

**Development Control Committee**  
Meeting to be held on 19 October 2016

Electoral Division affected:  
Fylde West

**Fylde Borough: Application number LCC/2016/0060**  
**Construction of earth bunded lagoon to store digestate from anaerobic digester plant at Stanley Villa Farm. Field off Mythop Road, Weeton.**

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**Executive Summary**

Application - Construction of earth bunded lagoon to store digestate from anaerobic digester plant at Stanley Villa Farm. Field off Mythop Road, Weeton.

**Recommendation – Summary**

That planning permission be **granted** subject to conditions controlling time limits, working programme, odour, depth of lagoon, highway matters, landscaping and archaeology.

**Applicant's Proposal**

Planning permission is sought for the construction of an open lagoon to store excess digestate from an anaerobic digester (AD) plant located at Stanley Villa Farm, Back Lane, Greenhalgh, Weeton. The digestate would be spread on the land adjacent to the lagoon

The development would comprise the following:

- The lagoon would measure 47.8m x 32m x 4.4m deep with internal sloping sides. All the clay excavated during its construction would be used to create earth banks around the lagoon to a height of between 0.6 - 2m.
- A hardstanding area to measure 40m long x 11m wide, for use by tractors and their tankers.
- 1.8M high weld-mesh fencing with a galvanised finished and an approximate length of 220m to enclose the lagoon.

The lagoon would have a total capacity of 3647m<sup>3</sup>. enough to store seven months of digestate production plus an allowance for rainwater and some free board. The whole of the development would occupy an area of 0.32 hectares.

## **Description and Location of Site**

The lagoon would be located in an agricultural field approximately 450m south-west of Weeton. Stanley Villa Farm is located 2km to the north-east beyond Weeton. The lagoon would be sited approximately 16m from the Kirkham to Poulton-le-Fylde railway line embankment and 50m to the north of the M55 Motorway. The surrounding land is agricultural. Vehicular access would be from Mythop Road 130m to the north-west.

The curtilage of the nearest residential property is located 200m to the north-west of the lagoon. The line of a Roman road known as the 'Danes Pad' is located in the field 40m to the west of the development. The development would be located on land classed as Grade 2 (very good quality) agricultural land.

The hardstanding for the development would be on the north side of the lagoon facing Mythop Road from where the lagoon would be accessed.

## **Background**

A planning application for a similar development but in a slightly different location in the same field, was withdrawn in July 2016 (ref. LCC/2016/0060).

All other planning applications at the site have been determined by Fylde Borough Council. The following permission and application is relevant to this proposal:

Planning permission for the erection of an agricultural building for sheep and dairy cattle, was granted in June 2016 (ref. 16/0233).

A prior notification application for a proposed agricultural storage building with associated outdoor bale storage, is currently under determination (ref. 16/0570).

## **Planning Policy**

National Planning Policy Framework (NPPF)

Paragraphs 11 – 14, 17 - 19, 28, 56 - 66, 109, 112, 118, 120 – 122, 124, 129 and 135 of the NPPF are relevant with regard to the requirement for sustainable development, core planning principles, building a strong competitive economy, supporting a prosperous rural economy, the requirement for good design, agricultural land, conserving and enhancing the natural environment, pollution of soils and ground water, pollution control regimes, air quality, and conserving and enhancing the historic environment.

National Planning Policy for Waste

Section 7 is relevant in relation to the determination of planning applications.

National Planning Practice Guidance

Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD

Policy CS7 Managing Waste as a resource  
Policy CS9 Achieving Sustainable Waste Management

Joint Lancashire Minerals and Waste Local Plan – Site Allocation and  
Development Management Policies – Part One (LMWLP)

Policy NPPF 1 Presumption in favour of sustainable development  
Policy DM2 Development Management

Fylde Borough Local Plan

Policy SP2 Development in Countryside Areas  
Policy EP15 European Designated Nature Conservation Site  
Policy EP16 Sites of Special Scientific Interest  
Policy EP21 Archaeology  
Policy EP22 Protection of Agricultural Land  
Policy EP24 Pollution of Ground Water  
Policy EP26 Air Pollution

## **Consultations**

Fylde Borough Council – No objection.

Weeton-with-Preese Parish Council – Object and recommend refusal for three reasons: impact from odour on nearby properties; hazard to highway safety; and due to the inappropriate location.

LCC Highways Development Control – No objection.

Environment Agency – No objection, and comment that the design of the lagoon would require accreditation from them so as to ensure that the ground water is not polluted.

Network Rail - No objection. Should planning permission be granted then an advice note should be included on the decision notice that the developer will need to contact Network Rail with regards to the excavation works on the lagoon.

