



**PLANNING COMMITTEE: Thursday,
16 January 2025**

Report of: Assistant Director Planning & Regulatory Services

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SUBJECT: PLANNING APPLICATION REF: 2024/0321/FUL

PROPOSAL: Erection of a slurry store.

APPLICANT: Mr J Hodge

ADDRESS: Land off Lees Lane, Dalton

REASON FOR CALL IN: Application has been called in by Cllr Whittington to consider the resubmission of a previously refused application.

UPDATE:

Members are advised that this application was deferred by Officers at 21 November 2024 and 5 December 2024 Planning Committee Meetings to allow all parties registered to speak the ability to attend and represent themselves.

Wards affected: Rural North East;

1.0 PURPOSE OF THE REPORT

1.1 To advise Planning Committee on an application which seeks permission for the erection of a slurry store.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

2.1 That planning permission be Granted.

3.0 THE SITE

3.1 The site comprises of an agricultural field which sits to the south of Lees Lane. The site is accessed off Lees Lane via a splayed existing access. The land comprises grassland with an undulating appearance. The gradient steadily increases travelling south. The proposed slurry lagoon would be located to the lower north

western corner of the field bound by existing trees and hedgerows to its limits with 2 no. residential properties abutting the eastern boundary, Deers Leap and Martins Farm. Open Agricultural land extends beyond.

4.0 PROPOSAL

- 4.1 The application proposes the erection of a slurry store. The store is to measure approximately 22m in diameter and 3m in total height, covering an area of 380.13m², constructed from concrete walls, and will be accessed from an existing gated access directly off Lees Lane. The lagoon structure is proposed to be excavated into the land.
- 4.2 The slurry store will have a volume of 1,137m³ (250,105 gallons). The applicant has applied for planning permission for a slurry store to be able to meet recent changes in government legislation in that all farmers must have in place a 6-month slurry storage capacity. This has been introduced in DEFRA's 'Farming Rules for Water' in conjunction with 'The Reduction and Prevention of Agriculture Diffuse Pollution (England) Regulations 2018. As present, the applicant has 4 months of slurry storage in line with the previous SSAFO regulations.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 2022/1204/FUL Erection of a slurry store. Refused 29/06/23

The above application was refused for the following reason:

The proposed slurry store conflicts with Policy GN3 of the West Lancashire Local Plan 2012 - 2027 and supplementary planning document 'Design Guide' (Jan 2008) in that there is insufficient information provided regarding gas monitoring and odour abatement system regimes to ensure there would not be a detrimental impact to residential amenity for the near neighbouring residents.

6.0 OBSERVATION OF CONSULTEES

- 6.1 Environment Agency (30/04/2024 and 22/10/2024) – No objection subject to the imposition of a condition concerning mitigation measures.
- 6.2 LCC Highways (30/04/2024 and 22/10/2024) – This is a resubmission of application 2022/1204/FUL to which there were no highway objections, and I note the application was refused solely on residential amenity grounds regarding odour abatement.

As previous, Section 6.2 of the submitted Planning Statement states that there will be no additional traffic generated as a result of the proposal. And the proposed development will utilise an existing vehicular access off Lees Lane.

As there is no proposed increase in traffic and no new/alterd access proposed with this development LCC Highways is of the opinion that the proposed development would not severely impact highway safety or capacity within the vicinity of the site and therefore, LCC has no objection to this application.

- 6.3 Environmental Protection (14/05/2024) – The application site is located in a rural area with some neighbouring properties in close proximity to the site (<120m) who may be affected by odour associated with activities that may occur on the site if left unchecked and not acted upon by the applicant and management.

I have reviewed the odour assessment attached to the above application as submitted by Greenavon Air Quality Consultants dated March 2024 Report No 0221 and I can conclude I have no objection to the scheme providing a condition is imposed onto any approval to ensure that all the mitigation measures to prevent odour nuisance recommended in the aforementioned report (odour abatement system (a cover)) are implemented.

- 6.4 MEAS (18/09/2024 and 17/10/2024) – Following previous MEAS advice of 18 September 2024, the applicant has submitted an amended red line boundary plan, and the proposed habitat enhancement area is now included within the red line boundary.

I advise that the amended plan enables the results of the submitted Statutory Biodiversity Metric calculation to be accepted, namely that the proposals will provide a 10.2% biodiversity net gain due to the enhancement of 0.07ha of modified grassland on the site from poor to moderate condition.

