Item: **04**

Reference: **11/00559/FUL**

Applicant: **Mr R Leedham**

Location: **Lindridge Farm Lindridge Lane Desford**

Proposal: **PROPOSED SLURRY STORE**

Target Date: **1 September 2011**

Introduction:-

This application is being reported to Committee in accordance with the Scheme of Delegation, as the proposed site area is greater than 0.5 hectares.

Application Proposal

This application seeks full planning permission for the construction of a lagoon for the storage of farm slurry on land at Lindridge Farm, Lindridge Lane, Desford. The proposal includes a total earthworks area of approximately 8400 square metres. Due to the topography of the land the earth works will consists of a cut and fill engineering operation to provide earth retaining banks up to 4 metres in height from the existing ground level with a clay filled core to retain the slurry and prevent leakage. The proposed slurry lagoon within the earth banks measures approximately 110 metres x 30 metres, a surface area of approximately 3, 300 square metres, and will be up to 3 metres deep with a total capacity of approximately 7500 cubic metres.

This is a resubmitted scheme following withdrawal of a similar application in 2010 to address previous concerns raised in respect of the siting of the slurry store and to allow additional information to be provided in relation to the control of odour, land contamination, pests and leachate. An application for the erection of an agricultural building on the farm is to be considered as a separate item on this agenda.

The Site and Surroundings

The site is located in the countryside, to the north of the village of Desford, it is accessed by a farm track from Lindridge Lane. Lindridge Farm comprises of approximately 240 acres (97 hectares) and operates as a commercial dairy farm milking around 200 cows and rearing young stock replacements for the herd. The farm complex comprises of a farmhouse and a number of agricultural buildings of varying size and scale. The proposed slurry lagoon is located to the south of the complex on land which is currently a grassed field.

There are residential properties unrelated to the farm located approximately 320 metres to the east of the slurry lagoon along Lindridge Lane.

Technical Documents submitted with the application

A Design and Access Statement has been submitted with the application which states that the proposed lagoon is to be excavated into the ground in a cut and fill operation and will be as inconspicuous as possible. It is intended that the banks will

be grassed with post and rail perimeter fence and potential for additional tree planting in order that it blend with its surroundings.

Further information has been submitted with the application in order to clarify the background and need for the proposed slurry store and calculations to justify its capacity. It states that Nitrate Vulnerable Zones (NVZ) now cover 70% of the land area in England and Lindridge Farm was designated as an NVZ in 2008. Under the regulations relating to NVZ by 1st January 2012 there will be a requirement for storage capacity of a minimum of 22 weeks production of cattle slurry and dirty water. The current slurry store at the farm has capacity for only two to three weeks slurry storage. The proposed slurry lagoon is therefore required to enable the applicant to comply with the NVZ regulations. Non-compliance with the regulations would mean that the business would be unable to function as a dairy farm and make the business uneconomic and unviable. It also advises that good practices will be used to control odour, pests and leachate.

History:-

11/00544/FUL	Erection of Agricultural Building	Pending Decision	
10/00860/FUL	Proposed Slurry Store	Withdrawn	16.12.10



© Crown copyright. All rights reserved Hinckley & Bosworth Borough Council LA00018489 Published 2006

Consultations:-

No objections have been received from:-

Environment Agency
Severn Trent Water Limited
Director of Environment and Transport (Highways)
Directorate of Chief Executive (Ecology)
Head of Community Services (Land Drainage).

No objection subject to conditions has been received from Head of Community Services (Pollution).

A site notice was displayed and neighbours notified, one letter of objection has been received raising the following issues/concerns:-

a) too close to residential dwellings
b) potential for pollution to water courses
c) detrimental to residential amenity due to potential odours and flies
d) removal of trees, hedgerows and wildlife habitat
e) that there are more suitable sites available within the landholding.

Ward Members have made no comments in respect of this application.

No response has been received at the time of writing this report from:-

Directorate of Chief Executive (Waste)
Desford Parish Council
Bagworth & Thornton Parish Council.

Policy:-

National Planning Guidance

Planning Policy Statement 7 (PPS7): 'Sustainable Development in Rural Areas' sets out the Government's planning policies for rural areas. One of its objectives is to promote sustainable, diverse and adaptable agriculture sectors where farming contributes both directly and indirectly to rural economic diversity. Paragraph 1 states that all development in rural areas should be well designed, in keeping and scale with its location and sensitive to the character of the countryside. Paragraph 16 states that when determining planning applications for development in the countryside, local planning authorities should support development that delivers diverse and sustainable farming enterprises. Paragraph 27 states that support should be given to development proposals that will enable farmers to comply with changing legislation and associated guidance.

