

DELEGATED REPORT

Report by Helen Pressley	Date of report: 29/08/2025	Ref: 71922/FUL
Registration: 11/06/2025	LDfC: 28/08/2025	Expiry Date: 06/08/2025
Site Visit: 26/06/2025	Site Notice: 26/06/2025	Press Date: 19/06/2025
Objections: 1	Con Area: N/A	Adv Type: ARW
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Construction of a lined earth bank slurry lagoon and installation of a slurry separator

Location: Falshaws Farm, Rowlands Road, Bury, BL9 5LJ

Description

The application relates to a field, located to the west of Nabbs Farm/Falshaws Farm. The site is located to the west of an existing slurry pond and agricultural building. The site is accessed from Rowlands Road/Public Right of Way 174BUR which is a Byway. Public Right of Way 172BUR (footpath) also runs along the western boundary of the proposed site

Planning permission is sought for the construction of a lined earth bank slurry lagoon. The slurry lagoon would measure 29.5 metres wide and 49.2 metres long at a depth of 4 metres which would include banking that reaches a height of approximately 1.6metres. A 2 metre fence is proposed around the edge of the proposed slurry lagoon. An impermeable floating synthetic cover is proposed over the proposed lagoon. A slurry separator would be installed on the existing cattle shed.

Relevant Planning History

44372 - Ice cream parlour, farm shop and tea room - Withdrawn by Applicant 23/05/2005

45559 - Farm shop, ice cream parlour, tea room and associated car park - Approve with Conditions 05/04/2006

53911 - New portal framed building for agricultural use - Approve with Conditions 20/07/2011

Publicity

Neighbour letters 13/06/2025

Site notice 26/06/2025

Press notice 19/06/2025

1 comment received in relation to:

- Very little information so a valid comment cannot be made.
- Where is the slurry lagoon going to be situated?
- How big is it going to be?
- How deep?
- Will the new installation cause air pollution/additional smell.

An amended site location and Biodiversity Net Gain Plan was submitted during the course of the application. Amended neighbour letters were sent on the 22/07/2025. 1 objection received in relation to:

- With the slurry lagoon having the potential to store up to 6 months of slurry, are their guarantees that the level of air pollution from this lagoon will not increase significantly in

- the surrounding area i.e the surrounding properties??
- We notice that the Environmental protection Section has made no comments on contaminated land and air quality, on 25-Jun-25. Further to this is there currently a slurry bed at Falshaws Farm as indicated on all 4 drawings, is this an active store for slurry?
- We presume the planned slurry lagoon is at the site indicated on drawing OT-173-5, annotated with the lines A, B & C cutting through it? Is this going to be an open lagoon, as the name suggests, or is it covered? This doesn't seem very clear as, on Drawing number OT-173-8, the same proposed site shows a 1451 m square modified grassland to become urban - sealed surface, does this mean a cover?
- Finally, where does the slurry lagoon drain to? In times of prolonged rainfall or even storm conditions is there a guarantee that the slurry lagoon will not overflow contaminating the surrounding land, again a potential risk to surrounding properties.

Statutory/Non-Statutory Consultations

Traffic and Public Rights of Way - Condition requested for a Construction Traffic Management Plan.

Borough Engineer - Drainage Section - No response received

Environmental Health - Contaminated Land - No comments to make regarding contaminated land and air quality

Environmental Health - Pollution Control - No comments to make . However the Environment Agency should be contacted.

Environment Agency - No objection in principle to the proposed development but take this opportunity to provide comments in relation to agricultural buildings, slurry storage and silage storage that can be included as an informative on any permission.

United Utilities (Water and waste) - No response received

Greater Manchester Ecology Unit - BNG can be achieved on site. Standard informative to be attached. Condition requested in relation to nesting birds. Informative requested in relation to protected species.

GMCA - Minerals and Waste consultations - No response received

Conservation Officer - no objections

Pre-start Conditions - Agent has agreed with pre-start conditions

Development Plan and Policies

OL1/2	New Buildings in the Green Belt
OL5/2	Development in River Valleys
OL4/5	Agricultural Development
EN1/2	Townscape and Built Design
EN6/3	Features of Ecological Value
EN7/2	Noise Pollution
RT3/4	Recreational Routes
RT3/3	Access to the Countryside
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
JP-P1	Sustainable Places
JP-G9	The Green Belt
JP-S5	Clean Air
JP-C2	Digital Connectivity
JP-S2	Carbon and Energy

JP-C8	Transport Requirements of New Development
JP-C5	Streets For All
JP-C6	Walking and Cycling
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
SPD10	Planning for Equestrian Development
NPPF	National Planning Policy Framework

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within the adopted Bury Unitary Development Plan (UDP), together with other relevant material planning considerations.

