

Report

Report to:	East Kilbride Area Committee
Date of Meeting:	27 March 2019
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/18/1522
Planning proposal:	Formation of an earth bank slurry lagoon with security fence (part retrospective)

1 Summary application information

Application type: Detailed planning application

Applicant: Mr Andrew Hamilton
Location: Low Lanrigg Farm
Spital Road
Stonehouse
ML9 3PS

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant detailed planning permission (subject to conditions) based on conditions attached.

2.2 Other actions/notes

- (1) The East Kilbride Area Committee has delegated powers to determine this application.

3 Other information

- ♦ Applicant's Agent: Sophie Lane-Keery
- ♦ Council Area/Ward: 05 Avondale and Stonehouse
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan (Adopted 2019)**
Policy 3 – Green belt and rural area
Policy 4 – Development management and placemaking
Green Belt and Rural Area Supplementary Guidance (2015)
Policy GBRA1 – Economy/business related developments

**Proposed South Lanarkshire Local
Development Plan 2 (Volumes 1 and 2)**

Policy 4 - Green belt and rural area

Policy 5 - Development management and place
making

Policy GBRA2 - Business proposals within green
belt and rural area

◆ **Representation(s):**

▶	9	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

◆ **Consultation(s):**

Roads Development Management Team

Environmental Services

SEPA West Region

Stonehouse Community Council

Planning Application Report

1 Application Site

- 1.1 The applicant is seeking detailed planning permission for the formation of a lagoon to provide slurry storage at Low Lanrigg Farm, Spital Road, Stonehouse part of which has already been constructed. The application site is located within the designated Green Belt in a field approximately 1,218 metres south east of the village of Stonehouse.
- 1.2 The proposed slurry store will be located adjacent to Spital Road next to an existing wind turbine away from the existing farm steading.

2 Proposal(s)

- 2.1 The proposal involves earth engineering operations to form a lagoon to provide slurry storage with a capacity of 1,763 cubic metres. In simplistic terms, a rectangular area of 800 square metres (20 by 40 metres) will be enclosed by a 4 metre high bund which will be 13.6 metres wide at its foot. This bund will have a 3 metre wide level area at the top where a 1.8 metre high security fence will be erected. The slurry store will be lined with a membrane.
- 2.2 The farm currently has capacity to store 253 cubic metres of slurry which provides a supply of approximately 30 days. The additional storage capacity provided by this proposal will increase the supply to 184 days.
- 2.3 The applicant has confirmed that he does not own any livestock of his own but provides a wintering service for other local farmers providing housing and forage for beef and dairy cattle. During the summer the business takes on grazing stock.

3 Background

3.1 Local Plan Status

- 3.1.1 The determining issues in the consideration of this application are its compliance with the South Lanarkshire Local Development Plan and, in particular, Policy 3 – Green Belt and Rural Area and Policy 4 – Development Management and Placemaking. In addition, Policy GBRA1 – Economic/business related development of the Green Belt and Rural Area supplementary guidance is also relevant to the assessment of this application.
- 3.1.2 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new Plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the Proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance, Policy 4 – Green Belt and Rural Area, Policy 5 – Development Management and Placemaking and Policy GBRA2 – Business Proposals within Green Belt and Rural Area are relevant to the assessment of this application.

3.1.3 The above policies are assessed in detail in Section 6 of this report.

3.2 **Relevant Government Advice/Policy**

3.2.1 Given the scale and nature of the proposal none are directly applicable.

3.3 **Planning Background**

3.3.1 None

4 **Consultation(s)**

4.1 **Roads Development Management Team** – Have no objection to the proposal.

Response: Noted.

4.2 **Environmental Services** – Have no objection to the proposal and advised that the proposal will be subject to The Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) (Scotland) Regulations 2003 and the Water Environment (Controlled Activities)(Scotland) Regulation 2011 as regulated by the Scottish Environmental Protection Agency.

Response: Noted

4.3 **SEPA West Region** – No comments.

Response: Noted.