Regional Policy Guidance

The Court of Appeal, in May 2011, gave judgment on an appeal by CALA Homes in relation to their continuing challenge to the SoS's proposal to abolish regional strategies. The Court confirmed that the Government's proposal to abolish regional strategies is a material planning consideration, but that is up to the LPA to decide what weight to give to the proposal in considering planning applications. The Localism Bill is still going through the Parliamentary process and the SoS has now confirmed that the actual revocation of any regional strategy will be subject to a Strategic Environmental Assessment. The view taken currently is that little if any weight should be given to the proposal to abolish regional strategies. This advice may change as the Bill progresses and officers will monitor the progress and report appropriately to committee.

East Midlands Regional Plan 2009

No policies are directly relevant to this application.

Local Policy

Local Development Framework: Core Strategy 2009

No policies are directly relevant to this application.

Hinckley and Bosworth Local Plan 2001

The site lies within the countryside as defined in the adopted Hinckley and Bosworth Local Plan.

Policy BE1 seeks to ensure a high standard of design in order to secure attractive development and safeguard and enhance the existing environment. Planning permission will be granted for development that: compliments or enhances the character of the surrounding area; avoids the loss of vegetation and features that contribute to the quality of the local environment; incorporates design features that minimise the impact of the development on the local environment; incorporates landscaping to a high standard and does not adversely affect the occupiers of neighbouring properties.

Policy NE2 states that planning permission will not be granted for development which would be likely to cause material harm through pollution of the air or soil.

Policy NE5 states that the countryside will be protected for its own sake, however, planning permission will be granted for development in the countryside provided that it is important to the local economy and cannot be provided within or adjacent to an existing settlement.

Policy NE12 states that development proposals should take into account the existing landscaping features of the site and make provision for further landscaping where appropriate to replace or reinstate the nature conservation value of any features lost.

Policy NE14 seeks to protect surface water and ground water quality.

Other Legislation

The 'Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991' has provisions enforced by the Environment Agency in relation to the construction and operation of slurry stores.

DEFRA Protecting our Water, Soil and Air: A Code of Good Agricultural Practice for farmers, growers and land managers.

Guidance for Farmers in Nitrate Vulnerable Zones. Various leaflets have been produced by DEFRA and the Environment Agency to help farmers in NVZ understand the requirements, and implement and comply with the new Action Programme measures.

Appraisal:-

The main considerations in respect of this application are: the principle of development and the impact of the development upon: the character and appearance of the countryside; the environment and biodiversity and the amenities of neighbouring residential properties.

Principle of Development

The proposed slurry store involves significant engineering operations and is within 400 metres of a number of dwellings unrelated to the agricultural holding. In this case, the development cannot be undertaken under the prior notification procedure and full planning permission is therefore required. The proposed slurry lagoon is required in connection with the agricultural operations of the farm and to allow the dairy farm business to comply with the regulations relating to Nitrate Vulnerable Zones (NVZ) by demonstrating storage capacity of 22 weeks production of slurry and dirty water from its livestock. The proposed development is therefore important to the viability of the dairy farm operations and could not reasonably be expected to be located within or adjacent to a settlement boundary. As a result, the development is considered to comply with policy NE5 and therefore be acceptable in principle in this case.

Impact on the Character and Appearance of the Countryside

The proposed slurry lagoon is to be located immediately to the south of the existing farm complex and is therefore well related to existing farm buildings. Whilst the slurry lagoon will have a surface area of approximately 3,300 square metres and a capacity of almost 7,500 cubic metres, the topography of the site will enable an engineering operation to cut it into the landscape and create earth banks to the east and south sides to retain the slurry and screen it from view. Whilst the earth banks will be up to 4 metres higher than the existing ground level in places, it is proposed that these will be graded and grassed to assimilate them into the landscape and, subject to appropriate landscaping and fencing which can be controlled by condition, any adverse impact on the character or visual appearance of the countryside can be minimised and mitigated such that the proposals comply with policy NE5.

Impact on the Environment and Biodiversity

The applicant has confirmed that no materials are to be imported to the site to enable the construction of the slurry store, therefore there will be no import of any potentially unsuitable materials that would result in contamination of the land. The slurry store is to be built using well established techniques including the use of clay to prevent leakage. The proposals also include the re-alignment of an existing culvert to provide a 10 metres minimum clearance from the base of the proposed retaining bund. As a result the proposals are unlikely to pose a significant threat to pollution of any watercourses. The Environment Agency has not raised any concerns in respect of the application. The Head of Community Services has no objection in respect of the control of leachate or potential land contamination.

