource, which may be linked to earthworks close to development location;

- 6.74 This may relate to the identification of earthworks (possibly associated with underground waters) mentioned in one of the objections, and to the 'ordinary watercourse' mentioned in the consultation response(s) of Cumbria County Council.
- 6.75 Subsequent to receipt of further advice from the applicant and the response of Cumbria County Council that followed, this is not considered to be an outstanding matter because any such watercourse, although it may have existing in the form of a ditch or field drain, is no longer present.
- 6.76 The agent confirmed in a letter that: *"It has been raised that there is an existing drainage culvert which runs through the site. This is incorrect. From the edge of the lagoon structure the underground drainage culvert is approximately 145m away and therefore the construction will have no impact upon the drain."*
- 6.77 In a subsequent reply by Cumbria County Council, the relevant officer confirmed that although records indicate that there is definitely something there, its probably just a field drain and could well have been filled in.

Any Other Matters:

Drainage Including Surface Water Management:

- 6.78 Drainage is not considered to be a particularly influential matter in the context

of this planning report in terms of whether or not the principle is acceptable, although as identified within the consultation response of Cumbria County Council the application does not provide information about how this would be managed.

- 6.79 It would be appropriate to address outstanding matters relating to drainage management via conditions, if planning permission is granted.

Conclusion

- 6.80 The proposed development of the 4 million-gallon slurry tank with its associated embankments and security fencing, in this location, is considered to be appropriate in terms of any potential impacts associated with pollution, public safety, landscape/visual, biodiversity and private amenity.
- 6.81 Its placement in relation to the public realm, having regard to the location close to the public road and central to the current farm holding is logical and would enable a more ergonomic way of storing and distributing the slurry created at the steadings.
- 6.82 The matters raised in the 6 objections to the scheme and the concerns listed by the Parish Council have been considered but are not found to be overriding and are not found to describe any issues that have either already been found to be acceptable, or would be mitigable through the imposition of appropriate conditions.
- 6.83 The development would, therefore, be consistent with all of the policies within the Carlisle District Local Plan 2015-2030 mentioned in paragraphs 6.5 and 6.6 earlier in this report, and approval is recommended subject to conditions and/or advisory notes addressing any matters which are considered not to be of such magnitude that they require to be resolved prior to the application being determined.

7. Planning History

- 7.1 There is no planning history relating to the specific site;
- 7.2 The main farmstead is at Dobcross Hall, around 350m west north-west at its nearest point. There is a variety of planning history relating to the development of that steading, although none is of strict relevance to the current application;
- 7.3 It may be noted that at that steading is an existing slurry lagoon, in the northern corner of the steading area.
- 7.4 The lagoon mentioned in 7.3 does not appear to have been the subject of a planning or related application.

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 development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:

1. the submitted planning application form;
2. the proposed site plan at scale 1:1250, received on 3 April 2020;
3. the proposed block plan at scale 1:500, received on 3 April 2020;
4. the location plan at scale 1:5000, received on 3 April 2020;
5. drawing no. 003 'Elevations', received on 3 April 2020;
6. drawing no. 002 'Cross-Sections', received on 3 April 2020;
7. the Dobcross Hall Farm Plan at scale 1:1000, received on 7 April 2020;
8. the letter from Edwin Thompson dated 4 May 2020, ref. MB/LS/MBGEN;
9. the letter from Edwin Thompson dated 10 May 2020, ref. MB/LS;
10. the Notice of Decision;
11. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. The proposed security fence and gates shall be erected to a height of 1.85m and thereafter so retained, as indicated in the letter submitted by Edwin Thompson as agent for the application on 10 May 2020, unless otherwise agreed in writing by the local planning authority.

Reason: To deter entry by unauthorised persons or by larger mammals, in the interests of safety and protection of biodiversity, and to accord with Policies SP6, EC12 and GI 3 of the Carlisle District Local Plan 2015-2030.

