

DELEGATED REPORT

Report by Helen Pressley	Date of report: 27/06/2025	Ref: 71446/FUL
Registration: 13/02/2025	LDfC: 25/06/2025	Expiry Date: 10/04/2025
Site Visit: 06/03/2025	Site Notice: 06/03/2025	Press Date: N/A
Objections: 29	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Installation of a slurry pond

Location: Twine Valley Farm, Church Road, Shuttleworth, Ramsbottom, Bury, BL0 0HH

Description

The application relates to Twine Valley Farm, an existing farm complex that comprising of agricultural buildings located at the junction of Bye Road and Bamford Road. These buildings are utilised for the storage of cattle. The buildings are constructed from a mix of materials, including concrete block, timber boarding and a metal profiled roof. The land rises steeply north from this complex and the top of the banking is approximately 10 metres higher than the hardstanding/buildings at the farm below. The buildings are on the lower part of the farm complex are accessed from Bye Road/Church Road.

There are open fields to the north of the site, which are again set at a higher level and open fields to the east. Church Road forms the boundary to the west, with residential properties to the northwest and west beyond. There are 2 residential dwellings (58 Bye Road and Th'Owd Bakehouse) to the immediate south of the site and further dwellings along Bye Road, Church Road, Millhouse Street and Edith Street. An agricultural building, with a lawful use for storage rather than for the keeping of animals is located to the east of the site and is sited above the farm complex that is accessed from Turn Road. The application site is visible from short, medium and longer distances from public footpaths 181 RAM, 182 RAM, 184RAM and Byway 183RAM.

Planning permission is sought for the installation of a slurry pond to the east of the existing agricultural building that is accessed from Turn Road. The application is partially retrospective with the pond having been constructed, but not utilised for the storage of slurry. The proposed slurry pond would have an oval shape and would be 4 metres deep. A 2 metre high post and deer netting is proposed around the rim of the proposed pond. The submitted planning statement confirms that the slurry pond has a hardcore stone base with a 2mm thick black plastic liner to make the pond impermeable and with approximately 45 degree slopes.

Relevant Planning History

59947 - Retrospective application for agricultural building for housing livestock -
02/09/2016 Appeal dismissed

60962 - Agricultural building for silage - Refused 01/03/2017 Appeal allowed 07/07/2017
LAPSED

62677 - Prior notification of proposed agricultural building for the storage of silage - Prior
approval required and refused 08/05/2018 Appeal Allowed 07/03/2019 LAPSED

57807 - Prior notification of agricultural building - Prior Approval Required and Granted
03/09/2014

59947 - Retrospective application for agricultural building for housing livestock - Refused
26/05/2016 Appeal Dismissed 02/09/2016

71611 - Application for the removal of a condition no. 2 (keeping of animals) on allowed
appeal ref: APP/T4210/C/18/3195131 - Refused 15/05/2025

Publicity

Neighbour letters sent 17th February 2025

Site notice posted 6th March 2025

29 objections received in relation to:

- Object to the idea of a slurry pit being constructed so close to our community.
- Odour.
- Hydrogen sulphide, aside from smell, is associated with nausea, headaches, asthma attacks, sore throats, sleeplessness, eye irritation, skin irritation, runny noses, dizziness, stress and mental health problems.
- Ammonia in the air is associated with eye irritation and lung irritation.
- Prevailing westerly winds for houses on Bye Road.
- Health risk. Dangerous and toxic.
- Slurry gas can be lethal
- Number of potential health risks.
- Increase in flies.
- Every time the slurry is agitated more chemicals are released.
- Too close to residential properties.
- With so many guidelines in place to prevent slurry from killing people it should not be positioned in a residential area.
- Land around the pond have recently been built up with limited time to settle.
- No indication that the banks are strong enough to take the weight of the slurry to be stored.
- Within a geological depression unknown if the surrounding land can take the weight without collapse/subsidence.
- No method of controlling freeboard, essential to store and receive run off from the field above.
- If the store overflows or banks fail slurry will flow into stream that flows through Top Mill Park.
- No apparent method to empty store. How is it inspected and maintained?
- Raised slurry store with high security fencing visually intrusive.
- Additional traffic bringing slurry onto farm will make Bye Road/Whalley Road junction dangerous.
- Bye Road is narrow and heavily parked and not suited to higher volume of traffic.
- Slurry is highly combustible.
- Without a proper membrane the slurry could leach into the drains and cause contamination.
- Concerned as the pond was constructed without planning permission that the construction is not suitable.
- Wildlife or livestock could drown in the slurry.
- No details have been provided in relation to the number of vehicle movements.
- No details provided in relation to how the applicant would identify leaks in the pond.
- Building for silage (62677) had a condition for details of the tank to be submitted within 2 months which does not appear to have been undertaken.
- The location plans and planning statement provided by the applicant misrepresent the extent of the engineering works undertaken and the size and location of the slurry pit.
- An extensive re-modeling of the landform has been undertaken by the applicant, in preparation for the slurry pit creation, and to create an industrial storage facility.
- Storage on site of large pieces of plant.
- There are EA rules in relation to the import of waste materials onto farms.
- Planning approval for the silage store has now lapsed.

