

Application Number	07/2021/00858/FUL
Address	Green Lane Farm, Green Lane, Samlesbury
Applicant	Mr Robert Smith
Agent	Mrs Melanie Lawrenson ML Planning Consultants 5 Bobbin Mill Cottages Stubbins Lane Claughton on Brock
Development	Installation of earth banked slurry lagoon and associated engineering works
Officer Recommendation	Approval with Conditions
Date application valid	25.10.2021
Target Determination Date	24.01.2020
Extension of Time	14.2.2022



1. Introduction

1.1. This application is brought before committee as it constitutes major development

2. Report Summary

2.1. This application relates to a 3300m² area of agricultural land located immediately north of Green Lane Farm; an established 70ha dairy farm located within a particularly secluded area of Green Belt land, to which South Ribble Local Plan Policy G1 refers.

2.2. The application seeks permission for installation of a slurry lagoon with associated engineering works as described in full at Section 5 below. Impact upon residential amenity and the Green Belt has been fully assessed, and spatial separation between existing and proposed buildings within and outside of the site is considered acceptable

2.3. In response to publicity one letter of representation has been received. Comments raised by statutory consultees have been dealt with either by amendments to the application or by condition

2.4. In policy and spatial separation terms the proposal is considered compliant, and having regard to the comments of statutory bodies and the above commentary, it is recommended that the application should be **approved subject to the imposition of conditions**

3. Application Site and Surrounding Area

3.1. This application relates to a 3300m² area of agricultural land located immediately north of Green Lane Farm; an established 70ha dairy farm with a herd of 360 cows. The wider area is open and secluded, other than for sporadically placed dwellings at some distance to the farm. The site and extended environment are designated as Green Belt by Policy G1 of the South Ribble Local Plan

3.2. The site sits within the crook of the River Darwen which lies 50m west and 80m north of the proposed development. The Sharples Wood and Kiln Wood Biological Heritage Sites also abut the river in the west, and screen properties north beyond the river. There are trees surrounding but none which be affected by the proposal.

4. Site Context / Planning History

4.1. There are six applications for development at Green Lane Farm. None relate to the proposal site or are relevant to this proposal.

5. Proposal

5.1. The application seeks permission for installation of a slurry lagoon with associated engineering works. The slurry lagoon would be installed approximately 100m from Green Lane and would be hidden by the existing farm complex.

5.2. The lagoon would measure 30m x 46m, with a pit floor level of 5m deep; a 1m clay liner would prevent permeation into adjacent ground. It would be between 50m and 80m from the closest watercourse (it must be 10m minimum) and includes a ramped vehicle access on one side. Perimeter stock proof fencing to a minimum 1.6m is proposed to screen a 10m wide, 2m high raised bund. The farm currently has 2 months of slurry storage, but this lagoon

which would store 800k gallons is proposed to align the farm with current legislation requiring at least 6 months of slurry storage.

5.3. Soil, air and ground investigation reports have been provided and assessed by the Councils expert consultees.

5.4. A number of similar lagoons are present in the borough without apparent negative impact.

6. Representations

6.1. Summary of Publicity

6.1.1. A site notice has been posted, and two neighbouring properties were consulted. Ward Councillors Yates and Mullineaux have also been notified. Neighbourhood representation has been made by one resident whose very detailed letter is summarised as follows. This respondent has a large access drive which slopes steeply downwards to extensive gardens on either side. The proposal site sits roughly level with the halfway point of the driveway when viewed from inside the neighbour's garden.

Residential Amenity

- ☐ Proposal would be immediately adjacent to the only access into neighbouring property, and only 20ft away from residents' children's play area (hedgerow den)
- ☐ Impact on quality of life of residents - local authorities should protect the living standards of local residents
- ☐ Inability to use outdoor space if the lagoon goes ahead
- ☐ Loss of privacy, noise and light pollution, and visual amenity
- ☐ Right of access down the driveway means that industrial vehicles will use the same area as children use to play

Health Concerns

- ☐ Impact on residents mental and physical health, lack of consultation and prospect of living near the slurry lagoon
- ☐ Effect that air borne, reportedly toxic gases will have on the health and amenity of adjacent residents and small children – a *'concentration of toxic gases are building up and being gently blown onto the drive and garden... there is a very real chance that you could be knocked unconscious from toxic gas that could ultimately kill you'*
- ☐ Respondents property is in a land depression, which when factoring wind directions will collect gas and air borne matter into a *'static wall or block of air outside the front door'*. Existing wind prevalence is towards the neighbours dwelling
- ☐ *'Detrimental impact of neighbouring amenity – not being able to play in the garden through fear of death by asphyxiation'*

Environmental Issues

- ☐ Impact on wildlife, flora and fauna in the area
- ☐ Existence of protected plant species on the site
- ☐ Potential pollution of waterways and watercourses