Although no trees will be directly affected, the proposals will result in the loss of some sections of hedgerow and therefore potential wildlife habitat. The applicant has indicated a willingness to provide some landscaping within the site to mitigate any impact of the slurry store on, and enhance the visual appearance of, the landscape. Replacement hedgerows can be secured by condition to mitigate any loss of wildlife habitat. The Directorate of Chief Executive (Ecology) has no objection subject to the proposed hedgerow removal being undertaken outside of the bird nesting season.

Impact on Residential Amenity

The previously withdrawn scheme proposed a slurry lagoon to the east of the farm complex and resulted in a recommendation of refusal from the Head of Community Services (Pollution) on impact on residential amenity grounds as it was within 200

metres of residential properties. The proposed slurry lagoon is to be located immediately to the south of the existing farm complex and is therefore still well related to existing dairy farm buildings where it is reasonable to expect a degree of noise, odour, flies and rodents, issues which are commonly associated with agricultural operations. The proposed slurry lagoon will be sited further away at approximately 320 metres to the west of the nearest residential properties which are located on Lindridge Lane. Additional information submitted to support this application advises that a number of mitigation measures are available that could reduce the likelihood of problems with odour occurring from spreading activities including the frequency of spreading and times of the year, the method of spreading, and the use of slurry additives to control crusting on lagoons and reduce odour through enzymatic activity. However, an objection has been received in respect of the proximity of the slurry store to residential properties and its potential impact on residential amenity from odour, flies and pests.

The Head of Community Services (Pollution) does not object to the siting of the relocated slurry lagoon or its separation from residential properties in this case, however, notwithstanding the additional information submitted it is recommended that full details of a management plan in respect of the control of odour, flies and rodents resulting from the proposed development should be submitted for prior approval in order to minimise any potential impact on residential amenity. These details can be secured by the imposition of an appropriately worded condition.

Conclusion

The construction of a slurry lagoon is essential to the continued operation of the dairy operations on the farm to comply with legislation in respect of Nitrate Vulnerable Zones and its proposed location is well related to the existing farm complex. The topography of the land and proposed landscaping will screen the store and assimilate it into the landscape and will not result in an adverse impact on the character or visual appearance of the countryside, the environment or biodiversity. Given the separation distance of over 300 metres to the nearest residential properties and the existing dairy farming operations on the site, subject to an appropriate management plan to control odour, flies and rodents the proposal will not have an adverse impact on residential amenity. Overall the proposal is considered to comply with policies BE1, NE2, NE5, NE12 and NE14 of the adopted Local Plan and is therefore recommended for approval subject to conditions.

RECOMMENDATION:- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development constitutes essential works associated with agricultural operations and by virtue of its siting, design and appearance would not have an adverse impact on the character or appearance of the countryside, the environment, biodiversity or the amenities of neighbouring residents and would therefore be in accordance with the development plan.

Hinckley & Bosworth Borough Council Local Plan (2001):- Policies BE1, NE2, NE5, NE12 and NE14

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan at 1:5000 scale; Location Plan and Proposed Slurry Lagoon Plan and Profiles Drawing No. 850A/02 received by the local planning authority on 7 July 2011.

3 Not withstanding the submitted information, no development shall take place until full details of soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:-

a) means of enclosure
b) planting plans
c) schedules of plants, noting species, plant sizes and proposed numbers where appropriate
d) implementation programme.

4 The approved soft landscaping scheme shall be carried out in accordance with the approved details and shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.

5 Notwithstanding the submitted details, prior to the commencement of development, full details of a management plan to control odour, flies and rodents on the site shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out and used in accordance with the approved management plan details at all times thereafter.

Reasons:-

1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2 For the avoidance of doubt and in the interests of proper planning.

3 To enhance the appearance of the development and ensure that the work is carried out within a reasonable period and thereafter maintained, in the interests of visual amenity to accord with policies NE5 and NE12 of the adopted Hinckley & Bosworth Local Plan.

4 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policies NE5 and NE12 of the adopted Hinckley & Bosworth Local Plan.

5 To safeguard the amenities of neighbouring properties to accord with policies BE1 and NE2 of the adopted Hinckley and Bosworth Local Plan

Notes to Applicant:-

1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the

works the works must be suspended and the local office of Natural England contacted for advice.

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

5 In relation to condition 3, the landscaping scheme should include the grassing of the earth banks, details of the post and rail fencing, replacement hedgerows and trees of native species appropriate to the area.

6 In relation to condition 5, the management plan should provide full details of the measures that will be undertaken to minimise the risk of odour, flies and rodents resulting from the development and its use including details of operational controls e.g. bioactive products and how they will be used, frequency and method of slurry spreading activity, maintenance of the crust etc. and how flies and rodents will be controlled within the site.

Contact Officer:- Richard Wright Ext 5894