DELEGATED REPORT

- Slurry pit is clearly visible from public locations.
- The BNG assessment provided by the applicant is totally inadequate and should carry no weight. It fails to reflect the extensive engineering work undertaken to raise the landform, and misrepresents the location and scale of the slurry pit.
- The odour assessment provided by the applicant is entirely inadequate and relates to a chicken farm on a flat land site over 10 km away. Furthermore the applicant has misrepresented the location and size of the slurry pit. As such it should be given no weight.
- Slurry pits may be constructed under permitted development (GPDR) provided that they are over 400m from the nearest sensitive receptors. There is a good reason for this, as slurry pits are a major air pollution risk due to highly noxious odours principally from hydrogen sulphide (H₂S) and ammonia (NH₃).
- Given that the nearest residential property in this application is only 30m away, and a roadway only 20m away, there is an absolute certainty of extreme noxious nuisance and the potential for harmful health impacts to nearby sensitive receptors (residents and members of the public).
- Has the slurry pit been approved by the EA?
- The slurry pit is constructed within 20m of a spring used by farm animals and a stream directly connected to the Twine stream and River Irwell. The slurry pit is within 50m of other springs and the Twine stream culvert beneath the Twine Valley Farm yard.
- Where is the information relating to the slurry pit being fit for purpose?
- Where is the rainfall data?
- There are continued breaches of planning at this site.
- Loss of housing value
- The applicant claimed that the high exposed position would take away odours on a prevailing wind and that there are intervening farm buildings between the pit and houses. However, none of this is true in respect of Edith Street. The pit is lower down the slope than on the plans and there are no intervening buildings.

Following the receipt of a topographical plan of the proposed slurry lagoon and an updated odour assessment further neighbour letters sent 16th June 2025.

6 objections received in relation to:

- Only mitigation would be a plastic cover.
- When cover is removed it would release odour.
- Would not be effective if not fitted correctly or damaged.
- No other mitigation proposed.
- Nearest property is 20 metres away.
- Natural spring within 20 metres of the pond location. Pond should be at least 50 metres away from any spring or well.
- Impact on stability of land and risk of pollution of local water courses.
- UV floating lids can cause risks including potential gas build up, issues with agitation and emptying.
- Amazed that anyone would want to build a slurry pit so close to residents with all the potential risks.
- Report is a distraction from the fact that the pit should not have been built there in the first place without planning permission, in the same way that the barn just above it has been used to house cattle even though it should be used as storage.
- Do not think that a plastic cover will prevent odours or flies particularly since this will periodically have to be lifted to preclude a build up of gases and when contents are added.
- We are hearing the distressed cattle noises near enough on a daily basis
- Why would a supposed cattle farm not let its cattle graze in the field
- Number of vehicles on Bye Road has already increased and witnessed vehicles and walls being damaged.
- Activity is continuing in and around slurry pit.
- There is no prevailing wind direction.
- One of my concerns was regarding the overflow pipe coming from the pond, the

contents from the overflow pipe just run down the road and will run in to Crossbank Brook that then goes to the Irwell, is this something to be concerned about?