The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP and PfE Policies will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Principle (Green Belt)

PfE Policy JP-G9: The Green Belt defines the limits of the Green Belt within the Plan area and confirms the five purposes of the Green Belt as set out within national policy:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns from merging into one another;
- to assist in safeguarding the countryside from further encroachment;
- to preserve the setting and special character of historic towns;
- to assist in urban regeneration, by encouraging the recycling of derelict and other land.

UDP Policy OL1/2 - New Buildings in the Green Belt says the construction of new buildings inside the Green Belt is inappropriate development, unless it is for one or more of the following purposes:

- agriculture and forestry (except where permitted development rights have been withdrawn);
- essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of Green Belt and which do not conflict with the purposes of including land in it;
- limited extension, alteration or replacement of existing dwellings, provided that this would not result in disproportionate additions over and above the size of the original dwelling, or, in the case of replacement of existing dwellings, the new dwelling is not materially larger than the one it replaces;
- limited infilling in existing villages as set out under Policy OL1/3.

Paragraph 154 of the NPPF confirms that development in the Green Belt is inappropriate unless one of the following exceptions applies:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
- h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:
 - i. mineral extraction;
 - ii. engineering operations;
 - iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;
 - iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;
 - v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
 - vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order

The submitted planning statement confirms that the slurry would be collected from the adjoining agricultural buildings for use on the land holdings of the applicant and his close family and would be taken by tanker for fertilising land. A plan has also been submitted that

shows the land holding at Twine Valley Farm.

The proposal would fall under exception a of paragraph 154 providing a slurry pond in association with an agricultural use and would therefore be acceptable in principle subject to the consideration of the issues set out below.

Design and Layout

UDP Policy EN1/2 seeks to ensure that development proposals would not have a detrimental effect on the visual amenity and character of a particular area. PfE Policy JP-P1 seeks to create a city region that consists of a series of beautiful, healthy and varied places. High quality design is fundamental to achieving this.

The site is located Knowl and Rooley Moors, Pennine Foothills (West/South Pennines) landscape area as identified under PfE Policy JP-G1.

PfE Policy JP-G1 states that development within a Landscape Character Type should reflect and respond to the special qualities and sensitivities of the key landscape characteristics of its location, including having regard to:

- Topography, geology and drainage;
- Land use and field patterns;
- Semi-natural habitats and woodland cover;
- Archaeology and cultural heritage;
- Settlement, road pattern and rights of way; and
- Views and perceptual qualities.

Despite the close proximity of urban development, this is a strongly rural and traditional working landscape characterised by pasture fields, reservoirs and wooded stream cloughs with a transitional, upland fringe feel. Trees are frequent and provide a naturalistic quality to the landscape and characterise skylines. Locally designated habitats actively managed for the benefit of wildlife are found throughout the foothills landscape. Some former industrial and agricultural buildings have been converted to new uses, often retaining traditional features.

UDP Policy OL4/5 - Agricultural development require developments to be sited and designed in such a manner as to minimise visual impact to the landscape having regards to height, materials, landform and landscaping; relate well to existing farm buildings and not have an unacceptable impact on the amenity of any neighbouring properties.

As set out above under paragraph 154 of the NPPF, buildings for agriculture are considered as appropriate development in the Green Belt. However, paragraphs 142 and 143 confirm the importance attached to Green Belt and the retention of the essential characteristics of Green Belts which are their openness and permanence.

SPD8 provides guidance on the construction of new buildings in the Green Belt and specifically to agricultural buildings which would be applicable for the proposed slurry pond. This guidance states that states new buildings should normally form part of a group rather than stand in isolation. The site should be selected close to a highway for access purposes and relate to landscape features so as not to harm views of the skyline.

Careful consideration should be given to the impact of development within the Green Belt when viewed from several locations in both the immediate and wider countryside, with significant weight given to views from main roads, public footpaths and settlements. There should be an emphasis on materials and colours that have the least visual impact on the surrounding area. Consideration should also be given to the best way of integrating the building with its immediate surroundings.

The proposed slurry store would be sited adjacent to the farmstead directly to the northwest of the existing cattle housing where the slurry will be produced. The slurry separator would

be installed on the existing cattle shed. The proposal would store the slurry over winter and then it will be applied in spring when the grass is growing and can make full utilisation of the available nutrients. The slurry store would be earth banked and lined, with the proposed earth banks extending 2 metres above the existing ground level. The banks would be sown with a low maintenance grass mix to. The lagoon will be covered with an integrated impermeable fixed floating cover.

