

Application for Prior Approval for the construction of a slurry lagoon
at
New Manor Farm
Polsham
Near Wells
BA5 1RP

Application made on behalf of Pennard Farm Ltd

Supporting Statement by:

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Our Ref: PL.5085
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1.0 Background and proposal

- 1.1 New Manor Farm is in the village of Polsham.
- 1.2 The farm is a specialist dairy unit based on 440 owned (178 ha), and 920 rented acres (372 ha) of land. The farm has 745 dairy cows (with year-round calving) which are milked and cubicle-housed for 6 winter months, alongside just under 100 dry cows, fresh calvers, and new-born calves. Replacement stock are contract reared in other farm buildings.
- 1.3 Currently, slurry from the farm is stored in a large earth-bank lagoon at the farmyard, and dairy and parlour washings and some fouled yard runoff is pumped into an above-ground steel tank.
- 1.4 New Manor requires additional storage capacity to provide 6 months slurry and fouled water storage to achieve full compliance with The Farming Rules for Water (FRfW) which sets out that the application of slurry to land must take into account crop need and soil condition, and that application limits need to be complied with during winter months.
- 1.5 A new slurry lagoon is proposed in a field which is circa 600 m to the south of the main farm complex. There is an established access route from the farmyard to the proposed site, via an existing private farm track that runs south from the farm buildings and onto Lower Crannel Drove.
- 1.6 This statement sets out why the Council should not require Prior Approval for the development and, for the avoidance of doubt, why the development is permitted in accordance with the limitations set out in Schedule 2 Part 6 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.

2.0 **Statement of Fact**

2.1 Part 6 Class A permits, inter alia, the carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more in area of any excavation or engineering operations, which are reasonably necessary for the purposes of agriculture within that unit. The proposed slurry lagoon is reasonably necessary for the reasons given earlier in this Statement and would take place on an agricultural unit which is larger than 5 ha.

2.2 In respect of the remaining criterion set out in Part 6, Paragraph A.1 (a) to (k) the following can be said, insofar as is relevant to the development (which is not a 'building', a dwelling, or plant or machinery):

- The development would not be carried out on a separate parcel of land forming part of the unit which is less than 1 hectare in area. For example, on its own the field in which the new lagoon would be sited is 7 ha.
- No part of the works would exceed 12 m in height.
- No part of the development would be within 25 metres of a metalled part of a trunk road or classified road.
- No part of the excavation is, or would be, within 400 metres of the curtilage of a 'protected building' (as defined paragraph D.1. (1) of Part 6). In this case there are no dwellings at all, whether 'protected' or otherwise, within 400 m of the site. The nearest protected building is Southway Cottage (BA5 1RW) which lies to the north-east of the proposed development and is shown on the submitted Location Plan (drawing PL5085/1). The closest part of this protected building is 440 m away from the boundary of the development.
- The site is not on Article 2 (4) land and, in any event, is not to be used of the purposes of fish farming.

3.0 Conditions

- 3.1 Development under Part 6 Class A is permitted subject to the condition¹ that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required in respect of '*the siting of the excavation*'.
- 3.2 The National Planning Practice Guidance² (NPPG) says that the statutory requirements relating to prior approval are much less prescriptive than those relating to planning applications. The NPPG goes on to say that this is deliberate, as prior approval is a light-touch process which applies where the principle of the development has already been established. The NPPG also says that it is important that a local planning authority does not impose unnecessarily onerous requirements on developers and does not seek to replicate the planning application system.
- 3.3 In terms of the proposed slurry lagoon it is not within or adjacent any feature of historic interest, including in respect of buried archaeology, Listed Buildings or Conservation Areas. The site is not within a designated landscape, including a National Landscape (formerly the Area of Outstanding Natural Beauty) or a locally designated Special Landscape Feature.
- 3.4 The site also lies within Flood Zone 1 so is at low risk of fluvial flooding according to the Environment Agency Flood Map for Planning. Finally, the site is not within an area particularly recognized for nature conservation value, including being outside of the catchment area of the Somerset Levels and Moors RAMSAR site (with respect to phosphate neutrality).

¹ As set out in paragraph A.2 (2) (i)

² Paragraph: 028 Reference ID: 13-028-20140306

4.0 Conclusion and Formal Request

- 4.1 The submitted evidence to demonstrates that under Schedule 2 Part 6 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 the construction of a slurry lagoon is permitted development. Furthermore, in the absence of any notable planning constraints the Council is respectfully requested to determine that Prior Approval is not required for the siting of the development for reasons given in this statement.