Other

- ☐ Lack of pre-application consultation by the applicant with neighbouring residents
- ☐ Respondent submits details of people who have died in slurry lagoon related accidents
- ☐ Existing issues from dairy farm smells are expected, but this lagoon would be excessive and on an industrial scale
- ☐ Request that the applicant relocates the proposed lagoon to an alternative location

Officer Comment: The impact of the lagoon on physical health, air quality, the natural environment and nearby watercourses has been assessed by the Councils statutory consultees as the experts in their own fields (see below). Whilst nationally there are incidents relating to death and slurry lagoons, there are also several of these facilities throughout the borough which do not appear to cause any issue in terms of complaints received to the Council. This proposal therefore should be taken on its own merits, and determined having regard to the comments in Section 7

7. Summary of Responses

7.1. South Ribble **Arborist** has no objections to the development. There are no protected trees on site, nor any trees identified for removal to facilitate development.

7.2. Ecology Consultant (GMEU) - has assessed the accompanying ecology surveys and in summary has the following comments:

☐ The nearest Site of Special Scientific Interest (SSSI) to the application site (Darwen River Section SSSI) is located less than 100m away. GMEU notes that neither the Environment Agency nor Lead Local Flood Authority raise any issues in relation to drainage towards this river, and conclude that the proximity of the River Darwen Section SSSI is not a substantive biodiversity issue as it is designated as a geological SSSI.

☐ The proposed lagoon triggers the Natural England Impact Risk Zone for Red Scar & Tun Brook Woods SSSI which relates to atmospheric pollution from “*Livestock & poultry units with floorspace > 500m², slurry lagoons > 750m² & manure stores > 3500t.*” The GMEU ecologist does not have the experience without significantly more information regarding emissions from a slurry lagoon of this size, to give a considered opinion at this point but notes that the Red Scar & Tun Brook Woods SSSI is over 4km away to the north west, which is not in the direction of the prevailing winds. GMEU therefore requested that the Council contacts Natural England to seek justification as to why this threshold has been triggered given the distance and direction of the SSSI concerned.

☐ The Environment Agency did not raise atmospheric discharge as an item which needed to be considered in this case.

☐ Darwen River Section Woods (Including Sharples Wood and Kiln Wood) Biological Heritage Site - it is GMEU’s view that these woods are unlikely to be adversely affected by the current proposals.

☐ There are no other biodiversity matters to raise given the proposed location of the lagoon within the bounds of the existing yard.

7.3. **Natural England** – the application site is within 1.9km of Beeston Brook Pasture Site of Special Scientific Interest (SSSI). Natural England has reviewed the additional SCAIL Assessment (Simple Calculation of Atmospheric Impact Limits - Redmore Environmental, November 2021) provided, and based on all the submitted information Natural England considers that the proposed development will not impact on the above-mentioned sites and has no objection. NE are content that providing the application is undertaken in strict

accordance with the details submitted the development is not likely to damage the interest features for which the site has been notified.

7.4. **Environment Agency** – EA has reviewed the information submitted with this application and has no objection to the proposed development. They do offer advice which has been provided as an informative note

7.5. **Environmental Health** has no comment to make. Precautionary construction management conditions are recommended

7.6. **Lead Local Flood Authority** have been consulted but have no comments to make as the scheme falls outside of the LLFA remit.

7.7. **United Utilities** has no comment to make

8. **Material Considerations**

8.1. **Policy Background**

Policy of marked relevance to this proposal is as follows:

8.1.1. The National Planning Policy Framework provides a presumption in favour of sustainable development (Para 11), supports good design and encourages sustainable economic growth. Design is considered in more detail by Central Lancashire Core Strategy Policy 17 (Design of New Buildings) and Local Plan Policy G17 (Design)

8.1.2. The NPPF also seeks to conserve and enhance the natural environment in line with Core Strategy Policies 22 (Biodiversity & Geodiversity) and 29 (Water Management) and Local Plan Policy G16 (Biodiversity & Nature Conservation)

8.1.3. Core Strategy Policy 31 (Agricultural Land) resists development which causes irreversible damage to, severs or fragments agricultural land. The proposal has been well sited close to existing operations and accords well to this policy.

8.2. **Other Material Considerations**

8.2.1. **Site Allocation and Green Belt Development**- The site is designated under Policy G1 (Green Belt) of the South Ribble Local Plan 2012-2026. Policy G1 presumes against inappropriate development with certain exceptions; one of these being agricultural use, which includes '*rearing and management of livestock*'. Although substantial, when taking into account the proposed inter-relationship between existing properties in this very rural community, all parts of this proposal are considered acceptable. Above ground works have been designed in typically agricultural fashion but neither this nor proposed subterranean development will impact adversely on the visual appearance of the area. The proposed lagoon will be well hidden from view of neighbouring properties or Green Lane itself.