The proposed habitat enhancement is not considered to be a significant on-site enhancement by the applicant's ecological consultant, and I concur with that, as the value of the enhanced modified grassland habitat equates to only 0.24 habitat units and it will be of low distinctiveness. As a result of this, a Habitat Management and Monitoring Plan (HMMP) will not be required to be submitted with the Biodiversity Gain Plan post-determination.

However, I advise that the production of a Landscape Planting and Maintenance Plan (LPMP) which covers management of the habitat enhancement area should be secured by a suitably worded planning condition. The LPMP should include appropriate management options for achieving aims and objectives, including measures to meet the stated habitat condition, this should directly reference the BNG condition assessment criteria.

The applicant has submitted a draft Biodiversity Gain Plan which is acceptable. The development will be subject to the pre-commencement biodiversity gain condition, which includes the submission of a finalised Biodiversity Gain Plan.

- 6.5 Drainage Engineer (11/11/24) – No objections raised subject to the imposition of a condition requiring a Surface Water Drainage Strategy.

7.0 OTHER REPRESENTATIONS

- 7.1 The application has been subject to two rounds of consultation exercises, the first receiving a total of 20 representations and the second received 11 representations. In all, the representations can be summarised as raising the following grounds:

- Proposal is too close to residential properties
- Inability to enjoy using gardens

- Noise disturbance from farm machinery during antisocial hours
- Visual impact on the landscape
- Road safety concerns
- Increase odour nuisance
- Pollution risks to land and watercourses
- Proposed location not suitable
- Increased flood risk
- No gas monitoring information
- Increased health risks

- 7.2 Dalton Parish Council, object to the proposal with concerns including:
- Odours; in particularly when the store will be filled/emptied
 - No details or plans are provided regarding landscaping
 - Visual Impact
 - Increase in traffic and impact on highway safety, combined with potential increase in noise
 - Flooding risks and potential contaminated water run off

8.0 SUPPORTING INFORMATION

8.1 Planning Statement

8.2 Air Quality Assessment

8.3 Proposed Plan BNG

8.4 DEFRA BNG Plan

8.5 BNG Net Gain Report

8.6 BNG Metric Calculation

8.7 BNG Conditions Assessment

8.8 Baseline Plan

9.0 RELEVANT PLANNING POLICIES

9.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012 – 2027 Development Plan Document provide the policy framework against which the development proposals will be assessed.

9.2 **National Planning Policy Framework (NPPF)**
Achieving well designed places

9.3 **West Lancashire Local Plan (WLLP) 2012 – 2027 DPD**
Policy GN1 – Settlement Boundaries Policy
Policy GN3 – Criteria for Sustainable Development Policy
Policy EC2 – The Rural Economy
Policy EN2 – Preserving and Enhancing West Lancashire's Natural Environment
Policy IF2 – Enhancing Sustainable Transport Choice

- 9.4 **Supplementary Planning Document**
Design Guide (2008)
Development in the Green Belt (2015)

10.0 OBSERVATIONS OF ASSISTANT DIRECTOR OF PLANNING AND REGULATORY SERVICES

- 10.1 The main considerations for this application are:

Principle of development – Green Belt

- 10.2 The National Planning Policy Framework (NPPF) is a key material consideration in assessing the principle of the development. Paragraph 154 in the NPPF states that "A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt." There are 7 exceptions to this rule including "a) *buildings for agriculture and forestry.*"
- 10.3 The submission demonstrates that the structure is necessary for agriculture in line with DEFRA requirements. Such agricultural development is considered to be appropriate in principle in the Green Belt and the structure is typical within the rural landscape. The principle of the development is therefore in accordance with the requirements of the NPPF and local plan policy GN1.

Impact on residential amenity

- 10.4 Policy GN3 of the West Lancashire Local Plan (2012-2027) DPD allows development provided it retains or creates reasonable levels of privacy, amenity and sufficient garden/outdoor space for occupiers of the neighbouring and proposed properties.
- 10.5 The proposed slurry store is to sit on land to the south of Lees Lane. The nearest neighbouring property is Deers Leap that sits approximately 100m to the east of the proposed slurry store, whilst Martins Farm, also to the east of the site, sits approximately 110m from the proposed slurry store. Other nearby properties on Lees Lane sit at an approx. distance of 120m from the proposed store.
- 10.6 Due to the proximity to the neighbouring properties to the east of the proposed slurry store, concerns regarding odour have been raised. In the previous application (ref; 2022/1204/FUL), the application was refused on the grounds of insufficient information in that there had been no air quality assessment submitted as part of the proposal and Environmental Protection therefore could not fully assess the impact on residential amenity.
- 10.7 In the submission of this application, an air quality assessment has been provided which concludes that the overall effect of the proposed development on local sensitive uses was judged to be negligible. Furthermore, the proposed abatement strategy is considered more than sufficient to prevent odour nuisance.
- 10.8 Environmental Protection have been consulted on the matter and conclude that there is no objection to the scheme on the basis that a condition is imposed into

any approval in which an Odour Management Plan is to be submitted and approved with reviews annually and for the current proposed mitigation measures (odour abatement system (a cover)) are also implemented.