4. Details relating to the following drainage matters shall be submitted to and

approved in writing by the local planning authority, and shall be implemented in full in the course of development implemented in relation to this permission:

(i) surface water drainage

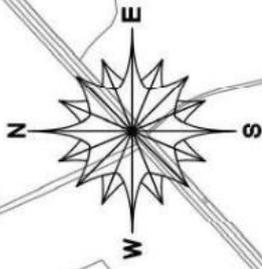
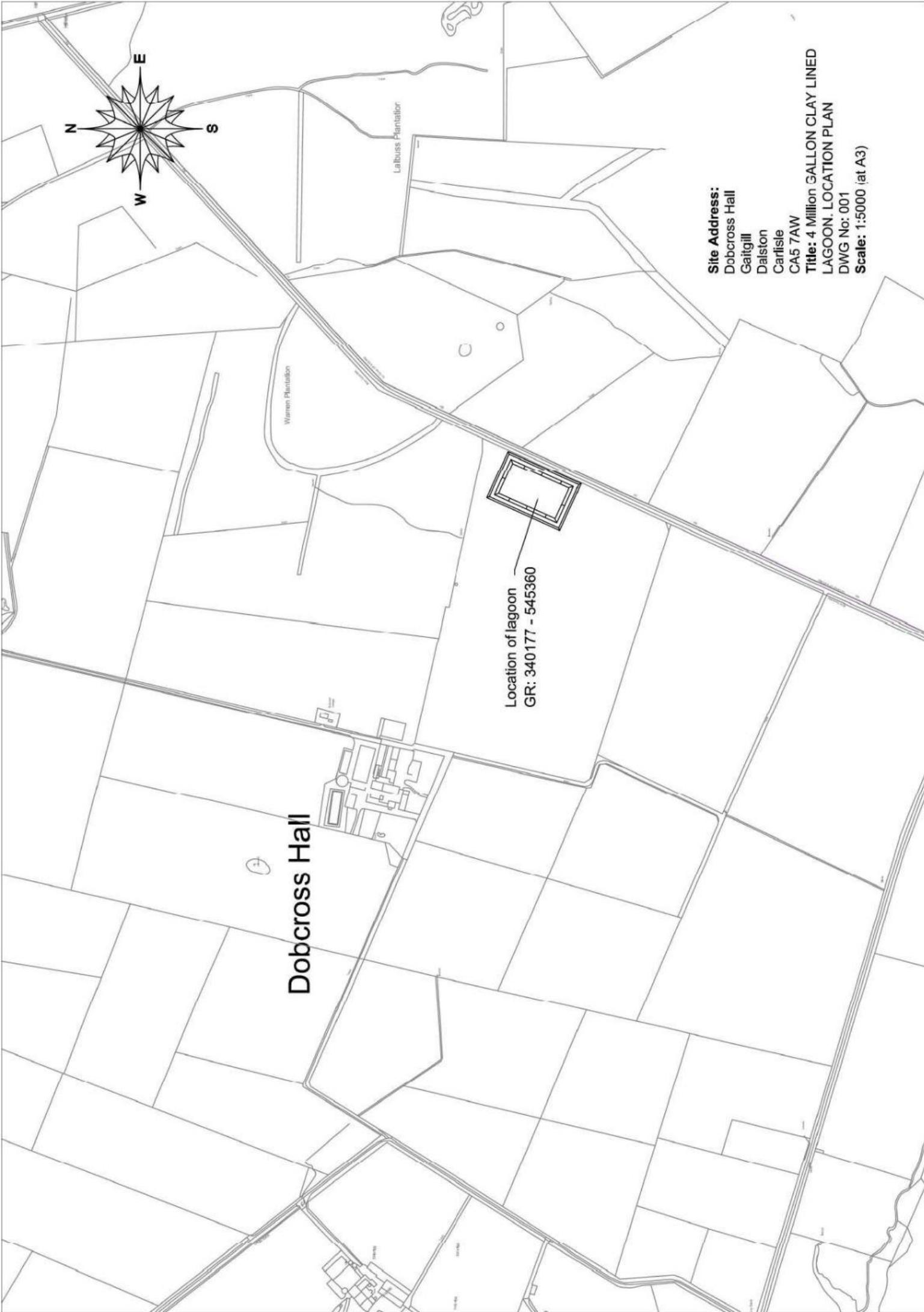
(ii) foul water drainage

All measures including timing of implementation agreed in response to this condition shall be fully implemented and made operational before the development is brought into use.

Reason: To ensure that all drainage matters are appropriately provided for in a sustainable manner, in accordance with Policy CC5 of the Carlisle District Local Plan 2015-2030.

5. Before any development is commenced on the site, including site works of any description, a protective fence in accordance with Fig. 2 in B.S. 5837: 2012 shall be erected around the trees and hedges to be retained at the extent of the Root Protection Area as calculated using the formula set out in B.S. 5837. Within the areas fenced off no fires shall be lit, the existing ground level shall be neither raised nor lowered, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. The fence shall thereafter be retained at all times during construction works on the site.