- Will checks be made ? Or will it be left to residents to check ?
- New site plan does not properly indicate the relocation of the slurry pit.
- A quantitative predictive odour assessment should be provided by the applicant in this case, given the extremely high odour potential of the slurry pit and the immediate proximity of multiple sensitive receptors. As it stands, this report is not in line with the IAQM guidance.
- The report author indicates that as there is no slurry in the pit it is not possible to assess an odour emission rate, assigning this critical variable as "N/A". This is unacceptable in a predictive odour assessment report.
- The report author erroneously indicates that odour emissions are reduced by 95% by the use of a floating cover.
- Odour emissions are significantly higher during filling, pumping and stirring of the slurry pit when a floating cover must be removed.
- Throughout the report the author refers to residents being "upwind of then prevailing wind direction", with no evidence provided. This is unacceptable in a predictive odour assessment report.
- Objector has kept their own odour diary from December 2024 over the period, the prevailing wind direction was calm (no wind) or from the E, SE or NE for 44% of the time. Contrary to the odour report author's assumption, local residents are not upwind of the slurry pit for a significant proportion of the year.
- The report author fails to assess the cumulative impact of the slurry pit in combination with intensive production cow shed, which is still occupied.
- Slurry pits are a major air pollution risk due to highly noxious odours principally from hydrogen sulphide (H₂S) and ammonia (NH₃). There is no specific assessment of the odour and, importantly, the toxicity impacts of H₂S from the slurry pit on residents.

Statutory/Non-Statutory Consultations

Traffic Section and Public Rights of Way Officer - Insufficient information in relation to vehicle movements.

Drainage Section - No response

Environmental Health - Contaminated Land - The Environment Section has assessed the application and has no comments to make regarding contaminated land and air quality.

Environmental Health - Pollution Control - We have limited expertise so difficult for us to object to a professional survey.

However, the survey indicates there will be minimal adverse impacts so with no knowledge on this subject we would have to support the findings of the report

Environment Agency - Acceptable in principle. Guidance given on the storage of slurry.

United Utilities (Water and waste) - No response

Greater Manchester Ecology Unit The only ecological issue is mitigation for a small loss of low ecological value habitats.

GMCA - Minerals and Waste consultations The applicant does not appear to have provided information in relation to Policy 8. However, the site is in close proximity to homes and sandstone extraction is unlikely to be appropriate in this location.

Pre-start Conditions - Not relevant

Development Plan and Policies

JP-G8 A Net Enhancement of Biodiversity and Geodiversity

EN6/3	Features of Ecological Value
JP-C8	Transport Requirements of New Development
OL1/2	New Buildings in the Green Belt
OL4/5	Agricultural Development
RT3/3	Access to the Countryside
RT3/4	Recreational Routes
JP-P1	Sustainable Places
JP-S5	Clean Air
EN7/2	Noise Pollution
EN1/2	Townscape and Built Design
JP-G9	The Green Belt
JP-C2	Digital Connectivity
JP-S2	Carbon and Energy
JP-S5	Clean Air
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 West Peninne Moors, Green Belt and Pennine Foothills 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.

Under this policy the site is identified as being located within the Pennine Foothills (West/South Pennines landscape) character area. 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.

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 pond is located adjacent to public right of way 181RAM (Church Road), and would be visible from other footpaths within the vicinity of the site namely 183 RAM and 183RAM. Given the elevated nature of the site the slurry pond is highly visible and the site visit confirmed that there have been changes in levels adjacent to the proposed pond and the adjacent agricultural storage building.

The submitted as built site plan shows the proposed slurry pond in a different location to the slurry pond that has been partially constructed on site and does not indicate the changes in levels. Following their site visit the Case Officer raised that the plans submitted were not accurate and a request was made for the plans to be amended to show the existing site levels and the location of the slurry pond. It was later confirmed that the applicant had commissioned a topographical which was later submitted. This topographical (drawing S250263-DR-T-001 Rev A) however was limited to the slurry pond and fencing and includes a corner of the existing agricultural building. No boundaries, changes of levels of adjacent land or other identifying features are included in this plan.

Further correspondence has also been exchanged in relation to the changes in levels and it was clarified that the Case Officer considered this also needed planning permission and had not been included within the description of development. The applicant's agent confirmed that they were not aware of any significant earthmoving on or adjacent to the site other than associated with the current application. The applicant's agent confirmed that they had been informed that no material had been imported onto the land and referenced the permitted development right that allows farms to even out humps and hollows on their land under GPDO Part 6, Class A, para A(b) that permits such engineering operations for up to 1,000m².

No subsequent information however has been provided to indicate that the changes in levels would meet the tests of the PD right and as no full topographical survey of the land adjacent to the pond has been submitted the Case Officer has not been able to make an assessment in relation to these alterations to the site that would appear require planning permission. As such it is considered that the applicant has failed to provide sufficient information to allow the changes in levels to be adequately assessed.

