

Item Number: 12
Application No: 14/00950/MFUL
Parish: Scrayingham Parish Council
Appn. Type: Full Application Major
Applicant: Mr Stuart Wood
Proposal: Excavation of clay-lined slurry lagoon
Location: Poplar House Farm Leppington Lane Leppington Malton North Yorkshire YO17 9RL

Registration Date:
8/13 Wk Expiry Date: 1 December 2014
Overall Expiry Date: 19 November 2014
Case Officer: Matthew Mortonson **Ext:** 332

CONSULTATIONS:

Environmental Health Officer	Recommend conditions
Sustainable Places Team (Yorkshire Area)	No objection
Parish Council	No objection - recommendations made
Highways North Yorkshire	No views received to date

Neighbour responses: Mr Simon Flounders,

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SITE:

Poplar House Farm is an existing farmstead located within the village of Leppington. Whilst the farmhouse is within the development limits; the associated agricultural buildings are within the open countryside, which is an area of high landscape value.

The nearest residential dwellings to the application site are approximately 100 metres to the west and to the south. The amenity areas serving these dwellings are located closer to the proposal at approximately 80m - 90m.

PROPOSAL:

The proposal seeks planning permission for the excavation of a clay – lined slurry lagoon to be sited to the north west of Popular House Farm. The lagoon would measure 55.32metres by 40metres and have a slurry depth of 4m. The lagoon will be constructed using a ‘cut and fill’ method whereby the excavated soil is used to form embankments of 1.52m high above the foundation level. A 0.75 metres freeboard will be also be provided as required by The Water Resource (Silage, Slurry and Agricultural Fuel Oil) Regulations 2010 (SSAFO). A perimeter safety fence of 1.30m is proposed around the lagoon.

The lagoon would be sufficiently large to accommodate 2,500m³ of slurry including rainfall, and approximately 10% additional capacity if future expansion were proposed. The design will provide a gross capacity of 2,460m³.

Members will note that the applicant has begun the construction phase of the development.

ENVIRONMENTAL IMPACT ASSESSMENT:

The application site is not located within a sensitive area. Therefore, the proposed development is considered to fall within Section 11(d) of Schedule 2 of the EIA Regulations. The thresholds for this type of development is that the area of deposit or storage exceeds 0.5 hectare (or 5000 square metres), and / or where the site is intended to hold more than 5000 cubic metres of sewage sludge.

The proposed slurry lagoon has an overall dimension of 2,212.8sqmm with the proposed slurry line measuring 1,071.6sqm. The nominal liquid capacity of the lagoon is identified as 2,457.08 cubic metres. In this case, given the scale of the development in comparison to the identified thresholds, it has been determined that the proposal does not form EIA development.

HISTORY:

13/01326/FUL - Erection of replacement agricultural building for the housing of livestock (retrospective application). Planning permission granted.

13/01327/FUL - Erection of replacement agricultural building for the housing the livestock (retrospective application). Planning permission granted.

14/00458/FUL - Erection of an agricultural livestock building for calf housing. Planning permission granted.

14/00459/FUL - Erection of an agricultural lean to livestock building adjoining existing livestock building. Planning permission granted.

POLICY:

National Policy Guidance

National Planning Policy Framework (NPPF)

National Planning Practise Guidance (NPPG)

Ryedale Plan - Local Plan Strategy

Policy SP9 - The Land-Based and Rural Economy

Policy SP13 - Landscapes

Policy SP16 - Design

Policy SP19 - Presumption in favour of sustainable Development

Policy SP20 - Generic Development Management Issues

APPRAISAL:

Background Information

The farm is situated in a Nitrate Vulnerable Zone (NVZ). In such areas the EU Nitrates Directive recognises that most of the nitrate in fresh water comes from agricultural sources so where there is too much nitrate, farmers are required to reduce the risk that nitrates will pollute watercourses. In a NVZ there is a mandatory requirement for five months slurry storage.

As illustrated by the planning history of the site, there has been a recent expansion in the scale of the applicant's dairy herd operations which has been facilitated by new cattle accommodation. It is evident that the slurry storage currently available upon the unit does not provide sufficient storage for the number of cattle kept or for the duration required by the NVZ.

The existing farm currently produces approximately 1,600 cubic metres of slurry during the recommended 5 month NVZ storage period. The slurry is currently removed and recycled on a daily basis via a tanker to both sites around the farm and land outside of the NVZ. This treatment of slurry is currently contrary to the requirements of the NVZ rules hence the submission for this application.