4.4 **Stonehouse Community Council** – The application does not provide sufficient detail as to what type of slurry will be stored. Local knowledge advises that the farm would appear not to have any cattle. Sufficient planning conditions should be applied to ensure that no importing of slurry occurs on a temporary or permanent basis. No deposit or loading of slurry should be done from the roadside adjacent to the lagoon. In addition, a road bond should be incorporated into the planning conditions to cover any damage to the road network. A thorough site analysis requires to be carried out and the site should be closed off during non-operational hours. Site working should be kept to hours that minimise disruption to nearby residents. Clear details of walls or fencing should be provided should consent be issued. A landscaping bond should be included and a satisfactory long term maintenance and management arrangement should be put in place. A habitat survey is required to ensure that no wildlife can gain access

Response: The applicant has confirmed that the stored slurry will be produced by the livestock housed over the winter months at Low Lanrigg Farm; no slurry or other material will be imported to the farm unit. In addition, the agent has also advised that the slurry will be pumped to the lagoon, thereby preventing vehicles 'unloading' from the public road.

In terms of other matters raised by the Community Council, the scale and nature of the proposal is such that it would be disproportional and unjustifiable to insist upon a road or landscaping bond. Furthermore, details of the proposed fencing has been lodged and, as the land is agricultural grassland, the submission of a habitat survey is unnecessary. Indeed, the agent has advised that the farm is classified as a less favoured area in agricultural terms.

5 Representation(s)

5.1 Statutory neighbour notification was undertaken and the proposal was also advertised in the local newspaper. Following this publicity, 9 letters of representation were received, the contents of which are summarised as follows:-

- (a) **Concerned that the lagoon will be used to contain digestive waste which will be spread on the farm.**

Response: The applicant has confirmed that the slurry will be produced by cattle housed at Low Lanrigg and no material will be imported.

- (b) **The odour/ smell and gases created from large lagoons are a concern. Transport to and from this location is also a cause for concern. If it is purely farm waste then would it not be more convenient to build this next to the cattle shed.**

Response: Environmental Service were consulted in respect of this proposal and raised no concerns regarding any odours emanating from the site. As regards any impact on the surrounding road network, Roads and Transportation Services have raised no concerns in respect of this proposal. Indeed, given that the slurry will be pumped to the lagoon, any increase in traffic associated with the proposal is likely to be minimal.

- (c) **This is a single lane country road with no designated passing places. It is used by many cyclists who use the cycle route that is posted along the road**

Response: The nature and character of Spital Road is acknowledged. The development, however, when completed and operational, is unlikely to generate significant additional traffic and therefore any impact on the road will be marginal and not to an extent or degree that could justify the refusal of consent.

- (d) **I would like to express my concern that tankers may use Union Street as an access point.**

Response: Given that the slurry will be generated from cattle housed at Low Lanrigg and spread on the farm there should be no requirement or need for tankers/vehicles associated with the development using Union Street.

- (e) **There may also be a risk of overflow in adverse weather conditions which is an issue due to an open ditch down the side of the road.**

Response: The applicant has submitted a farm waste management plan which indicates that the proposed lagoon is of a size which is sufficient to store the slurry generated from cattle housed at Low Lanrigg. In addition, the design of the lagoon has a 'free board' of 750 mm to accommodate adverse weather etc.

- (f) **I am a foster carer and care for a number of children with significant emotional and behavioural problems. A huge part of their rehabilitation is connected to our ability to enable them to interact with the countryside we live in. The siting of this proposed slurry pit at its current location would be extremely detrimental to this. The foul smell from dumping manure on this location prior to spreading on the field was a huge deterrent to taking the children walking or cycling to the village.**

Response: The principle of a slurry lagoon is acceptable in a countryside location and it is considered that the odours emitted would not be overly significant that would prevent walking or cycling on Spital Road.

- (g) **Despite the notice mentioning a security fence I am very concerned that the site being so close to the public road will draw the attention of the local village children who use the road for recreation. I am worried that as the site is so far from the farm which it is supposed to be serving there will be insufficient supervision of the site and it could pose a safety hazard.**

Response: The proposed 1.8 metres high chain link fence at the top of the bund should be sufficiently robust to adequately secure the site.

- 5.2 The letters of objection have been copied and are available for inspection in the usual manner and on the planning portal.

