

## Area West Committee – 20th June 2012

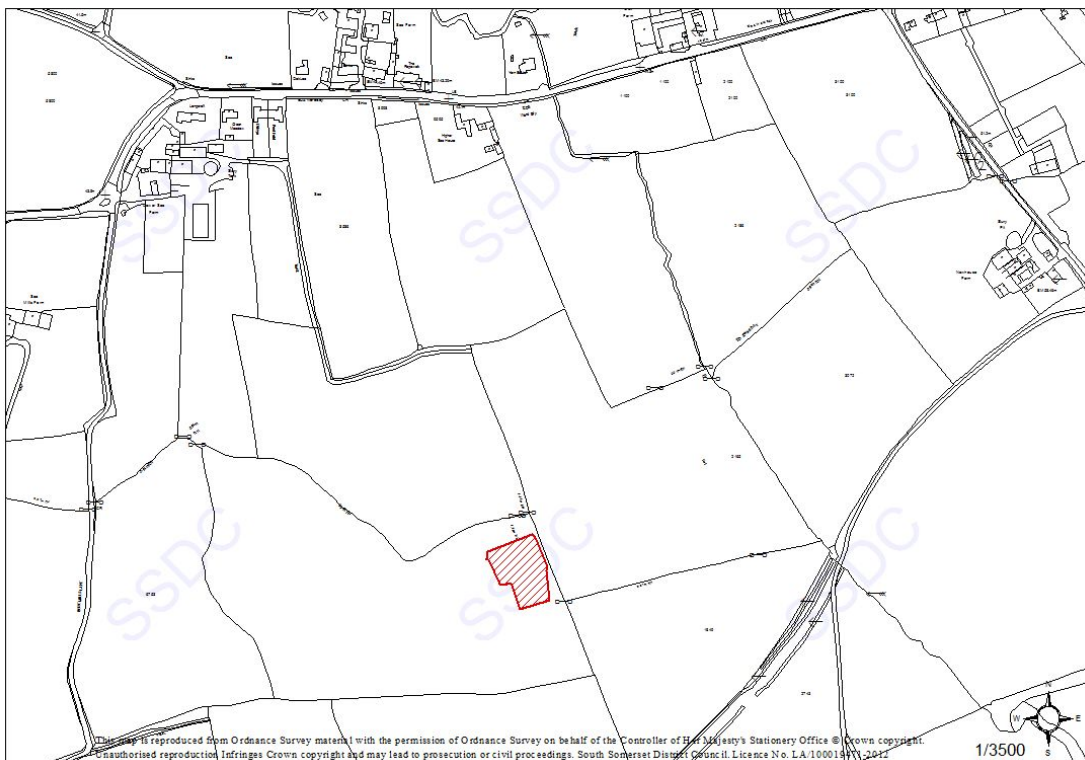
### Officer Report On Planning Application: 12/01068/FUL

<b>Proposal :</b>	Construction of slurry lagoon and silage clamp. (GR 334993/112565)
<b>Site Address:</b>	Lower Sea Farm Sea Ilminster
<b>Parish:</b>	Donyatt
<b>NEROCHE Ward (SSDC Member)</b>	Ms. L P Vijeh (Cllr)
<b>WINDWHISTLE Ward (SSDC Member)</b>	Mrs. S. Osborne
<b>Recommending Case Officer:</b>	Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
<b>Target date :</b>	24th May 2012
<b>Applicant :</b>	Mr Andrew Grossey
<b>Agent: (no agent if blank)</b>	Clive Miller And Associates LTD Sanderley Studio Kennel Lane, Langport, Somerset, TA10 9SB
<b>Application Type :</b>	Minor Other less than 1,000 sq.m or 1ha

### REASON FOR REFERRAL TO COMMITTEE

The application site covers two wards; Neroche and Windwhistle. The Ward Member for Windwhistle has declared a personal and prejudicial interest and so decided not to comment upon the need or otherwise to refer these proposals to the Committee. The Area Chair agrees with the other Ward Member (Neroche) that in view of the considerable local interest in the outcome of the applications they should be considered by the Area West Committee.

