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## PLANNING STATEMENT AND DESIGN AND ACCESS STATEMENT

IN RESPECT OF A PLANNING APPLICATION  
FOR THE CREATION OF A EARTH BANKED  
SLURRY LAGOON TO ACCOMODATE A 200  
COW DAIRY UNIT

AT

PENDLETON HALL FARM,  
CLITHEROE ROAD, PENDLETON,  
CLITHEROE, BB7 1PT

32 01 72 88 1

Applicants: T. Whitwell & Sons Ltd.  
Prepared by: R. C. Black  
Date: August 2017  
Our Ref: Whi/772/2359/RCB



Chartered Surveyors ■■■■ Planning & Development ■■■■ Land Agents  
Valuers ■■■■ Property Agency ■■■■ Property Management



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## 1. INTRODUCTION AND BACKGROUND INFORMATION

- 1.1 Gary Hoerty Associates has been instructed by T. Whitwell & Sons Ltd. of Pendleton Hall Farm and Mearley Hall Farm, Clitheroe Road, Pendleton, Clitheroe, BB7 1PT to submit a planning application on their behalf for the proposed creation of an earth banked slurry lagoon at Pendleton Hall Farm, Pendleton, Clitheroe, BB7 1PT.
- 1.2 Our clients lease both Pendleton Hall Farm and Mearley Hall Farm from the Huntroyde Estate, which extends to 1,489 acres (603ha) of which 708 acres (286 ha) is common land, all is let on a long term Agricultural Holdings Act 1986 tenancy. Robert Whitwell resides at Pendleton Hall Farm and James Whitwell resides at Mearley Hall Farm. Plans showing the extent agricultural holding are submitted with this application. The applicants ceased milking in the summer of 2013 when their elder brother Mark ceased farming in partnership with Robert and James, and took the dairy cattle with him to another farm.
- 1.3 Robert and James currently operate a cattle and sheep enterprise from Pendleton Hall Farm and Mearley Hall Farm. The cattle enterprise currently comprises circa 60 beef youngstock and 40 dairy youngstock. The sheep enterprise comprises of 720 breeding ewes with 900 lambs and 250 stores are bought in to fatten. There is an existing range of mainly traditional farm buildings across both farms to accommodate and house the current levels of cattle, sheep, silage, feed and general storage. The existing agricultural buildings are not of modern construction and as such are not fit for the purpose of housing the proposed 200 head dairy herd. Some of the existing buildings will be utilised for the storage of equipment associated with the dairy unit and also provide calving pens therefore all of the existing buildings at both farms will be fully utilised.
- 1.4 The applicants want to establish a dairy farming enterprise to enable them to accommodate 200 dairy cows and propose to further expand in future years once established and the business is successful. The applicants are in partnership and realise that in order for them both to make a living out of the farm, they need to remain up to date with modern farming practices and to gradually increase the numbers of livestock kept on the holding to make it remain a profitable enterprise. They have successfully secured a contract with 'Arla UK' to sell their produced milk to. AHDB states that dairy prospects in the global marketplace present a strong opportunity for UK agriculture.
- 1.5 Separate planning permissions have been sought for a covered silage clamp in the form of a prior notification application and four separate full planning applications for four separate buildings to accommodate the proposed 200 head of dairy cattle. The proposed lagoon, the subject of this statement is large enough to cope with the additional quantities of slurry that will be produced as a consequence of the proposed herd size.

- 1.6 We set out within this supporting statement the proposed dairy unit earth banked slurry lagoon in more detail, the planning history of the site where relevant; review the application site, set out why we believe the application conforms to the relevant national and local planning policies and why the application should therefore be looked upon favourably.

## **2. PLANNING HISTORY**

- 2.1 The only application found on the Ribble Valley Borough Council website is as follows:

3/1999/013N – Agricultural determination for the erection of a round slurry store and milking parlour. The application was approved on 10<sup>th</sup> June 1999.

