

**Hampshire County Council
Director of Economy, Transport & Environment**

Applicant: Hampshire County Council

Construction of an open top below ground dirty water storage lagoon at Meadow Farm House, Kings Worthy, Winchester SO21 1AB (No. 13/01646/HCS)

(Received: 15 July 2013)

General

The application is for the construction of an open top, sub-surface dirty water storage lagoon at Meadow Farm, Kings Worthy, Winchester. The lagoon is required in order to ensure that the farm is in compliance with the Nitrate Pollution Prevention Regulations 2008 and The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010.

Meadow Farm is a dairy farm occupying an area of 37.53 hectares of agricultural land approximately 1.2km to the north of the village of Kings Worthy. Access to the site by construction traffic will be by existing access off of the A33 Basingstoke Road and along the existing concrete track. The land is designated as lying within Source Protection Zones 2 & 3, and it is also designated as a Groundwater Vulnerability Zone. The Scheduled Ancient Monument of Grace's Farm lies approximately 750 metres to the south-east, and Grade II Listed Bull Farmhouse lies approximately 315 metres to the north-west.

The lagoon is proposed to be located adjacent, down-slope and to the north-west of the existing open top sub-surface slurry store and farm building complex. The position and elevation of the proposed lagoon will allow for dirty water to be gravity-fed from the adjacent farm yard area removing the need for the installation and operation of a pump system. The proposal is located furthest from the nearest residential property (Meadow View) which lies approximately 180 metres to the south-east whilst remaining adjacent to the existing farm complex ensuring that the operation of the farm unit remains practical for the farmer. The second nearest dwelling is that of Copse Farm, which lies approximately 190 metres to the north-west of the development.

The lagoon shall be octagonal in shape and measure 35m (L) by 34m (W) with a maximum depth of 3m (D) in the central base area. The perimeter of the lagoon shall comprise a 1:2.5 fall to the base of the lagoon with the base measuring a level 20m (L) by 19m (W). The structure has been designed to suit the farm business requirements to adequately store 931m³ of dirty water and milking parlour washing produced at the farm yard. This volume equates to the quantity of dirty water produced on the farm yard plus 0.35m of rainfall on the open area of the lagoon during the Nitrate Vulnerable Zone Regulations 'closed period' between 1 October and 1 March each year, including a

necessary 0.75m of freeboard between the calculated normal water level and top of the lagoon structure.

The lagoon will be formed in the earth with two layers of impermeable sheeting installed to prevent escape of any dirty water. A leak detection system shall be installed between the two sheets in order to operate as a safeguard against failure of the liners. The development shall also include the construction of a sub-surface and covered lined settlement chamber to separate any solids from the dirty water prior to being discharged into the lagoon. Two chalk access tracks will also be formed to and from the development to provide access for the removal of both dirty water and settled solids. A chain-link and barbed wire fence will surround the lagoon and settlement chamber to prevent them from being hazardous to trespassers.

Development Plan

Winchester City Council Local Plan Part 1 – Joint Core Strategy, policies: CP20, MTRA4 & Winchester District Local Plan Review 2006, policy DP3.

Consultations

Councillor Porter	Holding objection in relation to the justification for the proposed size of the lagoon and it's location within the farm unit.
Kings Worthy Parish Council	No objection.
Winchester City Council	No objection.
Winchester City Council Environmental Health	No objection.
Environment Agency Southern	No objection.
Highway Authority	No objection subject to condition.

Representations

One letter of objection was received. The letter raised concerns regarding the need for the development and the storage capacity proposed to be provided, the potential for methane and odour generation as a result of the decomposition of milk and stagnating dirty water, the potential for an increase in airbourne insects which may present a risk to humans and animals, the potential for flooding of Copse Farm as a result of the failure of the structure and the potential for the deposition of mud on the adjacent track as a result of vehicle movements to and from the development.

Commentary

The proposed lagoon forms part of the farms slurry and dirty water storage capacity solution to ensure compliance with the Nitrate Pollution Prevention Regulations 2008 and The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010. Though the NPR 2008 allows for the spreading of dirty water throughout the year, there are periods during which ground conditions would render this activity both impractical and potentially in breach of the regulations. The proposal therefore seeks to ensure that adequate storage capacity is provided for periods during

which dirty water spreading is not considered to be practical. Additional information in the form of a third party report was also submitted and provided to consultee's in order to evidence the need for the development and required capacity.

Policy MTRA 4 (Development in the Countryside) of the Winchester City Council Local Plan Part 1 (2013) permits development in the countryside which has an operational need for a countryside location such as for agriculture. As outlined above, the development is required to ensure the farm unit's compliance with the NPP and SSAFO regulations and is therefore considered to constitute development for which there is a recognised operational need. The proposal is therefore deemed to be in accordance with policy.

Policy CP20 (Heritage & Landscape Character) of the Winchester City Council Local Plan Part 1 (2013) requires that all new development should protect and enhance the district's distinctive landscape. The proposed development is not considered to be significantly visually intrusive in the landscape. Views of the development are limited and primarily only of medium-long distance in nature. An established hedgerow immediately to the north of the proposal will largely screen views from the Copse Farm to the north-west of the site. The development shall also be located adjacent the existing farm complex so as to reduce intrusiveness. It is considered therefore, that the proposal will not adversely affect the natural landscape and as such will be in accordance with policy.

The resident's concerns regarding potential for both odour generation and the proliferation of airborne insects are noted. It is accepted that the proposal will be likely to give rise to the generation of odour and some insect activity, however any such increase is considered to be minimal, and would be seen in the context of the existing agricultural operation both on site and on surrounding land. Furthermore, the Environmental Health Officer has raised no objection to the proposal. It is considered that the development will not result in an unacceptable adverse impact on adjoining land, uses or property, therefore the proposal is deemed to be in accordance with saved policy DP.3 of the Winchester District Local Plan Review (2006).