### SITE DESCRIPTION AND PROPOSAL



The application lies 400m to the south-east of the existing farm holding known as 'Lower Sea Farm'. The land is relatively flat and surrounded by agricultural fields. The current farm comprises 72 acres of land and includes a 1970's farm dwelling with a range of older stone barns and agricultural buildings; these are sited close to a number of residential properties that sit alongside the old A3037 including a listed property that may have been the original farmhouse.

The farm was previously a dairy unit but has been run as an intensive pig-rearing unit since 2006/7. The close proximity of the farm to the neighbouring properties has resulted in problems with regard to noise and smell nuisance and this has resulted in the Environmental Protection Team serving an Abatement Order in 2011.

The farm is currently owned by the County Council but is now being sold as part of their ongoing sale of County farms. The supporting documentation and Design Statement advise:-

- The applicant has reached an agreement to purchase 62 acres of land but this does not include the farmhouse and farm buildings.
- The farm was able to accommodate 2,500 pigs but the County Council determined that no pigs should be housed in the buildings adjacent to the residential properties in Lower Sea . The capacity of the farm was therefore reduced to 1,900 pigs.
- The pigs are brought onto site at 3 weeks of age and then reared for 8 weeks before being moved on to a finishing unit. Allowing for cleaning down and resting, the applicant rears 5 batches a year.
- The enterprise has been operated successfully since 2006 and has been the key enterprise for that period.
- Most of the land is cultivated to cereals or forage maize and the crops are sold to a local large scale dairy farmer. The applicant retains the straw crop which is used to bed and provide comfort for the pigs.

This application proposes the installation of a slurry lagoon and silage clamp on land 400m to the south-east of the existing farm. The lagoon will be 30m x 40m with raised banks 1.1 metres above the existing ground level, the agents advise that the design and construction are based on the ADAS guidance. The silage clamp would be 23.5m x 32m and cut one metre into the ground. A new farm access would be created from Bere Mills Lane to serve the new holding. The application should be considered in conjunction with two other applications at the same location; one for a new farmhouse (12/01066/FUL) and; one for an agricultural building for housing pigs (12/01068/FUL).

## **HISTORY**

12/00904/EIASS (EIA Screening and Scoping Request) – The erection of an agricultural building to house 2,500 pigs. Determined an EIA was not required 19/3/2012.

12/00279/AGN – Notification of intent to relocate/erect an open sided pig rearing building. Permission not required 21/2/2012.

10/03148/FUL – The erection of an extension to existing agricultural building to house pigs. Withdrawn.

09/04778/EIASS – Screening opinion (Reg 5) new building to house nursery pigs. Determined an EIA was not required 18/12/2009.

07/04801/FUL – The erection of an extension to and use of an existing agricultural building to house pigs, together with a new feed silo and underground slurry tank. Approved 2008.

05/01683/ADV – Siting of three shop signs in boundary hedge. Split decision 2005.

05/01685/AGN – Erection of a steel framed portal building for produce and general storage. Permitted 2005.

04/01780/FUL – Proposed conversion of agricultural store to farm shop. Approved 27/9/2004.

99/02297/FUL – Erection of livestock building. Approved 2000.

35472/C/1 – Erection of farm dwelling. Approved 1970.

35472/C – Proposed new farm dwelling. Approved 1969.

35472/B – Erection of covered yard and dairy unit. Approved 1969.

35472/1 – Erection of loose boxes. Approved 1957.

35472 – Alterations and additions (cowhouse and dairy). Approved 1957.

## **POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decisions must be made in accordance with relevant Development Plan documents unless material considerations indicate otherwise.