## **3. THE APPLICATION SITE**

- 3.1 The application site is to the North East of the existing farmstead at Pendleton Hall Farm situated on a parcel of agricultural land that gently slopes away from the east to west. Due the topography of the land, a cut and fill exercise is required as shown on the proposed plans submitted with this application. This will reduce any negative visual impact as the banking will sit well within the surrounding landscape as they will be re-seeded with grass seeds and graded appropriately as shown on the submitted plans.

- 3.2 The proposed lagoon is located next to the proposed livestock buildings and is adjacent to an existing group of farm buildings; which will mean it will be well screened from the road as there is a high hedgerow on the road side which will naturally screen any potential visual impact. The farm is directly situated off Clitheroe Road and is approximately 2 miles from Clitheroe.

## **4. THE PROPOSED DEVELOPMENT**

- 4.1 The proposed development comprises the construction of an earth banked slurry lagoon measuring 41.45 metres x 41.45 metres (to the top of the banking including the Freeboard) and will be dug to a depth of 4 metres which will hold a capacity top to bottom of 4,000 cubic meters (see appendix 1 for calculations). The walls will be sloped at an angle of 1:2.5 which has been accounted for in the calculations, as has the need to provide 750mm of freeboard to satisfy the Environment Agency Regulations as shown on the proposed plans (Whi/661/2359/01&02) submitted with this application.
- 4.2 To house the proposed 200 head of dairy cows, slurry storage facilities of 4,260m<sup>3</sup> are required, the above ground slurry ring can store 830m<sup>3</sup> therefore a lagoon of 3,431m<sup>3</sup> is required. The proposal is for a lagoon that can hold circa 4,000m<sup>3</sup>, this allows for expansion in future years. Levels of the site have been taken at the application site to produce cross sectional drawings that show how the lagoon will be constructed; it will be a 'cut and fill' exercise. The sides will be constructed of impermeable soil to a thickness of at least one metre (as per the Environment Agency's Guidelines). The reception point for emptying will be on the south side of the lagoon.

- 4.3 The lagoon will be used to act as a store for slurry from the 200 dairy cattle housed in the Farmplus cow kennels adjacent to the lagoon, parlour washings, silage effluent and dirty water runoff (see appendix 1 for size requirements). The lagoon will be used in conjunction with an existing above ground ring that has the capacity to hold 830 cubic metres of slurry. When the weather is appropriate the slurry will be either tanked or preferably pumped via an umbilical cord and spread on the farmland to put nutrients back into the ground. The lagoon will provide slurry storage for 6 months of the year whilst the cattle are housed during the winter months and machinery isn't able to go on the land.
- 4.4 The proposed development is essentially a large hole in the ground and to construct the store involves removing a large volume of material being mainly sub-soil but some top-soil. This material will be used to form walls to the structure (the earth banks). Soil sample results will be submitted to the Environment Agency before construction begins. The lagoon will be designed and constructed to comply with design standards required by the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010 and as Amended 2013 (SSAFO). The lagoon is more than 10 metres from any water or ditches, and will be built to last for at least 20 years with proper maintenance.
- 4.5 A stock-proof / security fence will be constructed around the perimeter of the store to exclude public access and safety and security signs will be located on the security fencing. The fence will be 1.8m high constructed of woven galvanised wire. The gateway will also be fenced in the same style to meet Environment Agency Standards. Tyre ladders will be provided as a means of emergency escape from the lagoon.
- 4.6 No landscaping is proposed as clear access is required to the perimeter of the lagoon at all times and the planting of shrubs and excess vegetation can compromise the structure itself. The topsoil will be reinstated over the earth banks.