8.2.2. **Character and Appearance, and Residential Amenity** - The closest properties to the site are 'Oak cottage' and 'Knight Bottom Farm' (160m and 530m west), 'Gatecote Farm'(80m north-east), 'Knights Farm' (400m south west across Green Lane) and properties on Goosefoot Lane at approximately 800m distance.

8.2.3. Gatecote Farm is the closest and sits at a lower land level than the proposal which would be roughly level with the half way point of the neighbours steeply sloping driveway; Gatecote is very approximately 15m lower than the proposed lagoon. The proposal would be

located on flat land screened by existing trees and hedgerow which would remain. Whilst there may be some impact on the amenity of this property, the proposal will not be visible from the dwelling which sits well below the level of the lagoon, and the fact remains that Green Lane Farm is a working dairy business which must adhere to current farming guidelines. Air quality, impact on the environment and watercourses is discussed at length above and are considered acceptable subject to conditions by the Councils consultees. Without evidence to the contrary these opinions therefore must be given considerable weight. There are concerns that access from the shared driveway may be used for construction purposes, and a condition to require all construction to access via the farms own yard is felt necessary, but otherwise It is considered that the inter-relationship between existing and proposed structures is adequate, and that impact as a result of the lagoon is not so significant as to warrant refusal.

9. Conclusion

9.1. This determination is a difficult one to balance. In support is the need of an established dairy business to ensure compliance with current legislation which requires 6 months of slurry storage on site. The proposal has been sited to allow for minimal movement between farm buildings and slurry storage – alternative areas would mean a much longer, and more time-consuming arrangement - and there is tree and hedgerow screening between the neighbouring residence and the proposal. There are slurry lagoons throughout the country with no apparent after effects, and the proposal from a health and environmental protection perspective has been fully assessed as acceptable (subject to conditions) by the Councils experts. Green Lane Farm is located immediately south of flood zones 2 and 3 but is in an area with no recorded history of flooding. The banked exterior and construction of the lagoon would protect it from future seepage, but conversely the ability to hold flood waters in an extreme emergency situation may benefit the areas occupants. Whether approved or not, the business must continue to function and slurry must be stored somewhere, and it is considered that a modern, self-contained, purpose built lagoon ensure the long term viability of the business.

9.2. Against the proposal is the perceived and actual impact that the proposal will have on the living conditions and amenity of the neighbouring residents whose property sits at a much lower land level than the lagoon. Residents are genuinely concerned that the proposal would lead to industrial scale farm practices out of keeping with the area, and that their quality of life will suffer as a result.

9.3. Overall, it is considered that there is a justified case for enhancement of the established business, and whilst there is likely to be some loss of residential amenity and residents' concerns are valid, there is no overriding evidence to prove that the lagoon would impact in terms of air quality, or environmental detriment as suggested by neighbours. On balance therefore, and without evidence to the contrary the proposal is considered to be acceptable development in the Green Belt and is recommended for approval subject to the imposition of conditions

RECOMMENDATION:

Approval with Conditions.

RECOMMENDED CONDITIONS:

1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.
REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. The development, hereby permitted, shall be carried out in accordance with the approved plans
Preliminary Ecological Appraisal (Envirotech 3375/V1)
Proposal Drawings
 - o Location plan
 - o Proposed plans ML/RS/6002 (ML Planning)Soil Reports (PSL21/5705)
SCAIL Assessment (Ref 5146r1: Redmore Environmental. 30.11.21)
REASON: For the avoidance of doubt and to ensure a satisfactory standard of development
3. The proposal shall be carried out in strict accordance with the requirements of the approved SCAIL Assessment (Ref 5146r1: Redmore Environmental. 30.11.21)
REASON: For the avoidance of doubt and to ensure a satisfactory standard of development
4. No external floodlighting or security lights shall be installed at the development hereby permitted without first obtaining planning permission from the local planning authority. Any proposed external lighting associated with the development shall be directional and designed to avoid excessive light spill and shall not illuminate bat roosting opportunities within the site or trees and hedgerows in the area. The principles of relevant guidance should be followed (e.g. the Bat Conservation Trust and Institution of Lighting Professionals guidance Bats and Artificial Lighting in the UK 08/18).
REASON: To ensure that adequate provision is made for these protected species in accordance with Policy 22 in the Central Lancashire Core Strategy and Policy G16 in the South Ribble Local Plan 2012-2026
5. Any construction works associated with the development shall not take place except between the hours of: 0800 hrs to 1800 hrs Monday to Friday, and 0800 hrs to 1300 hrs Saturday. No construction works shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing with the Local Planning Authority
REASON: To safeguard the living conditions of nearby residents particularly with regard to the effects of noise in accordance with Policy 17 in the Central Lancashire Core Strategy
6. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - a) proposed suitable times of construction and delivery.
 - b) parking of vehicles of site operatives and visitors