### Relevant Development Plan Documents

Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011:

Policies:-

STR1 – Sustainable Development

STR6 – Development outside towns, rural centres and villages

5 – Landscape Character

49 – Transport Requirements of New Development

South Somerset Local Plan 2006:

Policies:-

ST3 – Development outside development areas

ST5 – General Principles of Development

ST6 - The Quality of Development

EC3 – Landscape Character

EP7 – Potential Odour Generating Developments

National Planning Policy Framework

Chapters:

1. Building a Strong Competitive Economy

3. Supporting a Prosperous Rural Economy

- 7. Requiring Good Design
- 11. Conserving and Enhancing the Natural Environment

Sustainable Community Strategy for Somerset 2008-2026

Aim 2: Living Sustainably

Aim 3: Ensuring Economic Wellbeing

## **CONSULTATIONS**

### **Knowle St Giles Parish Council (building is in their Parish):**

'No contrary observations or comments have been received.'

### **Donyatt Parish Council (new access is in their Parish):**

'The Parish Council supports this application subject to:-

- Best Available Techniques have been applied at every stage in order to minimize any nuisance (odour, flies, noise, vermin) to neighbouring properties.
- That independent expert advice has been sought to ensure the development meets Best Available Techniques.'

### **County Highway Authority (one response for all three sites):**

'The proposed development site lies outside defined development limits and is therefore distant from adequate services and facilities, such as, education, health, retail and leisure. In addition, public transport services are infrequent. As a consequence, occupiers of the new development are likely to be dependant on private vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to government advice given in the National Planning Policy Framework, Adopted March 2012 and RPG10, and to the provisions of policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000), and Policy ST3 of the South Somerset Local Plan, and would normally receive a recommendation of refusal from the Highway Authority as a result.

However it is noted that one of the applications is for a farm managers dwelling and therefore it must be a matter for the Local Planning Authority to decide whether there is sufficient need or justification for such a development in this location, which outweighs the transport policies that seek to reduce reliance on the private car.

In terms of the detail, it is apparent from the submitted information that the proposal will involve the relocation of the existing agricultural building to the new site. The applicant has stated that it is their intention to extend the existing building in its new location. In terms of movements it is likely that the extended building could potentially generate additional vehicle movements. Although it is unlikely that the additional numbers, when compared to the existing farm traffic levels, would be significant enough to warrant a refusal.

The proposal would also require the formation of a new access onto Bere Mills Lane, which is designated as an un-classified road. In terms of its physical characteristics the lane is single width and has high hedges on either side of the carriageway. There are no passing places although there is a pull in point where the proposed access will be located. The proposed access will be located on the outside of a bend and would see the removal of a section of hedge to improve visibility. The applicant has indicated that splays of 2.4m x 35m can be provided in either direction. Due to the

sites remote location the Highway Authority would usually apply Design Manual for Roads and Bridges (DMRB). However due to the nature of the lane, vehicle speeds are below 30mph in addition it should be noted that Manual for Streets design guidance can also be applied on lightly trafficked rural lanes. Therefore the proposed splays can be considered acceptable. Bere Mills Lane serves an additional farm and also some converted barns. As previously stated this proposal is for relocating the existing farm rather than a whole new farm development. Consequently vehicle movements will not change as such the likelihood of two vehicles meeting on the lane will remain unchanged.

It is apparent from the road record that this proposal would require works to be carried out on the highway and also require part of the access to be located on the adopted highway itself. The Highway Authority would require the proposed visibility splay to the south of the access to be given up for adoption. This will allow the proposed visibility splay to be maintained.

In regards to the internal arrangements, the site will be accessed via a purpose built track. The applicant should note that this should be properly consolidated and surfaced over the first 10m. The access would also need to be constructed to appropriate width to be able to allow farm traffic to enter and exit the site with ease. It is noted that two passing places are to be provided. The applicant should note that these passing places should be constructed to accommodate both the larger and smaller farm traffic. In terms of the parking and turning arrangement for the proposed dwelling, the applicant has made provision for two parking spaces. Somerset County Council's Parking Strategy requires that provision is made for three spaces. From the details shown on the submitted plans I am satisfied that suitable space is available to provide the additional space.