- 10.9 With consideration of the comments provided by Environmental Protection and in respect of the Air Quality Assessment, it is considered that the proposed slurry store, subject to the recommended conditions being imposed, would not result in significant harm to residential amenity and therefore is considered to comply with Policy GN3.

Design/Layout

- 10.10 Policy GN3 of the Local Plan requires all new development to have regard to the visual amenity of the surrounding area and complement or enhance any attractive attributes through sensitive design including appropriate siting, orientation, scale, materials, landscaping and boundary treatments.
- 10.11 In addition, the SPD Design Guide states that new development should be of an overall scale, mass and built form, which responds to the characteristics of the site and its surroundings. Care should be taken to ensure that building(s) heights, scale and form, including the roofline, do not disrupt the visual amenities of the street-scene and impact on any significant wider landscape views.
- 10.12 The proposed slurry store would be set within the hillside to minimise any visual impact, with the northern elevation bound by several existing mature trees. Additional landscaping is proposed to reduce visual impact from other viewpoints. It is noted that the scale of the slurry store has reduced in both diameter and height from the previous application. Included on the submitted planning statement indicates the intention of including security fencing to ensure the slurry store is not accessible by anyone other than the Applicant. No elevations or details for the security fencing have been submitted with the application however, this can be addressed with a suitable condition being imposed requiring details to be approved and completed before the first use of the slurry store.
- 10.13 Noting the surrounding landscaping and that the slurry store will be excavated into the hillside, it is considered that, subject to suitable additional landscaping being secured and details of materials and the security fence agreed, there would be minimal harm to the character and appearance of the area and therefore complying with Policy GN3 of the Local Plan.

Highways

- 10.14 Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD states that development should incorporate suitable and safe access and road layout design in line with latest standards. Parking should be provided in accordance with policy IF2.
- 10.15 Following consultation with LCC Highways, they provided the following comments; *As there is no proposed increase in traffic and no new/altered access proposed with this development LCC Highways is of the opinion that the proposed*

development would not severely impact highway safety or capacity within the vicinity of the site and therefore, LCC has no objection to this application."

- 10.16 It is therefore considered that the proposed development, with use of an existing access and no further intensification of vehicle movement, would not result in any severe impact on highway safety or capacity and therefore complies with Policies GN3 and IF2 of the Local Plan.

Biodiversity Net Gain

- 10.17 Under The Environment Act 2021, the delivery of Biodiversity Net Gain (BNG) is a mandatory requirement for minor developments. Development will only be permitted where there is a net gain of biodiversity of at least 10%, as calculated according to DEFRA guidelines.

- 10.18 A Biodiversity Net Gain (BNG) Assessment has been provided with the application. It is advised that this will provide a 10.2% net-gain in Habitat units. The habitat enhancement area is to sit north of the proposed slurry store. MEAS has confirmed that the onsite BNG is not considered to be significant enhancement.

- 10.19 Therefore, the scheme can deliver appropriate BNG. The standard pre-commencement condition to provide a Biodiversity Gain plan along with a Landscape Planting and Maintenance plan, detailed under Schedule 14, part 2 of the Environment Act 2021, applies.

Drainage

- 10.20 The application has received several objections, some of which raise concerns of an increase in surface water flooding as a result of the proposal. It is understood that flooding does occur on the highway and is acknowledged as being a pre-existing problem. From where the lagoon is to be located, whilst recessed into the ground, the natural fall of the land is northward towards the location of the abutting highway, this is borne out by the gradient and contours of the land. As such, in the event that a failure did occur, any overtopping of the slurry lagoon would gravitate northwards and not eastwards towards residential properties. It is understood that the levels within the slurry lagoon are monitored by control sensors.