Reason: In order to ensure that adequate protection is afforded to all trees/hedges to be retained on site in support of Policies SP6 and GI 6 of the Carlisle District Local Plan 2015-2030.



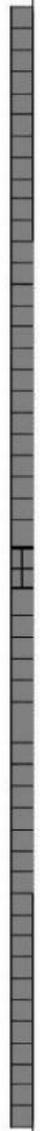
Dobcross Hall

Location of lagoon
GR: 340177 - 545360

Site Address:
Dobcross Hall
Gaitgill
Dalston
Carlisle
CA5 7AW
Title: 4 Million GALLON CLAY LINED
LAGOON. LOCATION PLAN
DWG No: 001
Scale: 1:5000 (at A3)

Existing GL

West Elevation



Existing GL

North Elevation



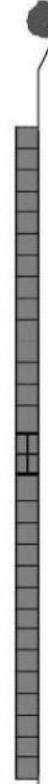
Existing GL

East Elevation



Existing GL

South Elevation



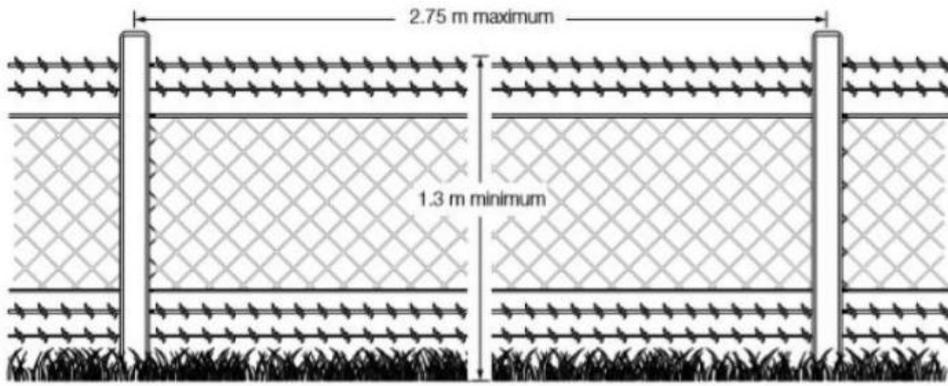
Site Address:

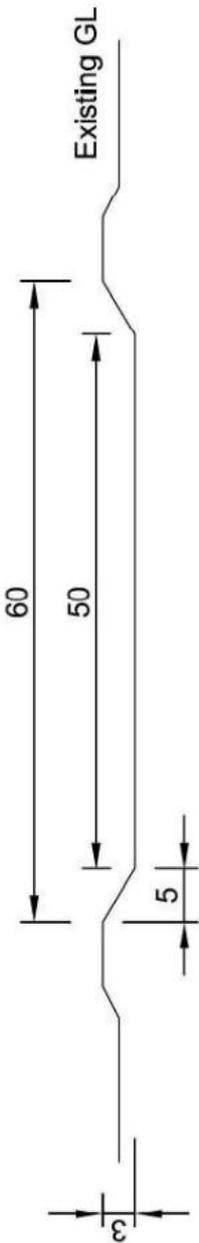
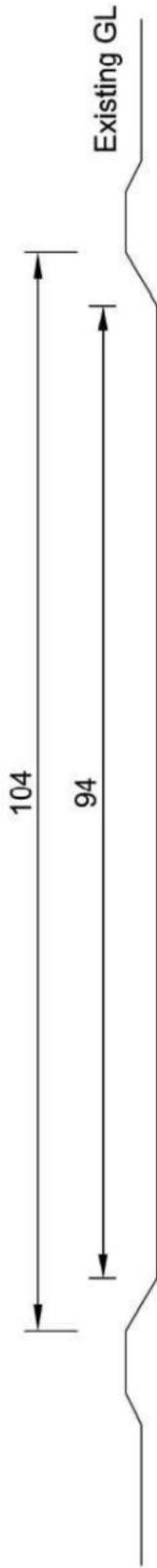
Dobcross Hall
 Gaitgill
 Dalston
 Carlisle
 CA5 7AW

Title: 4 Million GALLON CLAY
 LINED LAGOON.
 ELEVATIONS

DWG No: 003

Scale: 1:500 (at A3)





Site Address:

Dobcross Hall
 Gaitgill
 Dalston
 Carlisle
 CA5 7AW

Title: 4 Million GALLON CLAY

LINED LAGOON.
 CROSS SECTIONS
 DWG No: 002

Scale: 1:500 (at A3)