In conclusion the site is located in an unsustainable location but it is noted that it is for a farm manager. As a consequence it must be a matter for the Local Planning Authority to weigh up the merits of the proposal against the Highway Authority's sustainability policies. In terms of the detail I am satisfied that sufficient space can be provided to allow three vehicles to park and leave in a forward gear. Having regard to the proposed access arrangements these seem to be acceptable in principle although the applicant will be required to properly consolidate the surface and also offer up the proposed visibility splay to the south so it can be adopted by the Highway Authority. Therefore taking the above into account I raise no objection to this proposal..'

The County Highway Authority advise that if planning permission were to be granted conditions should be attached.

**Landscape Officer (in response to original plans):**

'I have reviewed the three applications seeking the establishment of a new farm complex in the form of a new access road; agricultural building; slurry lagoon; and farm manager's dwelling, on open farmland to the south of Sea. I am aware that this proposal follows lengthy pre-application negotiation, which seeks to relocate the current farm enterprise from within the hamlet, to this application site, to thus resolve both neighbourhood and ownership issues. As a result, the need for a relocation is accepted by Planning. Consequently, whilst this proposal is not located on a site that would ordinarily be favoured from a landscape perspective, this response accepts the principle of development in this general location, and turns its attention to the detail of the proposal.



A Design and Access statement is submitted as part of the application. It acknowledges the potential visual impact of the proposal, and states an intention to manage the existing hedgerow network to improve its screening capability, and to provide a strategic planting scheme. I view this approach as both appropriate and necessary. However, no landscape plan has been provided indicating either a layout or composition of the planting scheme, and this needs to be remedied. I would advise a landscape strategy plan is submitted in support of these applications before determination – at this stage indicating the location and extent of the strategic planting areas; the hedgerows to be managed, and the method of management; and a broad species mix, along with plant protection details and a basic planting specification.

The D&A statement also refers to the building layout being ‘.. located as close together as possible .. to create a tight grouping..’ to minimise the visual impact of the complex. Again, I agree this to be the right approach, but the intention is not consistent with the arrangement indicated on the proposed site plan, in particular, the proposed farmhouse is poorly located, being roughly central within the field, which immediately exacerbates its potential visibility. A re-siting that better corresponds to the current field pattern and site features, along with an integration with the strategic landscape proposal, will be necessary to reassure us that the D&A statement is consistent with the site proposal, and the landscape impacts are assimilated, and informing site arrangement and site mitigation.

Turning to the detail of the applications;

#### Application 12/01066 – Farm workers dwelling and access

As noted above, I view this proposal as being poorly sited, contrary to the assertions of the D&A statement. The location indicated by the 6215/08 is too central within the field, making it more visible to long views from both north and south particularly. It is also poorly related to the landscape pattern, and evolving farm plan. In this respect, I view the house proposal as failing to meet LP policy ST6. A better location would be to pull the house to the east/northeast of the mature specimen oak, to gain an improved correspondence with the hedgerow and proposed farm drive, with planting possibly tying back to the hedgerow return, and the curve in the drive to the north, to better integrate the house with its landscape context.

The access drive alignment appears broadly acceptable, though I note mature trees in proximity to the drive circa 50 metres in from the road junction – either the track should be set back an appropriate distance from the trees, to ensure no impact on their root systems, or a tree protection plan is submitted. Additional detail is also required to confirm that the construction of the access drive will not impact upon the root network of the adjacent hedges; and that openings created in the hedge to enable access should be kept to a minimum.

#### Application 12/01067 – Agricultural building

I have no issue to raise with the general siting of the building, though confirmation of its precise siting in relation to the hedge to the north is needed – the gap between building and hedge implied by the plan suggests that it could be pulled closer to the hedge. In terms of appearance, I would suggest that the profile roof sheeting is muted in tone, to soften its visual impact in mid-distance views, this can be conditioned.

#### Application 12/01068 – Slurry lagoon

Again, I have no issue to raise with the general siting, though on a detailed matter, it appears too close to the east boundary hedge, with the potential for groundworks to

impact upon the root systems of the hedgeline. Confirmation of an appropriate setback, along with hedge protection measures, should form part of this particular application. The detailed plan also indicates a silage clamp to the south of the lagoon, but there is a contradiction of ground modelled detail between plan and section, and clarification of the form of retention, and level arrangement along the southern edge, will be appreciated.