## **5. PLANNING CONSIDERATIONS**

### **5.1 General**

- 5.1.1 Local planning authorities are required to determine planning applications in accordance with the statutory development plan unless material considerations indicate otherwise. In assessing this proposal, consideration has been given to the National Planning Policy Framework (NPPF) 2012 and the Ribble Valley Borough Council (RVBC) Core Strategy 2008-2028 - A Local Plan for Ribble Valley Adopted Version
- 5.1.2 The application site is located within an area designated as Open Countryside in the approved Local Plan.
- 5.1.3 The Council's Core Strategy contains a number of key statements and development policies of which the following are relevant to this application; DS2 Sustainable development, EN2 Landscape, EC1 Business and employment development, DMG1 General considerations, DMG2 Strategic Considerations, DME2 Landscape and townscape protection and DMB1 Supporting business growth and the local economy.
- 5.1.4 The national policy guidance is provided by the National Planning Policy Framework, which was adopted in March 2012.
- 5.1.5 We set out below extracts from the relevant documents and an assessment of the application against all of the appropriate policies and guidance.

## 5.2 Local Planning Guidance

### 5.2.1 Ribble Valley Borough Council Core Strategy 2008-2028

The Council's Core Strategy document does not contain any policy specific to agricultural development, however there are a number of policies which are relevant in terms of development impact on landscape and economic development and we will comment on these below.

### 5.2.2 Key Statement DS2 – Presumption In Favour of Sustainable Development

Key Statement DS2 “presumption in favour of sustainable development” identifies that the Council when considering development proposals should take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The policy clearly states that where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision the Council will grant permission unless material considerations indicate otherwise, taking into account whether: any adverse impact of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or specific policies in that framework indicate that development should be restricted. There are no such adverse impacts and no policies that indicate that the development should be restricted.

### 5.2.3 Key Statement EN2 – Landscape

Key statement EN2 identifies that “*as a principle the Council expect development to be in keeping with the character of the landscape, reflecting local distinctiveness, vernacular style, scale, style, features and building materials.*” We consider that the proposed development adequately addresses all of these principles, providing an earth banked slurry lagoon which will be of a design similar to others in the local area. The proposal will not cause any visual harm as the banking will be reseeded with grass and will sit well with the surrounding landscape.

### 5.2.4 Key Statement EC1 - Business and Employment Development

Key Statement EC1 states that *the expansion of existing business will where appropriate be considered favourably.* This development will support the applicant's farming business and therefore should be supported.

### 5.2.5 Policy DMG1 - General Considerations

Policy DMG1 relates to all development and we consider that the proposed development conforms to the criteria of this policy that are relevant to it. The development is sympathetic to existing and proposed land uses in terms of its size, intensity and nature, as well as scale, massing, style, features and building materials.

5.2.6 There are no adverse traffic and car parking implications and there is a safe access. There are no adverse environmental implications or adverse effect on public rights of way and the siting of the proposed development in relation to the existing buildings means that there will be limited adverse impact on the visual appearance of the surrounding area and on the landscape character.

5.2.7 We consider that the proposed development fully complies with the criteria of policy DMG1.

**5.2.8 Policy DMG2 – Strategic Considerations**

*Tier 2 Village (Pendleton) – “2. The development is needed for the purposes of forestry or agriculture.”*

The proposed development complies as the proposed new buildings are solely required for agricultural purposes.

**5.2.9 Policy DME2 – Landscape and Townscape Protection**

This policy states that development proposals will be refused which significantly harm important landscape or landscape features. The proposed development will not harm any important landscape features or landscape and therefore is in keeping with the requirements of Policy DME2.

**5.2.10 Policy DMB1 – Supporting Business Growth and the Local Economy**

This policy states that *proposals that are intended to support business growth and local economy will be supported in principle. Development proposals will be determined in accord with the Core Strategy and detailed policies of the LDF as appropriate.* This policy gives general support to the proposed development and we consider that the proposed development is acceptable in terms of this policy. T. Whitwell & Sons Ltd. need to expand their business to keep up to date with modern day farming practises and make the farm viable and remain viable and profitable in the future. The applicants have been successful in securing a milk contract and therefore want to pursue this enterprise. The applicants have spent a lot of time and money researching into the different types of dairy enterprises and structures involved and now would like to be given the opportunity to take this forward.