It is acknowledged that the proposed slurry pond would be located in a similar position to a previously approved silage building, in that it would be located to the west of this building however this application is for a different proposal and needs to be assessed accordingly.

The topographical plan of the slurry lagoon, slurry pond cross sections and as built site plan reference a 2 metre high deer security fence. No elevations have been provided in relation to this fencing. The odour report suggest mitigation for the proposed lagoon, which will be addressed further below, through the introduction of a impermeable UV-stabilised plastic floating cover. No details of this cover have been submitted for consideration. No elevation details have been provided to show the impact of the proposed lagoon in relation to the existing agricultural buildings to the south (at a lower level) and to the east. Given the highly visible nature of the site it is considered that details of the changes in levels, adjacent buildings and boundaries, proposed fencing and proposed floating cover would be required to adequately assess the proposal in terms of the potential impact on Green Belt in relation to siting and design.

Given the matters set out above it is considered that the application contains insufficient information to adequately assess the proposal in terms of Policies JP-G1, OL4/5, OL1/2,

EN1/2, JP-P1 and SPD 8 and the NPPF.

Land Stability

Paragraph 197 of the NPPF states that where a site is affected by contamination or land stability issues, responsibility for securing safe development rests with the developer and/or landowner. Paragraph 187e confirms that planning policies and decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality.

No objections have been raised by the Council's Environment Section in relation to the proposal, however this is based on the information submitted by the applicant. The Case Officer has corresponded with the Environment Section in relation to the build up in land due to concerns in relation to where materials have come from and stability of the land where the slurry pond has been constructed following the changes in levels.

The Environment Section have confirmed that there is a U1 (use of waste in construction) exemption for a farm in a similar location, and asked if more information could be provided by the applicant in relation to what the material is, where it came from and how it was imported. Google aerial photography, and the case officer's own photographs indicate that there have been earthworks on the site. Street views from 2021 and the case officer's own site photograph has been sent to the applicant's agent with the Case Officer's view that there have been a change in levels, that has not been included within the description of development.

As referenced above the applicant's agent confirmed that they were not aware of any significant earthmoving on or adjacent to the site other than associated with the current application. The applicant's agent confirmed that they had been informed that no material had been imported onto the land and referenced PD rights. Other than this correspondence however, nothing has been submitted in support of these statements and therefore nothing additional has been submitted for the Environment Section to comment on to amend their recommendation.

It is therefore considered that the applicant has failed to demonstrate that the proposal would comply with paragraph 197 and 186e of the NPPF.

Amenity

Many of the objections raised refer to the odours, gases and generally safety of positioning a Slurry Pond adjacent to residential properties.

UDP Policy EN1/2 seeks to ensure that the relationship of the proposal to the surrounding area is taken into consideration when assessing proposals. SPD 6 provides guidance on aspect standards between residential properties and would be relevant in this case.

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.

SPD 10, whilst not directly related to agricultural uses and instead with a focus on equestrian uses also provides guidance on siting of stables and states that they should incorporate a 30 metre buffer to avoid impacts on nearby residential amenity caused by smells, noise and nuisance that would be applicable in this instance.

Appeals

The site has been subjected to a number of appeals for various applications. Appeal APP/T4210/C/18/3195131 relates to the existing agricultural building. This appeal reviewed the potential noise impacts of housing cattle in the adjacent agricultural building and required a condition to limit this building to storage use however odour was not considered to be an issue due to the enclosed nature of the building. The inspector also acknowledged that there are likely to be agricultural odours in his rural setting and concluded *"There is insufficient evidence before me to establish that the odours likely to emanate from the use of the building for storing silage would lead to unacceptable levels of odour above and beyond those that are likely to be reasonably experienced in rural areas."*

The potential noise impacts of housing cattle in a building to the west of this location was also raised by the Planning Inspector under appeal APP/T4210/W/16/3151468. The Inspector stated in this instance:

Due to the building's elevated siting, and lack of intervening structures or significant belts of planting between it and Millhouse Street, I consider that the additional noise created by cattle in the appeal building would be of significant harm to the living conditions of the occupiers of these dwellings .

Odour however was not referenced in this appeal.

Appeal APP/T4210/W/17/3172551 relates to a proposed silage building to the west of the existing agricultural building in a broadly similar location to the slurry lagoon. This permission has now lapsed. When referencing odour the inspector acknowledged that when produced the silage is wrapped in air-tight plastic bales until it is used and observed bales stored on open land during their site visit. The inspector also acknowledged that the building would be largely enclosed with the main opening furthest away from the houses which would reduce the dispersion of any odours. Given this, the inspector was not persuaded that the proposed development would have an adverse impact on the living conditions of nearby residents with particular regard to odour.