Returning to the application as a whole, this response raises a landscape objection to the siting of the house – application 12/01066 - though this is easily remedied by a sympathetic re-siting. Further information is requested of the proposed strategic landscape proposal, along with the more detailed matters raised above. Once that extra information is forthcoming, I would hope to be in a position to make a positive recommendation, with the suggestion of appropriate conditions.'

In response to amended plans:-

'As part of my initial response of 23/04, I requested further landscape detail to be provided, which is required to provide a broad landscape framework for the development of the farmstead, along with amendments to the siting of the farmhouse, and slurry lagoon. Revised plans have now been submitted, which indicate an amended arrangement of the proposed structures, and outline landscape mitigation (drawing 6215-05A). I can confirm that these revisions respond satisfactorily to my earlier concerns, hence I withdraw the earlier holding objection.

I also raised some concerns over the alignment of the proposed access drive - we have now reviewed this on site, and I can confirm that I am content with the proposal.

If you are minded to approve these applications, please condition a detailed planting proposal to be submitted based upon the proposed site plan, prior to commencement of building works on site.'

### **Environmental Protection:**

'The Environmental Health Department have been involved in the investigation of odour complaints from the existing pig farming activities at Lower Sea Farm. An abatement notice was served in relation to statutory nuisance caused by the odour. These existing activities are within a few metres of the boundary of nearby residential properties.

The proposed location of the slurry lagoon, and other buildings in associated applications, is just over 400m from the nearest residential properties. This distance is significantly greater than that which currently exists and 400m is generally accepted as a guideline for reasonable distance of siting of agricultural buildings from residential in terms of odour control. There is reference to this distance in the Environment Agency EPR sector guidance note 6.09 for intensive farming. It is believed that this physical separation will provide sufficient distance for odours from the unit to be adequately dispersed to such a degree that there will be no impact on amenity of nearby residential properties.

The type of lagoon proposed is an earth banked slurry lagoon. This is an accepted design of slurry facility and is commonly used in both pig and cattle farming. Discussion with experts in the field of pig farming lead us to believe that a crust will form on the lagoon and this will act as a natural seal to help contain odours. Whilst the surface area is greater than that of the existing tank, the formation of the crust will help reduce fugitive emissions. In addition the airflow at ground level is generally less than that at the height of an above ground tank again reducing odour pickup. I

am also advised that slurry lagoons are considered to be safer than slurry tanks, last longer and use natural materials.

I therefore have no objection to this application but the applicant should be advised that the construction must be accordance with The Water Resources (Control of Pollution)(Silage, Slurry and Agricultural Fuel Oil)(England) Regulations 2010. The applicant is advised to discuss these requirements with the Environment Agency.'

No further comments with regard to amended plans.

**Environment Agency:**

'The Environment Agency has no objections to the proposed development but wishes the following informatives and recommendations are included in the Decision Notice.

The proposed slurry lagoon is required as part of the proposed activity, a pig unit of over 2000 pig places for production pigs. If the pigs are over 30kg there will be a requirement for an Environment Permit.

If this is a permitted activity the slurry storage infrastructure and design must comply with EPR 6.09 Sector Guidance Note 'How to comply with your environmental permit for intensive farming version 2, January 2010' (chapter 3).

The main points to consider are that the storage must conform to the technical measures detailed in the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991 (amended 1997) and the store must be covered.

If an Environment Permit is required, then new earth banked lagoons should not be constructed unless an effective covering method can be demonstrated.

On the plans submitted there is also a silage clamp, which must also comply with the technical measures detailed in the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991 (amended 1997).

A series of fact sheets and forms relating to SSAFO Regulations can be downloaded from our website [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk).

Further information on the design, construction and good practice of Silage and Slurry stores can be found on the Business Link website [www.businesslink.gov.uk](http://www.businesslink.gov.uk).

Under the terms of the Control of Pollution (Silage, Slurry and Agricultural Fuel Oils) Regulations 1991, the person who proposes to have control over any relevant storage installation is required to serve notice on the Agency specifying the type of structure to be used and its location at least 14 days before it is to be used for the keeping or storing of any relevant substance.