- 10.21 The slurry lagoon would be covered with an impermeable floating cover which moves up and down depending on the surface level of the slurry, rainwater would not be able to enter the lagoon and thus would result in surface water run off which given the surroundings would either be pumped onto the land or to the nearest watercourse as a controlled discharge. Similarly, runoff from the access road would require a drainage system to ensure that run off is managed and that the existing flooding on Lees Lane is not exacerbated over its lifetime. The Council's Drainage Engineer has been consulted and advises that there are no objections to the proposal subject to the imposition of a condition requiring a surface water drainage strategy for the development. The drainage strategy will need to be designed to meet a discharge output of a maximum of 3 l/s. On this basis, I am satisfied that the slurry lagoon would not result in an increase in flood risk on or off site and would be compliant with Policy GN3 of the Local Plan.

Other Matters

- 10.22 The application has received several objections from neighbouring residents and from Dalton Parish Council. Concerns raised include highway safety from increase in traffic, flooding risks, harm to visual amenity and odour and pollution concerns.
- 10.23 As addressed above, LCC Highways provided no objection to the development with points including the site would be accessed by utilising an existing vehicular access and no additional traffic would be generated as a result of the store. In respect to visual amenity, the store is to be set within the hillside and with a scale of 22m in diameter x 3m in height, has notably reduced the size from the previous application. It is considered that in the context of the site, the slurry store would not detract from the rural landscape. Additionally, concerns of odour and gas release have been addressed by Environmental Protection in that the submitted Air Quality Assessment has been accepted though an Odour Management Plan has been included as part of a condition to any approval of the application and this is to be reviewed annually to monitor the effectiveness of the control measures.
- 10.24 Notwithstanding the comments from the Council's Drainage Engineer, in regard to flood risk and contaminated water, the site is set within Flood Zone 1. The Environment Agency was consulted on the proposal, and they considered the store would be acceptable if a condition requiring details of any mitigation measures necessary to make the location of the lagoon suitable for the storage of slurry based on existing ground conditions is imposed and approved by the local planning authority. It is therefore considered that the concern of contamination have been appropriately addressed by a statutory consultee.

11.0 CONCLUSION

- 11.1 The principle of the proposed development in connection with agricultural use of the land is acceptable. Furthermore, it is considered that the proposed slurry store would not result in any significant harm to visual amenity, residential amenity, drainage, contamination and highway safety and capacity. The proposed development is therefore considered to be compliant with the NPPF and Policies GN1, GN3, EC2, EN2 and IF2 of the West Lancashire Local Plan 2012 – 2027 DPD and the application is therefore recommended for approval.

12.0 RECOMMENDATION

12.1 Condition(s):

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with the requirements 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 hereby approved shall be carried out in accordance with details shown on the following plans:

Submitted Application Form;
Site Layout, Proposed Slurry Store C3-2 rev A and Land Plan;
Air Quality Assessment;
Planning Statement;

Received by the Local Planning Authority on 10th April 2024.

Baseline Plan, BNG Conditions Assessment, BNG Metric Calculation, BNG Net Gain Report, DEFRA BNG Plan and Proposed BNG Plan;

Received by the Local Planning Authority on 29th August 2024.

Site Location;

Received by the Local Planning Authority on 3rd October 2024.

Reason: For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012 – 2027 Development Plan Document.

3. Notwithstanding any description of materials in the application, no above ground construction works shall take place until samples and / or full specification of materials to be used externally on the built development have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials and should be reflective of those within the surrounding area, unless otherwise agreed in writing by the Local Planning Authority.

The development shall be carried out only in accordance with the agreed schedule of materials and method of construction.

Reason: To ensure that the external appearance of the building(s) is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document

4. Prior to the commencement of development, full details of any mitigation measures necessary to make the location of the lagoon suitable for the storage of slurry based on existing ground conditions shall be submitted to, and approved in writing, by the local planning authority.

Reason: To ensure that the proposed development does not pose an unacceptable risk of pollution to surface or groundwater and to comply with Policy GN3 in the West Lancashire Local Plan 2012 – 2027 Development Plan Document.

5. Prior to the commencement of use, an odour management plan shall be submitted to the Local Planning Authority for written approval.

The odour management plan shall identify appropriate control methodologies for reducing and/or limiting odour from the site which is likely to be noticeable at nearby residential properties. This may consider mitigation schemes that would be

implemented to reduce the odour from the lagoon should complaints of odour be received from occupants of nearby residential properties.

The plan shall be reviewed at least annually to monitor its ongoing effectiveness and shall be reviewed again within a week of receipt of any justified odour complaint.

Once approved, the scheme and all identified control measures (in the latest update) shall be implemented as agreed and shall be maintained for the duration of use.