Similar conclusions in relation to appeal APP/T4210/W/18/3202305 also for a silage building that has now lapsed were also reached with the Inspector stating *"There is insufficient evidence before me to establish that the odours likely to emanate from the use of the building for storing silage would lead to unacceptable levels of odour above and beyond those that are likely to be reasonably experienced in rural areas"*

Assessment

As referenced above the submitted plans are poor in terms of details of the locations of boundaries, adjacent buildings etc. The as built site plan has the slurry pond in the wrong location and the slurry pond topo only includes the adjacent agricultural building.

The submitted odour report however confirms residential receptors within 25 metres of the proposed slurry pond.

The applicant has referenced the above appeals, and the silage building within their supporting documentation, directly attaching the 2017 appeal decision however a silage storage building is considered to be substantially different to the storage of slurry within 25 metres of residential properties. Whilst silage is made from fermenting green forage in anaerobic conditions, slurry is a mixture of animal waste, bedding, washings and sometimes rainwater and therefore significantly different to the appeal and assessments in relation to odour, noise and nuisance that have been previously assessed at the site.

An odour report has been submitted by the applicant, providing a qualitative odour assessment. A qualitative odour assessment focuses on describing and evaluating the characteristics of an odour, rather than measuring its concentration or intensity as the slurry

pond is not currently active. The report confirms that the assessment has been provided utilising IAQM guidance.

The odour report states that based on drawings provided, the slurry lagoon is estimated to have an area of 686 m² and have a volume of approximately 1,400 m³. The exact contents of the slurry lagoon are unknown at this time and as the lagoon is not yet in place an assessment of the odour intensity (e.g. sniff testing) cannot be undertaken. The contents of the slurry lagoon would be classified as the most offensive odour category in the H4 odour criteria.

The overall Source Odour Potential of the Site is therefore assessed as Large.

Taking into account the nearby odour receptors, with the nearest properties located 25 metres to the west of the site the odour report suggests mitigation through the installation of an impermeable UV-stabilised plastic floating cover.

The LPA have considered the suitability of conditioning this cover that is compliant with 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) however as set out above, this has potential visual amenity implications for the site that also need to be considered.

In addition to this, the Planning Statement states that slurry would be collected from the adjoining agricultural buildings however this contradicts the odour report that highlights that there are unknowns in relation to the exact contents of the slurry lagoon. There are also unknowns in relation to the anticipated level of usage of the slurry pond or maintenance requirements in terms of needing to open the cover. It should also be noted that one of the buildings currently utilised for cattle, does not have permission to do so and a refusal has recently been issued in relation to this in addition to the appeal decisions set out above that restrict the use of this building to storage. Given that the contents of the slurry lagoon appear to be unknown it is unclear therefore if the proposed mitigation is adequate.

It is acknowledged that the Council's in house Environmental Health team have confirmed that they have limited expertise in relation to odour and as such would have to support the findings of the report. Given the unknowns in relation to the contents of the slurry pond, the close proximity of the neighbouring properties, public rights of way and a park and the Policy considerations that the LPA have to take into account to ensure that the proposal would not have a detrimental impact in terms of amenity it is considered that the location of the proposed slurry pond would not be acceptable and is likely to lead to unacceptable levels of odour above and beyond those that are likely to be reasonably experienced in rural areas.

It should also be acknowledged that the proposed use would be within 25 metres of residential receptors, where as the Council's adopted SPD 10 requires stables to be sited at least 30 metres from properties to prevent odour nuisance. Given overall Source Odour Potential of the site set out with the applicant's own odour report it is therefore considered logical that a slurry lagoon should be sited even further away from sensitive receptors.

In terms of noise the odour and noise assessment ref JB.130225.1A considers that as the proposed slurry pond is for storage purposes there is unlikely to be any significant noise generated by it. The applicant considers that noise is likely to be from a pump but there is no reason to believe that any noise from it would be significant, given the distances from dwellings and with intervening farm buildings to the East and South. This limited assessment however does not consider the impact of additional vehicular movements associated with the tankers requires to move the slurry off site. It is considered that the siting of the proposed pond, it's proximity to residential uses and its associated use and the

type of traffic it would generate would also cause potential noise and disturbance to nearby occupier/s.