### **5.3 National Planning Guidance**

#### **National Planning Policy Framework (NPPF) 2012**

- 5.3.1 The adoption of the National Planning Policy Framework in March 2012 means that it is now the main national planning policy guidance influencing planning decision making and replaces a substantial number of documents previously in place. The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied, it sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so.
- 5.3.2 Paragraphs 11 – 16 of the NPPF highlight the presumption in favour of sustainable development confirming that planning law requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF does not change the statutory status of the development plan as the starting point for decision making. It makes clear that proposed development that accords with an up to date local plan should be approved and that proposed development that conflicts should be refused unless other material considerations indicate otherwise. It also highlights the desirability of local planning authorities having an up to date local plan in place. We have demonstrated that the proposed development does accord with the relevant policies of the local plan.
- 5.3.3 Paragraph 28 of the NPPF states that all types of business and enterprise in rural areas should be supported and that development of rural business should be promoted. The proposed development would allow for the applicants to have a slurry lagoon that caters for a dairy enterprise of 200 dairy cattle and the NPPF supports the development and growth of agricultural businesses.

**6 SUMMARY & CONCLUSION**

6.1 The proposed development will enable the applicants to store slurry that is produced from a 200 cow dairy enterprise.

6.2 We have demonstrated that the construction of the earth banked slurry lagoon will conform to the relevant policies of the local plan and the national guidance. The proposed lagoon will clearly be part of an existing group of agricultural buildings on the farm and will not be seen in isolation. The visual impact on the landscape and to passing traffic along Clitheroe Road will be minimal due to the existing hedgerow in place naturally screening the development.

6.4 As you will most probably be aware a large proportion of dairy farmers in the past 10 years or so have made the decision to cease milk production but our clients have decided to invest in their farm and establish a business in the dairy sector at a time when so many dairy farmers are leaving this sector; we therefore believe that our clients should be fully supported by the Council regarding this proposed development to enable hard working farmers to remain in the agricultural industry and invest in equipment to make this possible.

Signed.......... Date..........

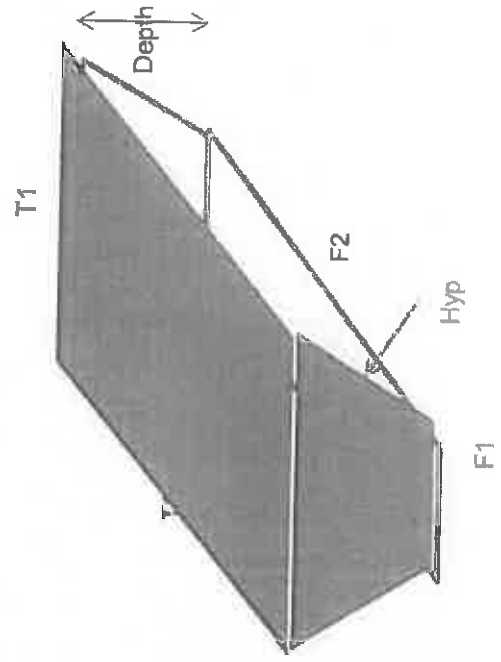
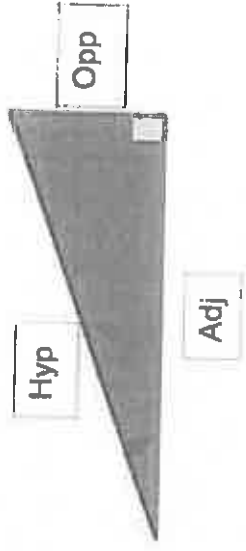
**Robert C. Black BSc (Hons)**