The applicant is advised that staff from this Agency are prepared to visit the site to assist in resolving any problems that may arise at the design stage.

The subsequent disposal of collected wastes must be undertaken in accordance with the Defra Code of Good Agricultural Practice for the Protection of Water. '



In response to the amended plans the Agency has commented:-

'The Environment Agency comments made to the Local Planning Authority under separate cover dated 24 April 2012 remain relevant. However, in addition it should be noted that:

The proposed silage clamp and slurry lagoon will have to conform to the requirements in Schedule 2 of The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010. These Regulations apply whether the operation requires a permit or not.

An Environmental Permit will be required for installations with more than 2000 places for production pigs (over 30kg).'

**Area Engineer, Technical Services Department:**

No comments.

**REPRESENTATIONS**

Eight representations have been received in response to the original plans for this application: one in support, two representations with six responses objecting to this application. It was considered important that all representations were included upon each report to ensure that a full picture of residents concerns be considered with each proposal. The supporting responses make the following comments:

- Fully support and endorse this application; a modern farmhouse for the family will be in keeping with other local developments in the area.
- It can only be in everybody's interest that by moving the home and business further back from the present location is in itself a good move.
- New farm building would be acceptable but suggest that it be available for general livestock not just pigs so the unit would be more beneficial in years to come.
- The further the pigs are moved away from the road and houses at Sea the better for everyone

The NFU have also written in support of the application. They advise that:-

- The business comfortably fulfils both the functional and financial tests of agricultural need as dictated by current planning legislation. Current welfare codes and the applicant's high standards require that the dwelling is situated within site and sound of the livestock.
- A permanent dwelling would improve security for the livestock and farm equipment.
- Bio-security is evermore important and it is a benefit to minimise journeys off the farm by provision of farm accommodation.
- Siting of farm building and house have been carefully considered to minimise the impact on the local environment
- Collection of farm waste is strictly controlled and these plans have ensured that all waste produced on the farm is dealt with in the correct manner.

The objectors make the following comments:

- Pleased that the proposals will lead to the removal of the pigs from Sea but concerned that the applications should be rigorously evaluated and if granted subject to conditions that are enforced to ensure that Best Available

Techniques have been applied at every stage in order to minimise nuisances caused by the use.

- It is better that the pigs will now be more than 400m from houses, however draws attention to the recent refusal of planning permission for indoor pig farm of 3500 pigs at Venn Ottery which caused a public outcry.
- Want assurance that the proposed site is as far away as possible from neighbouring properties.
- Particularly concerned about slurry and its handling as this is the primary source of odour nuisance. The Design Statement makes no reference to the application of Best Available Techniques which is the basis of all advice on nuisance prevention and minimisation. Request that independent advice be sought on this issue.
- Concerned that an open slurry lagoon is proposed rather than a covered slurry tank which would significantly reduce odour.
- Request confirmation that SSDC will monitor the number of pigs at the site to ensure that they do not exceed 2500 even in the event of permission being granted for additional buildings.
- Request that the removal of the pigs take precedence over the housing development and how this will be enforced in the context of the Abatement Order and the Council's decision not to enforce it pending these developments.
- Request that the decision be taken by elected members rather than by Officers under their delegated powers.
- The development will be an eyesore on the landscape. The barns are illuminated 24/7 during winter.
- In order to alleviate nuisance request that if permission is granted a substantial amount of tall trees are planted on the northern boundary.
- Construction of a new access is a potential health and safety issue in respect of its intended position, width of lane and drainage. The Lane is already frequently under water due to infrequent maintenance, request that if permission is granted better maintenance takes place.
- Concerned that reference is made in the application to potential further expansion of the pig building.
- The proposal along with the existing intensive pig unit at Bere Mills Cottage Farm will lead to additional foul odour, mess and noise being experienced by the residents of Bere Mills.
- The proposal will simply transfer an existing nuisance from the residents of Sea to the residents of Bere Mills.
- There is no convincing evidence for a new dwelling.
- Concerned about possible pollution of surrounding waterways.