6 Assessment and Conclusions

- 6.1 In terms of Policy 3, the Green Belt and Rural Area function primarily for agriculture, forestry, recreation and other uses appropriate to the countryside. The applicant has advised that he currently provides a service to the surrounding farms by providing accommodation for the housing of cattle during the winter period. This proposal will enable more of the slurry produced by the cattle housed at Low Lanrigg to be stored and reused on the farm. Accordingly, it is considered that from a land use perspective the proposal is acceptable.

- 6.2 Policy 4 requires all developments to take account of the local context and built form. In this case it is noted that the lagoon will be surrounded by an embankment with a 1.8 metre high fence. The lagoon, however, will be adjacent to an existing 70 metre high wind turbine and therefore the impact of the lagoon on the surrounding landscape will not be overly significant in the context of the turbine. Again the proposal can be viewed favourably in terms of Policy 4.

- 6.3 In terms of Policy GBRA1, the Council seeks to support the rural economy by supporting sustainable economic growth. In this case the proposal will ensure that there is sufficient slurry storage capacity available on the farm for good farming practice. This will allow the plant nutrients within the slurry to be used more efficiently and reduce the need for inorganic fertilisers, thereby reducing greenhouse gas emissions and the potential for the leaching of nutrient's to water. In this regard, the applicant has been successful in achieving grant funding administered by the Scottish Government for projects which promote conservation and tackle climate change. It is therefore considered that this proposal will assist in the continued sustainable growth of the existing farm business within the rural area which supports the farming community and that no issues are raised in respect of this policy.

- 6.4 The proposed development has been considered against the relevant policies in the Proposed Local Development Plan 2 and it is noted that these policies are broadly consistent with the current Adopted South Lanarkshire Local Development Plan. It is therefore considered that the proposal accords with Policy 4, Policy 5 and Policy GBRA2 of the Proposed Local Development Plan 2.

7 Reasons for Decision

- 7.1 The proposal complies with Policy 3 and Policy 4 of the South Lanarkshire Local Development Plan (2015). In addition, the proposal also complies with Policy GBRA1 of the Green Belt and Rural Area Supplementary Guidance. The proposal also complies with Policy 4, Policy 5 and Policy GBRA2 of the Proposed Local Development Plan 2. There are no other material considerations which could justify the refusal of planning permission.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

7 March 2019

Previous references

- ◆ None

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated
- ▶ Green Belt and Rural Area Supplementary Guidance (2015)
- ▶ Press Advert Hamilton Advertiser 10 January 2019
- ▶ Farm Waste Management Plan, Low Lanrigg Farm, June 2017

- ▶ Consultations Dated
 - Roads Development Management Team 07.03.2019
 - Environmental Services 11.02.2019
 - SEPA West Region 22.01.2019
 - Stonehouse CC 25.01.2019

- ▶ Representations Dated:
 - Claire Watson, Neuk Farm, Stonehouse, ML9 3PS 24.01.2019
 - Mrs Mary Smith, 5/6 The Cross, Stonehouse, ML9 3LQ 24.01.2019
 - Jeanette Watson, Neuk Farm, Stonehouse, ML9 3PS 25.01.2019

Hannah Sutherland, Received Via Email	25.01.2019
Sally-Anne Pyper, Received Via Email	25.01.2019
Mr Mark Monie, 72 New Street, Stonehouse, Larkhall, South Lanarkshire, ML9 3LT	25.01.2019
Mrs Janice Birrell-Bathgate, The Spittal, Spittal Road, Stonehouse, ML9 3PS	28.01.2019
Richard Birrell-Bathgate, The Spittal, Spittal Road, Stonehouse, ML9 3PS	28.01.2019
Jamie Watson, Received Via Email	28.01.2019

Contact for further information

If you would like to inspect the background papers or want further information, please contact:-

Mary McGonigle, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

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Email: mary.mcgonigle@southlanarkshire.gov.uk

Detailed planning application

Paper apart – Application number: P/18/1522

Conditions and reasons

01. That the fence hereby approved shall be maintained to the satisfaction of the Council as Planning Authority for the lifetime that the lagoon hereby approved is in operation.

Reason: In the interest of public safety.

02. That upon the use of the lagoon hereby approved ceasing for the storage of slurry the ground shall be reinstated to its original condition to the satisfaction of the Council as Planning Authority.