Reason: To provide an ongoing monitoring and control review to prevent adverse odour release from the lagoons and protect the amenity of any residents due to the use of the slurry lagoon and to safeguard local residents from odour and to comply with Policy GN3 in the West Lancashire Local Plan 2012 – 2027 Development Plan Document.

6. No above ground construction works shall take place until details of the proposed security fences have been submitted to and approved by the Local Planning Authority. Such fences shall be erected as an integral part of the development and completed before the slurry store is first used.

Reason: To safeguard and enhance the character of the area and to protect residential amenity in accordance with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document

7. No development approved by this permission shall commence until a Biodiversity Gain Plan for delivery and monitoring of Biodiversity Net Gain, including a Landscape Planting and Maintenance Plan (LPMP) which covers management of the habitat enhancement area, is submitted to and approved in writing by the Local Planning Authority.

The Biodiversity Gain and Landscape Planting and Maintenance Plans shall be implemented in accordance with the agreed details and timetable, and all habitats and measures shall be retained and maintained thereafter in accordance with the approved details.

Reason: To protect and enhance ecological interests and to provide biodiversity gain in accordance with Policies GN3 and EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

8. No development shall take place until a strategy for the surface water drainage of the development has been approved in writing by the Local Planning Authority. The rate of surface water discharge to either the land or the nearby watercourse must not exceed 3 l/s. The drainage scheme must be completed in accordance with the approved details.

Reason: To ensure that any increase in flood risk on or off site resulting from the proposed development is kept to a minimum.

Informative Notes

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.

The applicant should also ensure the proposed development supports compliance with:

- The reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018 known as Farming Rules for Water (FRfW),
- The Environmental Permitting (England and Wales) Regulations 2016 (EPR)
- The Nitrate Pollution Prevention Regulations 2015 (NVZ)

Environmental good practice advice is available in The Code of Good Agricultural Practice (COGAP) for the protection of water, soil and air (produced by DEFRA). Any agricultural development that will result in an increase in cattle numbers or water usage may adversely impact the storage of water, slurry and other polluting matter. The applicant is advised to consider both the proposed development and existing on-farm slurry and manure storage to ensure compliance with the regulations (SSAFO, FRfW, EPR, NVZ).

As a condition of SSAFO, you must notify the Environment Agency of a new, reconstructed or enlarged slurry store, silage clamp or fuel stores at least 14 days before starting any construction work. The notification must include the type of structure, the proposed design and construction. Please note the Environment Agency must be informed of your proposals in addition to any application for planning permission. Upon completion of the work, the applicant must contact the Environment Agency Agriculture Team to arrange for the new slurry facility to be inspected before it is brought into use.

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 permeability 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.

If the applicant intends to apply for a grant under the Farming Investment Fund – Slurry Infrastructure grant the proposed development must also fully comply with the grant scheme rules, found at - [Slurry Infrastructure grant](#). In this case the SSAFO notification to the Environment Agency will be satisfied by the submission of the grant application form.

Further guidance:

[Storing silage, slurry and agricultural fuel oil](#)

[Protecting our water, soil and air](#)

Site selection, design and construction:

https://www.ciria.org/CIRIA/CIRIA/Item_Detail.aspx?iProductCode=C759F&Category=FREEPUBS

2. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition") that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are set out in the Biodiversity Gain Requirements (Exemptions) Regulations 2024 and The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 2024.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements apply. A detailed version of the biodiversity gain condition can be found in the list of conditions attached to this permission.

13.0 SUSTAINABILITY IMPLICATIONS

13.1 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder.

14.0 FINANCIAL AND RESOURCE IMPLICATIONS

14.1 There are no significant financial or resource implications arising from this report.

15.0 RISK ASSESSMENT

15.1 The actions referred to in this report are covered by the scheme of delegation to officers and any necessary changes have been made in the relevant risk registers.

16.0 HEALTH AND WELLBEING IMPLICATIONS

16.1 There are no health and wellbeing implications arising from this report.

Background Documents

In accordance with Section 100D of the Local Government Act 1972 the background papers used in the compilation of reports relating to planning applications are listed within the text of each report and are available for inspection in the Planning Division, except for such documents as contain exempt or confidential information defined in Schedule 12A of the Act.

Equality Impact Assessment

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore, no Equality Impact Assessment is required.

Human Rights

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from Article 8 (the right to respect for private and family life, home and correspondence) and Article 1 of Protocol 1 (the right of peaceful enjoyment of possessions and protection of property).

Appendices

None.