## **CONSIDERATIONS**

This application proposes the installation of a slurry lagoon and silage clamp on land 400m to the south-east of the existing farm. This proposal along with the applications for a new farm dwelling (12/01066/FUL) and agricultural building for housing pigs will enable the entire relocation of the farm to the new site. Currently, due to the very close proximity of the farm to neighbouring properties there have been significant problems with regard to odour and noise nuisance. The proposed sale of this county farm has enabled the current farmer to consider purchasing the land and relocating the farm to a more remote location.

The key issues are considered to be:-

- 1) Principle
- 2) Residential Amenity
- 3) Landscape Impact
- 4) Highway safety

#### 1) Principle

It is acknowledged that there is a presumption in favour of agricultural development in the countryside. This is recognised in both local plan policies and in the recently released National Planning Policy Framework (NPPF). This case is relatively unusual in that it proposes the relocation of an entire farm, this has come about as a result of the County decision to sell this particular farm and the ongoing problems created by the proximity of the farm to neighbouring residential properties. It is considered that the principle of establishing a new farm unit is supported by both local and national plan policies.

#### 2) Residential amenity

In the first instance, it is important to recognise that this application proposes the relocation of the existing farm to a new location; it does not involve the creation of an additional unit. However, it is clear that there have been significant problems with regard to odour and noise nuisance at the site as a result of the extremely close proximity of the farm buildings to neighbouring residential properties. The planning system acknowledges that intensive farming units within 400m of dwellings have the potential to impact on the amenity of residential neighbours. This is confirmed by Policy EP7 which advises that new units will not be supported within 400m of a dwelling. In this instance this distance criteria is met and neither the Environmental Protection Team nor the Environment Agency object to the proposed slurry store.

With regard to the comments of the Environment Agency (EA), it is important to understand that there is a regime of Environmental Permits with regard to intensive farm units (depending upon numbers and weight of animals). At the present time there are not sufficient livestock kept at the farm to justify an application for a permit. These permits are issued and enforced by the EA and should the numbers of pigs increase above the limits set by the EA then a permit application will be required. At the present time the EA has advised that the slurry lagoon must comply with the relevant 2010 regulations but this does not require that the lagoon be covered. The covering of the lagoon would only be necessary if the number of pigs over 30kg exceeds 2000. It is important to note that whilst issues with regard to nuisance are important planning considerations it has to be acknowledged that the planning system cannot be used to enforce other legislation. Indeed any condition that sought to do this would not meet the relevant tests for conditions as set out in Circular 11/95. Therefore, it is not appropriate for a planning condition to require best available techniques (as request by local residents) however the slurry store will be regulated by the Environment Agency along with control of pollution.

#### 3) Landscape Impact

In terms of landscape impact it is considered that the development will not have any significant adverse effects. The earth banks will only be one metre above existing ground levels and with the additional landscaping that is proposed the development will be well screened. Whilst the slurry store and clamp form part of the relocation of the farm, the local landscape is characterised by sporadic development of farms and

farm buildings and it is felt that the creation of a further farm unit within this landscape would not be unduly disruptive. The Landscape Officer now considers that the application is acceptable in terms of its landscape impact but requests a condition to ensure the colour of the proposed roof sheeting be agreed.

#### 4) Highway safety issues

This application proposes a new access to be established onto Bere Mills Lane, 200m to the south of the existing site. It is proposed to form a 10m wide access with the existing hedge re-aligned to provide suitable visibility splays to ensure the safety of vehicles using the lane and those using the access. The County Highway Authority consider that the application is acceptable subject to conditions regarding consolidation of the access; protection of visibility; disposal of surface water; and protection of parking and turning areas.

#### Other issues

With regard to the other issues raised by the objectors:-

- Possible pollution of waterways – there are restrictions with regard to this as outlined by the Environment Agency in their letter of 24 April 2012. It will be for the Environment Agency to enforce these requirements. The store and clamp have been sited in accordance with the advice of the Environment Agency so that they are more than 10m from the field ditch.