**For and on behalf of Gary Hoerty Associates**

## **APPENDIX 1**

### **Calculations for Lagoon Size**

Depth of slurry (vertical) (m) (Opp)	4.00	
Freeboard req'd (m)	0.75	
Floor width (m) (F1)		25.00
Floor length (m) (F2)	25.00	
Slope angle (degrees)	30	30
Slurry Slope length (m) (Hyp)	8.00	8.00
Slurry Horizontal length (m) (Adj)	6.93	6.93
Depth Incl Freeboard (m) (Opp)	4.75	
Freeboard Slope length to top (m) (Hyp)	9.50	9.50
Freeboard Horizontal length incl (m) (Adj)	8.23	8.23
Storage Capacity		
Surface dimensions at slurry level	38.86	38.86
Width (averaged) (m)	31.93	31.93
Length (averaged) (m)	31.93	4077.64065
Slurry Storage Capacity (m <sup>3</sup> )		Gallons 897,081
Freeboard Dimensions		
Width (overall) (m) (T1)	41.45	41.45
Length (overall) (m) (T2)	41.45	1718.47
Surface Area (incl freeboard) (m <sup>2</sup> )		
Freeboard Capacity (for information only)		
Width (averaged) (m) - Freeboard	33.23	33.23
Length (averaged) (m) - Freeboard	33.23	5244.24
Capacity to top of Freeboard (m <sup>3</sup> )		Gallons 1,153,732



## **APPENDIX 2**

### **Slurry Storage Requirements**

**Slurry Storage Requirements, Pendleton Hall Farm, Clitheroe**

	Head	Cubic m/month/cow	Cubic m/month/herd	Total cubic m/6 months															
<b>Cattle</b>																			
1 Dairy Cow, 9000+ ltrs/year	200	1.95	390	2340															
Robots and Collecting Yard Washings																			
27.5 ltrs/cow/day	200	0.84	167	1004															
<b>Sub Total</b>			<b>557</b>	<b>3344</b>															
<b>Dirty Water Production</b>																			
Dirty Yard Area	sq.m.	Av. Rainfall/6months* (m)		Dirty Water (cu.m)															
	1125.6	0.7855		884															
<b>Freeboard</b>																			
Area of Store	sq.m.	m	Cubic/m																
	1517.45	0.75	1138.09																
<b>Effluent</b>																			
Size of Clamp																			
	465	4	1860																
<table border="1"> <thead> <tr> <th></th> <th>Cubic/m</th> <th>Effluent</th> </tr> </thead> <tbody> <tr> <td>Upto 1500cu.m. @ 20ltrs/cu.m.</td> <td>1500</td> <td>30000</td> </tr> <tr> <td>Over 1500cu.m. @ 6.7ltrs/cu.m. + 30 cu.m.</td> <td>360</td> <td>2442</td> </tr> <tr> <td><b>Total Effluent (Ltrs)</b></td> <td></td> <td><b>32442</b></td> </tr> <tr> <td><b>Total Effluent (Cu.M.)</b></td> <td></td> <td><b>32</b></td> </tr> </tbody> </table>						Cubic/m	Effluent	Upto 1500cu.m. @ 20ltrs/cu.m.	1500	30000	Over 1500cu.m. @ 6.7ltrs/cu.m. + 30 cu.m.	360	2442	<b>Total Effluent (Ltrs)</b>		<b>32442</b>	<b>Total Effluent (Cu.M.)</b>		<b>32</b>
	Cubic/m	Effluent																	
Upto 1500cu.m. @ 20ltrs/cu.m.	1500	30000																	
Over 1500cu.m. @ 6.7ltrs/cu.m. + 30 cu.m.	360	2442																	
<b>Total Effluent (Ltrs)</b>		<b>32442</b>																	
<b>Total Effluent (Cu.M.)</b>		<b>32</b>																	
<b>Total Capacity Required (m3)</b>				<b>4260</b>															
<b>Existing Capacity (m3)</b>				<b>830</b>															
<b>Overall Proposed Storage Before Freeboard (m3)</b>				<b>3431</b>															
<b>Overall Proposed Storage Including Freeboard (m3)</b>				<b>4569</b>															