The proposed slurry store is sited in appropriate position adjacent to the existing cattle and in association with the existing farm buildings and complex. The store has been sited in the corner of an existing field, utilising the existing boundary treatments to provide some screening from the public. The use of grass for the proposed bunds around the slurry lagoon would provide a natural screen in relation to both the slurry store, and the associated fixed cover.

In this instance, given the context of the site it is considered that the siting of the proposed slurry store is acceptable and would comply with the policy considerations set out above.

Amenity

UDP Policy EN1/2 seeks to ensure that the relationship of the proposal to the surrounding area is taken into consideration when assessing proposals.

PfE Policy JP-S5 confirms that comprehensive range of measures will be taken to support improvements in air quality, focusing particularly on locations where people live. PfE Policy JP-P1 further reinforces this by stating that developments should offer comfortable and inviting indoor and outdoor environments "offering a high level of amenity that minimises exposure to pollution". This is further reinforced by UDP Policy EN7/2 - Noise Pollution which does not permit development which would lead to an unacceptable noise and environmental nuisance to nearby occupiers and/or amenity users.

An odour and noise statement has been submitted in support of the application. This confirms that the proposal would be sited 2 metres from the farm yard and as such considers that the odour impact would not be enhanced. A plan has been submitted within the report that indicates that the nearest residential property, outside of the farm complex would be approximately 140m from the proposed slurry store, with a similar relationship to the existing slurry store that is currently on site that is currently uncovered. The proposed slurry store would be covered reducing odour.

An electric pump and separator would be installed at the existing cattle shed site. The noise levels for the electric pump would be 69dB(A) and the noise level for the separator would be 65dB(A). The WHO recommends that sound levels should be kept below an average level of 30dB(A) in the bedroom, or a maximum of 45dB(A) for a single event. The side boundary of the nearest residential property that is not part of the farm complex, No. 6 Rowlands Road would be sited approximately 160 metres from the proposed separator. Guidance suggests that at the side boundary, with no intervening boundaries the noise of 69dbA would be reduced to 17.9 dB. As no objections have been raised by Environmental Health in relation to the noise or odour report submitted it is considered that the proposal would therefore be acceptable.

Given the distances from the nearest residential properties (140m), and the existing noise and smells associated with the existing farm use and existing open slurry store it is not considered that the proposal would have a detrimental impact on the amenity of the neighbouring properties.

Access

UDP Policy EN1/2 requires the consideration of the design and appearance of access, parking and service provision. PfE Policies JP-C5 and JP-C6 require streets to be well designed and managed to make a significant positive contribution to the quality of place and support high levels of walking, cycling and public transport. PfE Policy JP-C8 that

states that the LPA should prioritise convenient and safe access to the site and buildings for all users and ensuring that the layout, design and landscaping of development prioritises the provision of safe, secure and attractive access to local services and facilities for pedestrians, cyclists and people with a disability.

The plot is accessed via a public right of way. As such UDP Policies RT3/3 and RT3/4 are also applicable as it requires the Council to seek to improve and extend the existing network of Public Rights of Way. These policies also supports the aspirations of the PfE policies listed above.

Access is taken directly from Rowlands Road via existing field gateways and the existing farmyard used daily by the applicant. Given that the proposal is in association with an existing cattle farm use no adverse impact on the highway or PROW network are foreseen. A Construction Traffic Management Plan has been requested by condition to protect the integrity of the highway and to mitigate the impact of the construction traffic generated by the proposed development on the adjacent Public Right of Way.

Ecology

PfE Policy JP-G8 states that through local planning and associated activities a net enhancement of biodiversity resources will be sought. This is supported by UDP Policy EN6/3 that seeks to retain, protect and enhance the natural environment and seeks to retain features of ecological or wildlife value. Paragraph 187 of the NPPF states that the planning policies and decisions should contribute to and enhance the natural and local environment.

The 0.1228 unit gain shown within the metric (Karen Shuttleworth - Planning Consultant - May 2025) meets the required 10% biodiversity enhancement. As such the statutory condition can be attached to the proposal.

Carbon and Energy and Digital Connectivity

PfE Policy JP-S2 - Carbon and Energy sets out the steps required to achieve net zero carbon emissions.

PfE Policy JP-C2 - Digital Connectivity - this policy requires development to have full fibre to premises connections unless infeasible or unviable, with multiple-ducting.

Given the nature of the proposal these policies are not considered relevant.

Response to Representations

The plans have been published on the website and provide details requested. The Case Officer has also spoken to neighbours on the telephone detailing where plans and information can be found on the website.