- c) loading and unloading of plant and materials
- d) storage of plant and materials used in constructing the development
- e) location of site compound
- f) suitable wheel washing facilities for vehicles leaving site. Details also to include mechanical sweeping of roads adjacent to the site.
- g) measures to control the emission of dust and dirt during construction
- h) measures to control the emission of noise during construction
- i) details of external lighting to be used during construction
- j) a scheme for recycling/disposing of waste resulting from demolition and construction works
- k) 24 Hour emergency contact number;

REASON: To ensure before development commences that construction methods will safeguard the amenities of neighbouring properties in accordance with Policy 17 of the Central Lancashire Core Strategy and Local Plan 2012-2026 Policy G17

7. Access into the approved site for construction purposes shall not at any time be taken from the vehicular access which serves Gatecote Farm.
REASON: In the interests of pedestrian and highway safety, and to protect the amenity of the occupants of Gatecote Farm in accordance with Policy G17 in the South Ribble Local Plan 2012-2026
8. If the presence of great crested newts or other protected species is detected or suspected on the development site at any stage before or during development or site preparation, works must cease and advice sought from a suitably qualified ecologist.
REASON: To ensure that adequate provision is made for these protected species in accordance with Policy 22 in the Central Lancashire Core Strategy and Policy G16 in the South Ribble Local Plan 2012-2026
9. Prior to commencement of works on the earth banked slurry lagoon, the local planning authority shall be supplied with, and agree to in writing following consultation with the Environment Agency, information to show that the requirements of the Environment Agency with regards to SSAFO Regulations have been met.
Reason: To reduce the risk of pollution to the water environment in accordance with Core Strategy Policy 29
10. That any tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds shall not take place during the nesting season, normally between March and August, unless the absence of nesting birds has been confirmed by further surveys or inspections and written approval has been given from the Local Planning Authority.
REASON: To protect habitats of wildlife in accordance with Policy 22 of the Central Lancashire Core Strategy.
11. For the full period of construction facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud, stones and debris being carried onto the highway. Provision to sweep the surrounding highway network by mechanical means will be available and the roads adjacent to the site shall be mechanically swept as required during the full construction period. Reason: To prevent stones, mud and debris being carried onto the public highway to the detriment of road safety.

RELEVANT POLICY

NPPF National Planning Policy Framework

Central Lancashire Core Strategy

- 17 Design of New Buildings
- 22 Biodiversity and Geodiversity
- 29 Water Management
- 31 Agricultural Land

South Ribble Local Plan

- G1 Green Belt
- G16 Biodiversity and Nature Conservation
- G17 Design Criteria for New Development

Note:

Other application Informative

1. Attention is drawn to the condition(s) attached to this planning permission. In order to discharge these conditions an Application for Approval of Details Reserved by Condition form must be submitted, together with details required by each condition imposed. The fee for such an application is £116. The forms can be found on South Ribble Borough Council's website www.southribble.gov.uk

2. Environment Agency Note 1: The proposed development must fully comply with the terms of the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil)(England)(SSAFO) Regulations 2010 as amended 2013. Environmental good practice is available in The Code of Good Agricultural Practice for the protection of water, soil and air (produced by DEFRA). The applicant is advised to review the existing on-farm, slurry and manure storage and ensure compliance with the SSAFO Regulations. Any agricultural development that will result in an increase in cattle numbers or water usage may adversely affect the storage of waste waters, slurry and other polluting matter.

Environment Agency Note 2: The applicant is advised to review the existing on-farm slurry and manure storage and ensure compliance with the SSAFO Regulations. The Environment Agency must be informed of any new, reconstructed or enlarged slurry store, silage clamp or fuel store at least 14 days before starting any construction work. The notification must include the type of structure, the proposed design and construction. Further guidance, including how to calculate capacity, is available at <https://www.gov.uk/guidance/storing-silage-slurry-and-agricultural-fuel-oil>

and CIRIA have detailed guides on site selection, design and construction <https://www.ciria.org/ItemDetail?iProductCode=C759F&Category=FREEPUBS&WebsiteKey=3f18c87a-d62b-4eca-8ef4-9b09309c1c91>

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 the environment Agency 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. The design of the new slurry store, its location and the results of the submitted percolation tests have been sent to the Environment Agency Agriculture Team. If you would like to discuss the proposed development in relation to

compliance with the SSAFO regulation, please contact us at
CLA_Land_and_Water_MB_Team@environment-agency.gov.uk

Please note that the new slurry store must not be used until it has been inspected and signed off by an Environment Officer from the Environment Agency.

3. Environmental Health Note: It is recommended that contact details are provided at the front of the construction site and a letter drop made to nearby properties informing them of any unusual construction methods e.g. working outside normal construction times, use of piling machines etc, along with timescales for this work.