Concerns were also raised regarding the potential for flooding of Copse Farm as a result of the failure of the lagoon structure. The potential for the occurrence of such an event is considered extremely unlikely owing to the sub-surface nature of the construction, the lagoon will be formed within the earth by extraction of subsoil to below adjacent land level in contrast to the alternative of an above-ground facility. The lagoon shall be double-lined with a combined leak-detection system that will provide an early warning of any potential breach of the protective liners. Furthermore it is noted that the Environment Agency have not raised an objection to the proposal.

Additional concerns were raised with regard to the potential for the deposition of mud on the adjacent shared access track as a result of vehicle movements to and from the development. A condition requiring that any mud deposited on the track during the construction period shall be cleaned off at the end of each working day shall be attached to any potential consent to limit the impact of construction on the adjacent track. Furthermore it is considered that an increased storage capacity such as provided by the proposal shall result in a reduced number of vehicle movements to and from the lagoon when compared to the alternative of more frequent spreading of dirty water from a smaller

lagoon or tank, which during the winter months would be more likely to result in generating mud that may be deposited on the adjacent access track.

Recommendation

That permission be granted subject to following reason for approval and conditions:

Reasons for Approval

1. It is considered that the proposal would be in accordance with the Winchester City Council Local Plan Part 1 - Joint Core Strategy, policies; MTRA4 & CP20, and the Winchester District Local Plan Review (2006) policy DP.3 (summary attached) and would not materially harm the character of the area or the amenity of local residents and would be acceptable in terms of highway safety and convenience.

Conditions

Time Limits

1. The development hereby permitted shall be begun before the expiration of three years from the date on which this planning permission was granted.

Reason: To comply with Section 91(as amended) of the Town and Country Planning Act 1990.

Plans and Particulars

2. The development hereby permitted shall be carried out and completed strictly in accordance with the approved plans, specifications and written particulars identified within the decision notice.

Reason: To ensure that the development is carried out in accordance with the approved details.

Hours of Working

3. No work relating to the construction of the development approved, including works of preparation prior to operations, the delivery of construction materials, skips or machinery, nor the removal of waste materials, shall take place before 0800 or after 1800 Monday to Friday inclusive, before 0800 or after 1400 on Saturday and not at all on Sunday or recognised public holidays.

Reason: To protect the amenities of occupiers of nearby properties.

Highways

- 4. Measures shall be taken to prevent mud and spoil from vehicles leaving the site during the building works being deposited on the public highway. These measures shall be implemented before the development commences. Once the development has been commenced, these measures shall be used by all vehicles leaving the site and maintained in good working order for the duration of the building works. No vehicle shall leave the site unless its wheels have been cleaned sufficiently to prevent mud being carried on to the public highway.

Reason: In the interests of highway safety.

Advice Note

In determining this planning application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012.

Conditions

Case Officer
Rob Storey

Date.....23/09/2013.....

Authorised on behalf of the Director of the Economy, Transport & Environment

.....P Chadwick.....

Date.....23/09/2013.....

Annexe to Reasons for Conditions
(as required by Article 31 of the Town and Country Planning
(Development Management Procedure) (England) Order 2010)

LOCAL PLAN PART 1- JOINT CORE STRATEGY ADOPTED 2013

Policy MTRA 4 (Development in the Countryside)

In the countryside, defined as land outside the built-up areas of Winchester, Whiteley and Waterlooville and the settlements covered by MTRA 2 and 3 above, the Local Planning Authority will only permit the following types of development:

- development which has an operational need for a countryside location, such as for agriculture, horticulture or forestry; or
- proposals for the reuse of existing rural buildings for employment, tourist accommodation, community use or affordable housing (to meet demonstrable local housing needs). Buildings should be of permanent construction and capable of use without major reconstruction; or
- expansion or redevelopment of existing buildings to facilitate the expansion on-site of established businesses or to meet an operational need, provided development is proportionate to the nature and scale of the site, its setting and countryside location; or
- small scale sites for low key tourist accommodation appropriate to the site, location and the setting. Development proposed in accordance with this policy should not cause harm to the character and landscape of the area or neighbouring uses, or create inappropriate noise/light and traffic generation.

Policy CP20 - Heritage and Landscape Character

The Local Planning Authority will continue to conserve and enhance the historic environment through the preparation of Conservation Area Appraisals and Management Plans and/or other strategies, and will support new development which recognises, protects and enhances the District's distinctive landscape and heritage assets and their settings. These may be designated or undesignated and include natural and man made assets associated with existing landscape and townscape character, conservation areas, scheduled ancient monuments, historic parks and gardens, listed buildings, historic battlefields and archaeology.

Particular emphasis should be given to conserving:

- recognised built form and designed or natural landscapes that include features and elements of natural beauty, cultural or historic importance;
- local distinctiveness, especially in terms of characteristic materials, trees, built form and layout, tranquillity, sense of place and setting.

WINCHESTER DISTRICT LOCAL PLAN REVIEW 2006

Policy DP.3

Development which accords with other relevant policies of this Plan will be permitted, provided it:

- (i) makes efficient and effective use of land or buildings;
- (ii) in terms of design, scale and layout, responds positively to the character, appearance and variety of the local environment;
- (iii) keeps parking provision to a minimum;
- (iv) provides for ease of movement and local 'permeability';
- (v) maximises access to public transport;
- (vi) facilitates the development of adjacent sites;
- (vii) does not have an unacceptable adverse impact on adjoining land, uses or property;
- (viii) includes within the development sufficient amenity and recreational space, appropriate to its size, design and function;
- (ix) makes appropriate provision for the storage of refuse and recyclables.