The Environmental Health team have been consulted as part of the application process and raised no objections to the proposal in terms of air pollution. The proposal includes a cover, the details of which would be secured by condition to ensure that it meets the appropriate standards. There is an existing slurry store on site that appeared to be in use when the Case Officer undertook their site visit.

The Town and Country Planning Act 1990, section 70 sets out the general considerations for determining planning applications and matters dealt with by other legislation, or regulators (eg building regulations, Defra, EA) would not be considered to be material considerations in determination of a Planning Application however it is acknowledged there is often an overlap in issues to be considered.

The Environment Agency have been consulted as part of the Planning Application and confirmed that they have no objection in principle to the proposed development taking place

but provided comments in relation to agricultural buildings, silage storage, slurry storage.

In relation to slurry the applicant must be able to store the slurry produced in accordance with regulations on capacity, construction and the associated calculations and records. Depending on the relevant regulations, slurry stores must have capacity to store 4, 5 or 6 months of slurry and :

- rainfall expected to enter the store during the storage period including yards and roofs; and
- any wash water or other liquids that enter the store during that period.

DEFRA guidance confirms that in order for the EA to assess slurry storage the following would need to be provided:

- a site plan drawing of the structure
- a design drawing confirming the materials that will be used and their design, specification and layout – you may also be asked to confirm that your design meets the requirements of BS 5502
- if you plan to use prefabricated products, a copy of the manufacturer's specifications and guarantee
- if the structure is constructed from earth, analysis about the soil type, depth and permeability and a description of how it will be engineered
- for underground or partially underground silage effluent tanks you'll need a certification from the installer – you must provide this certification to the Environment Agency because the tank is required to perform for at least 20 years without maintenance

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings numbered OT173-4 Rev A, OT173-5 Rev B- Site Plan with Public Rights of Way, OT173-5 - Existing Site Plan, OT173-5 Rev A - Site Plan, OT173-5 - Site Plan 1:500, OT173-6 Rev D, OT173-7, OT173-8 Rev A, SDR18233 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan and Places for Everyone Joint Development Plan listed.
- 3 Work that will impact on habitats where nesting birds may be present (for example demolition of a building or works to trees and other vegetation including undergrowth like bramble), should not be undertaken in the main bird nesting season (March - August) unless suitable checks for active bird nests have been undertaken and agreed in writing by the Local Planning Authority.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies JP-G8: A Net Enhancement of Biodiversity and Geodiversity and EN6/3 -

Features of Ecological Value of the Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 4 The proposed impermeable floating synthetic cover shall meet the recommendations from Defra's guidance on the Code of Good Agricultural Practice (COGAP) for Reducing Ammonia Emissions (Defra, 2024) and The Industrial Emissions Directive 2010/75/EU Integrated Pollution Prevention and Control on the Best Available Techniques (BAT) Reference Document for the Intensive Rearing of Poultry or Pigs (European Union, 2017).

Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Development Plan Policy JP-S5 Clean Air and JP-P1 Sustainable Places.

- 5 No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and agreed in writing with the Local Planning Authority and shall confirm/provide the following:

1. Photographic dilapidation survey of the Public Right of Way (No. 174, Bury - Rowlands Road) leading to and abutting the site in the event that subsequent remedial works are required following construction of the development.
2. Access point for construction traffic from Public Right of Way (No. 174, Bury - Rowlands Road), including any measures required to ensure adequate visibility is provided at the site access so that users of the Public Right of Way can see and be seen by emerging construction vehicles;
3. Hours of operation, confirmation of delivery & construction vehicle sizes that can be accommodated on the Public Right of Way and number of vehicle movements;
4. Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site and/or measures to control/manage delivery vehicle manoeuvres.
5. Parking on site of operatives' and construction vehicles together with storage on site of construction materials, including any requisite phasing of the development to accommodate this;
6. If proposed, site hoarding/gate positions adjacent to the Public Right of Way;
7. Measures to ensure that all mud and other loose materials are not spread onto the adjacent Public Right of Way as a result of the groundworks operations or carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations.

The approved plan shall be adhered to throughout the construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the construction period. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of construction materials.

Reason. Information not submitted at application stage. To maintain the integrity of the highway, mitigate the impact of the construction traffic generated by the proposed development on the adjacent Public Right of Way, ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period and ensure that the adjacent highways are kept free of deposited material from the ground works operations, in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, JP-C5 Streets for All, JP-C6 Walking and Cycling, RT3/3 Access to the Countryside and RT3/4 Recreational Routes.

<u>Case Officer</u> HP 29/08/2025	<u>Date</u>	<u>Sign off Officer</u> DM - 01/09/2025	<u>Date</u>
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