#### Summary

Slurry lagoons are a necessary and important part of farmyard management in the interests of environmental protection. The parallel application for a new pig building and farmhouse on the site has been recommended for approval, and it would not be workable without the lagoon. The proposal is considered to be fully justified in terms of countryside policy. Its impact upon the setting and landscape are not considered harmful; the potential impact on residential amenity has been fully assessed, and is likewise not considered to be reason for refusal of the application. The proposal is considered to accord with relevant policy as set out above, and is accordingly recommended for approval.

#### **RECOMMENDATION**

Approve.

#### **JUSTIFICATION**

The proposal, by reason of its siting, design and layout, respects the character and appearance of the area, and causes no demonstrable harm to residential amenity, highway safety or the environment, in accordance with the aims and objectives of Policies ST3, ST6, EC3, EP2 and EP7 of the South Somerset Local Plan, 2006 and the guidance contained within the NPPF.

#### **SUBJECT TO THE FOLLOWING:**

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

**Reason:** To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No.'s 6215-04 received 9 March 2012; and 6215-05A received 18 May 2012.

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

3. The development hereby permitted shall not be commenced unless there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels; all planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

**Reason:** In the interests of visual amenity, in accordance with policy STR1 of the Somerset and Exmoor National Joint Structure Plan Review and saved policies ST5 and ST6 of the South Somerset Local Plan 2006.

4. The proposed access over at least the first 10m of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

**Reason:** In the interests of highway safety and to accord with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011.

5. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

**Reason:** In the interests of highway safety and to accord with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011.

6. The area allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

**Reason:** In the interests of highway safety and to accord with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011.

7. There shall be no obstruction to visibility greater than 900mm above adjoining road level forward of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 35m either side of the access. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be maintained at all times.

**Reason:** In the interests of highway safety and to accord with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011.

**Informatives:**

1. Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager for the South Somerset Area Highway Office, Mead Avenue, Houndstone Business Park, Yeovil, Tel No. 0845 345 9155. Application for such a permit should be made at least four weeks before access works are intended to commence.
2. The applicants attention is drawn to the comments of the Environment Agency in their letters of 24 April and 31 May 2012:-

The proposed slurry lagoon is required as part of the proposed activity, a pig unit of over 2000 pig places for production pigs. If the pigs are over 30kg there will be a requirement for an Environment Permit.

If this is a permitted activity the slurry storage infrastructure and design must comply with EPA 6.09 Sector Guidance Note 'How to comply with your environmental permit for intensive farming version 2, January 2010' (chapter 3).

The main points to consider are that the storage must conform to the technical measures detailed in the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991 (amended 1997) and the store must be covered.

If an Environment Permit is required, then new earth banked lagoons should not be constructed unless an effective covering method can be demonstrated.

On the plans submitted there is also a silage clamp, which must also comply with the technical measures detailed in the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991 (amended 1997).

A series of fact sheets and forms relating to SSAFO Regulations can be downloaded from our website [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk).

Further information on the design, construction and good practice of Silage and Slurry stores can be found on the Business Link website [www.businesslink.gov.uk](http://www.businesslink.gov.uk).

Under the terms of the Control of Pollution (Silage, Slurry and Agricultural Fuel Oils) Regulations 1991, the person who proposes to have control over any relevant



storage installation is required to serve notice on the Agency specifying the type of structure to be used and its location at least 14 days before it is to be used for the keeping or storing of any relevant substance.

The applicant is advised that staff from this Agency are prepared to visit the site to assist in resolving any problems that may arise at the design stage.

The subsequent disposal of collected wastes must be undertaken in accordance with the Defra Code of Good Agricultural Practice for the Protection of Water.'

'The Environment Agency comments made to the Local Planning Authority under separate cover dated 24 April 2012 remain relevant. However, in addition it should be noted that:

The proposed silage clamp and slurry lagoon will have to conform to the requirements in Schedule 2 of The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010. These Regulations apply whether the operation requires a permit or not.

An Environmental Permit will be required for installations with more than 2000 places for production pigs (over 30kg).'