Access to the lagoon will be via a concrete pad in the southeastern corner of the field. The siting and design of the lagoon has been subject to discussions with the Environment Agency and Planning Officers. It has been advised that the design and position of the lagoon is to minimise tractor time and will allow the manure to be pushed / scraped to the lagoon. This process means that no pumping of the slurry is required.

The applicant advises that the lagoon has been designed to meet the requirements of the NVZ regulations as the need of an active farm. The lagoon is designed to hold all the manure from housing the cattle to turnout at spring, and the cleaning of alley ways as they milk throughout the year. The lagoon will therefore be used to a degree all year round.

In terms of the processes of emptying the lagoon, the farm accommodates arable land to the west. It is planned to spread the manure within the lagoon via an umbilical pipe over the fields after harvest. This will provide the necessary nutrients into the land thereby reducing the need for artificial fertilisers. The whole lagoon would be emptied at this time. Members will note that when stored for prolonged periods slurry may separate with liquid on the surface and sludge on the bottom. Before emptying, the slurry has to be stirred thoroughly to mix. It is at this stage that the lagoon would be likely to omit the most odour. However the applicant has advised that the period for the stirring process and spreading of manure will be short, and will be a matter of a few days.

The applicant advises that as the manure will be stored on the site and moved across the fields rather than through the village this will reduce the number of traffic movements associated to the farm, and any dropping of manure that may occur as a result. Further, it is advised that cattle in cubicles use considerably less straw than those on straw yards. This system will significantly reduce overall volume of manure produced by the farm per annum compared to a straw based system.

Development Appraisal

Policy SP9 (The Land-Based and Rural Economy) of the Ryedale Local Plan Strategy provides the principle of this development. The policy states:

'Ryedale's land-based economy will be sustained and diversified with support for new buildings that are necessary to support land-based activity and a working countryside, including farming, forestry and equine purposes.'

The proposal is considered to be in accordance with the requirements of Policy SP9 and is acceptable in principle.

Impact on residential amenity

Policy SP20 of the Ryedale Local Plan Strategy seeks to ensure that new development will not have a material adverse impact on the amenity of present or future occupiers, the users or occupiers of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence.

For this proposal, the primary consideration relates to the impact of the development in terms of odour and in relation to flies.

As described earlier within this report, the nearest residential dwellings to the proposed lagoon are situated approximately 100 metres to the west and to the south of the site, with the amenity areas serving a number of these dwellings located approximately 80m - 90m from the lagoon.

A letter of objection has been received from the occupiers of Poplar View, Leppington Lane, Leppington (this correspondence can be seen in full in the planning application electronic file). The issues raised include concerns relating to odour and flies. The objector also highlights that their property would be situated downwind from the proposal.

In considering the concerns of the objector, Members will note that the decomposition of slurry will create various emissions and gases that will have an impact on odour. However, these gases are heavier than air and therefore do not have a large dispersal rate. The supporting statement of the application confirms that during the NVZ closed period the slurry will form a crust. This crust creates a cap at the surface which helps to mitigate odour potential during the storage. Officers have discussed the possibility of covering the lagoon, however the applicant advises that this is unsafe due to the high levels of methane that are omitted from the slurry.

There have been no objections raised to the development by the Council's Environmental Health Officers. In their consultation response, to ensure that best practice is followed and in order to protect the amenity of residents from flies and odour, a condition is recommended that a manure management plan for the development is provided. This plan shall be required to be revised and updated, and implemented as necessary. The condition should include the control of the method by which the slurry is removed from the lagoon and the method by which it is spread to land. Other recommended conditions include preventing the import of other manures to the farm from other sources, and conditions relating to the construction phase of the development.

In light of the comments received from Environmental Health Officers, it is considered that the proposal will not lead to levels of material harm to nearby residents and the proposal is considered to accord with the requirements of SP20.

Landscape Impact

In terms of the visual impact of the development, it is unlikely that the lagoon will be visible from the nearby public highway or from any public footpaths or viewpoints. The development will be sited within the context of the existing farmstead thereby reducing any impact that may occur. Nevertheless, in accordance with the supporting statement, it is recommended that the permission be conditioned to ensure a hedge (Hawthorn/Blackthorn) is planted alongside the perimeter fence.