On balance it is considered that the proposed development would be seriously detrimental to the residential amenities of nearby occupiers, by reason of the noise, smell, disturbance and general activity associated with the proposed use.

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 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 support the aspirations of the PfE policies listed above.

As set out above limited information has been submitted in relation to the tankers required to move slurry off site as such it is considered that the application and submitted plans contain insufficient information in order to adequately assess the potential impact of the proposed additional vehicle movements on the adjacent public right of way network namely 183RAM BYWAY (BOAT) and 184RAM FOOTPATH which make up the access to the site.

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.

Wildlife Issues

GMEU are satisfied that it is very unlikely that there were any wildlife issues associated with this part retrospective application given the small area of low value habitat lost and lack of high value habitats nearby. No further information or measures are required.

Contributing to and Enhancing the Natural Environment & Biodiversity Net Gain (BNG)

10% BNG is mandatory under Schedule 7A of the Town & Country Planning Act 1990 (as inserted by schedule 14 of the Environment Act 2021). The slurry pond has been constructed on improved grassland with overlap on to disturbed ground, with these habitats permanently lost to the slurry pond if permission is granted.

The area of the slurry pond within the grassland exceeds 25sqm therefore the development is subject to mandatory biodiversity net gain. A metric has been provided that indicates 10% is achievable on-site through planting of a couple of trees. There is a slight mismatch between the red edge and proposed site layout both oval and the BNG assessment which is rectangular but this can be resolved at discharge of the statutory biodiversity gain condition stage.

Environment Agency and other Regulators

A number of objections reference legislations, and regulators. Outside of the proposed planning application it is clear that there are potentially other regulatory bodies that would need to be involved with this development, including but not limited to the Environment

Agency.

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.

The applicant's agent was asked to clarify how much slurry the applicants are proposing to store and that this has been calculated in accordance with the EA guidance that has been published on the LPAs website. The response received stated that it was their understanding that no licence is required from the Environment Agency, though it has to be informed before the lagoon is brought into use. The applicant's agent also confirmed that the EA has already been to inspect the proposal on site and have no concerns.

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

Guidance also confirms that slurry storage can not be within 10 metres of inland waters without written consent of the EA, and the British Standards required to be conformed to.

As this is outside of the remit of planning this would not be a matter for the LPA to intervene on.

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

It is considered that the material planning considerations have been addressed within the

main body of the report.

Information in relation to the construction of the slurry pond, storage capacity etc would fall under the remit of the Environment Agency rather than the LPA under the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations – known as the SSAFO regulations – and related legislation.

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

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The application, submitted plans and supporting information contain insufficient information in relation to siting of the proposed slurry pond, changes in levels, fencing and the impermeable UV-stabilised plastic floating cover to enable them to be adequately assessed in relation to visual amenity, impact on the Green Belt and landscape character. The proposed development would therefore be contrary to Development Plan Policies:
OL4/5 - Agricultural Development
OL1/2 - New Buildings in the Green Belt
EN1/2 - Townscape and Built Design
JP-G9: The Green Belt
JP-G1: Landscape Character
JP-P1: Sustainable Places
Supplementary Planning Document 8 - New Buildings and Associated Development in the Green Belt
National Planning Policy Framework
- 2 The applicant has failed to demonstrate that the changes in level at the site fall under General Permitted Development Order Part 6, Class A, para A(b) and would not lead to land instability or soil pollution. As such the proposal would fail to comply with Paragraphs 197 and 187e of the National Planning Policy Framework.
- 3 The development would be seriously detrimental to the residential amenities of nearby occupiers, by reason of the noise, smell, disturbance and general activity associated with the proposed use. The proposed development therefore conflicts with the following policies of the Development Plan:
EN1/2 - Townscape and Built Design
EN7/2 - Noise Pollution
JP-S5: Clean Air
JP-P1: Sustainable Places
- 4 The application and submitted plans contain insufficient information in order to adequately assess the potential impact of the proposed additional vehicle movements on the adjacent public right of way network namely 183RAM BYWAY (BOAT) and 184RAM FOOTPATH which make up the access to the site.
The proposed development therefore conflicts with Development Plan Policies:

DELEGATED REPORT

JP-C5: Streets for All

JP-C6: Walking and Cycling

JP-C8: Transport Requirements of New Development

RT3/3 - Access to the Countryside

RT3/4 - Recreational Routes

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP	27/06/2025	DM	27/6/25