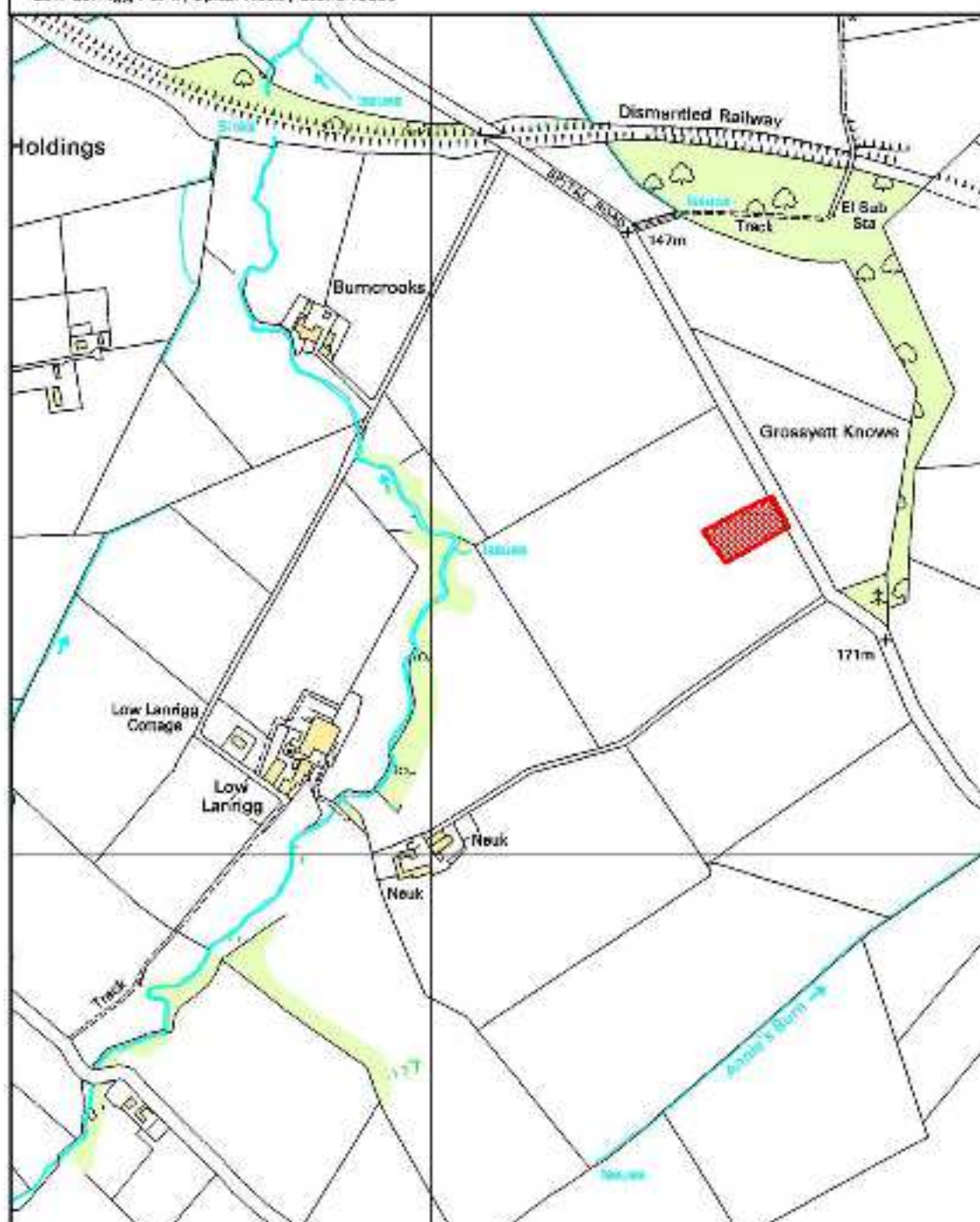
Reason: In the interest of amenity.

03. That the slurry to be stored within the lagoon hereby approved shall be obtained from cattle housed at Low Lanrigg Farm and from no other source and shall thereafter be spread on the farm and not exported to any other location.

Reason: In the interest of amenity.

P/18/1522

Low Lanigg Farm, Spital Road, Stonehouse



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Scale
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 Date
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