Environment Agency Comments

As part of the application process the Local Planning Authority has consulted the Environment Agency. Their consultation response raised no objections. However, it has been stated that the lagoon must be constructed to ensure it complies with the requirements of The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010. The site area has been reviewed by the Environment Agency who have not objected to the siting. The site overlies a non sensitive aquifer with generally low permeability. Therefore provided the lagoon is constructed to the appropriate standards, the risk to groundwater is considered to be low.

Parish Council Comments

Scrayingham Parish Council have no objections to the application, subject to the following proviso:

- 1. As Mr Wood has changed his waste management strategy for a proportion of the herd very shortly after he proposed a different regime in his recent application, we would not expect any further changes to either stated policy or volumes of waste.*
- 2. The Environment Agency and Ryedale Environmental Health should review the installation after an appropriate period of time to ensure that the environment is not being adversely affected, and should continue to undertake reviews on a regular basis*

3. *If the lagoon is found to affect the village with odour and flies that action is taken quickly on Mr Wood's part to mitigate this problem.*
4. *The arguments that the Parish Council have accepted are based on the premise that the operations on the farm are a) confined to areas at the West side of the farm away from the village; and b) that the size of the operation is not significantly increased beyond the figures previously provided, given that they are used as an argument to support the current application.*

Members will note that the relevant material considerations raised by the Parish Council have been taken into account and are incorporated into the conditions recommended by Environmental Health Officers. A number of the points raised however do not form material considerations that are within the control of the Local Planning Authority.

Highway related issues

The comments of NYCC Highway Authority are awaited. Members will be updated of these comments either in the Committee late pages, or at the Planning Committee Meeting.

Conclusion

To conclude, the proposed slurry lagoon is not considered to give rise to any impacts that would result in material harm. The development is necessary for the continued operation of the farm to overcome the requirements of the NVZ. Conditions are however recommended to protect the amenity of nearby residential properties. Therefore, the application is recommended for approval subject to outstanding NYCC Highway Authority comments.

RECOMMENDATION: Approval

- 1 The development hereby permitted shall be begun on or before .

Reason:- To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

- 2 The slurry lagoon, the subject of this approval, shall only be used for the storage of slurry produced at Poplar Farm, Leppington only.

Reason:- To ensure that the levels of activity associated with the development are compatible with the site and surrounding area in accordance with Policy SP20 of the Ryedale Local Plan Strategy.

- 3 Before the first use of the development hereby permitted, a manure management plan shall be submitted for approval in writing to the Local Planning Authority. Thereafter the manure management plan shall be reviewed and updated as necessary and submitted to the Local Planning Authority for approval in writing prior to any major change occurring. The manure management plan shall include the method by which slurry is removed from the slurry lagoon and the method by which it is spread to the land.

Reason:- To prevent a build up of agricultural wastes leading to problems of odour and flies to neighbouring residents. To protect residential amenity in accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 4 The operation of construction and excavation equipment in relation to the construction of the lagoon shall not operate outside of the hours of 08:00 to 18:00 Monday to Friday, 09:00 to 13:00 on Saturdays, and not at all on Sundays and Bank Holidays.

Reason:- To ensure that the levels of activity associated with the construction of the development do not result in harm to nearby residential dwellings in accordance with Policy SP20 of the Ryedale Local Plan Strategy.

- 5 Before the first use of the development hereby permitted, large scale details of the perimeter of the lagoon shall be provided to the Local Planning Authority for approval in writing. The details shall include a perimeter fence and a hedge (Hawthorn/Blackthorn) planted alongside the perimeter fence.

Reason:- In the interest of the visual amenity of the area and safety in accordance with the requirements of Policy SP20 of the Ryedale Local Plan Strategy.

- 6 Any Highway related conditions

- 7 The development hereby permitted shall be carried out in accordance with the following approved plan(s):

Drawing No. LDCL_DR_LAG_08_14_001
Drawing No. LDCL_DR_LAG_08_14_002
Drawing No. LDCL_DR_LAG_08_14_005
Drawing No. LDCL_DR_LAG_08_14_006

Reason: For the avoidance of doubt and in the interests of proper planning.

INFORMATIVE:

- 1 The lagoon must be constructed to ensure it complies with the requirements of The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010. Two weeks before the store is brought into use, the Environment Agency should be notified.

The form that can be used for this purpose can be found at the following webpage:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/298100/LIT_7281_1d0169.pdf

Background Papers:

Adopted Ryedale Local Plan 2002
Local Plan Strategy 2013
National Planning Policy Framework
Responses from consultees and interested parties