LCC Specialist Advisor (Ecology) – The wider area to the application site is known to support a range of breeding, wintering and passage birds, including qualifying species of European sites. The field within which the development is proposed may be suitable to support wintering birds that use the Ribble & Alt Estuary Special Protection Area (SPA) and Ramsar site, and the Wyre Estuary SSSI (part of Morecambe Bay SPA and Ramsar). In the absence of any supporting ecological information (*i.e.* no desk study/ preliminary ecological assessment) it is not possible to rule out field use by SPA species. The proposals are not connected with or necessary to the management of a European site. Lancashire County Council will therefore need to screen the proposals for likely significant effects. The applicant should submit further information (results of a desk study/ ecological assessment) to establish likely impacts of the development on birds that use the field within which

the development is proposed and thereby enable Lancashire County Council to carry out an assessment for the purposes of the Regulations. Habitats in and adjacent to the proposed development may be suitable to support nesting birds. A condition should be imposed to protect nesting birds, their nests and eggs.

LCC Specialist Advisor (Archaeology) - No objection subject to the imposition of a condition to require that no works shall take place on the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological works. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the County Planning Authority.

LCC Lead Local Flood Authority – No objection.

Ministry of Defence Lands – Safeguardings – No objection.

Representations – The application has been advertised by press, site notice and neighbouring residents have been notified by letter. One representation has been received objecting on the grounds of odours that the digestate lagoon may generate, in addition to flies and insects that the lagoon may attract which would detrimentally impact upon residential amenity, both inside and outside their property. The field in which the lagoon would be sited has a field entrance some distance away from the field entrance off Mythop Road. Siting the lagoon near the other entrance would greatly lessen the environmental impacts on any property.

### **Advice**

Planning permission is sought for the construction of an open lagoon to store excess digestate from an anaerobic digester (AD) plant located at Stanley Villa Farm, Back Lane, Greenhalgh, Weeton. The AD plant uses potato wastes and crops such as maize to produce a biogas using an anaerobic digestion process. The biogas is used to power an on site electricity generator but the process creates a digestate material which has no further use other than as a soil improver / fertilizer. The digestate is currently stored in a lagoon at Stanley Villa Farm but is not of sufficient scale to deal with the volume of digestate produced. Excess digestate from Stanley Villa Farm would be transported by tractor and tanker and emptied into the proposed lagoon, as and when required, a practice that the applicant advises would be more efficient in terms of the use of labour at the farm. The digestate would be spread on the land surrounding the lagoon using an umbilical application system during autumn or spring (depending on the crop in the ground) when the weather is fine.

The main issues associated with the application are the need for the development, the loss of agricultural land, the location and size, impact on nearby railway line, odour, visual impact, traffic, pollution of ground water, archaeology and ecology.

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In considering the issues that arise from the proposed development, it is necessary to take into consideration the relevant policies of the Development Plan and the planning history of the site and all other

material planning considerations. Government policy is a material consideration that should be given appropriate weight in the decision making process.

The Development Plan for the site is made up of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One (LMWLP) and the Fylde Borough Local Plan.

Policy CS7 of the Lancashire Minerals and Waste Core Strategy seeks to manage our waste as a resource. The applicant has advised that storage and use of the digestate would mean that the applicant would not have to buy fertilisers to use on the land resulting in a more sustainable farm and greater economic benefits. The NPPF seeks to promote a strong local economy by supporting sustainable economic growth and the expansion of all types of business and enterprise in rural areas in order to create jobs and prosperity. The proposal is therefore considered to accord with the principle of National Planning Policy, and with Policy CS7 of the Core Strategy in terms of waste management.

The site is designated as countryside area within Policy SP2 of the Fylde Borough Local Plan. The policy permits various development in countryside areas, including uses appropriate to a rural area. The proposal is associated with the storage of a by-product of the agricultural industry pending its spreading on land as a soil improver / fertilizer. The proposed development is therefore considered in principal to be an acceptable development within the Countryside area and therefore complies with Policy SP2.

Supporting evidence was submitted with the application to confirm that the existing storage lagoon at Stanley Villa Farm is not of a sufficient size to deal with the volume of digestate produced at the AD plant and to justify the size of the proposed lagoon in terms of the volumes of excess digestate that the existing storage lagoon at cannot accommodate together with an allowance for rain water and free board. The Land Agent confirms that the proposed size of the lagoon is appropriate. The excess digestate cannot be spread on the land that surrounds the AD plant, as there is a limit to the volume of digestate that can be spread on those fields.

The lagoon would be sited approximately 16m from the Kirkham to Poulton-le-Fylde railway line embankment. A planning application for a similar development but in a slightly different location within the same field, was withdrawn in July 2016 (ref. LCC/2016/0060) due to an objection from Network Rail that the lagoon would be too close to their boundary. The applicant subsequently consulted with Network Rail who advised them as to an acceptable alternative location. Network Rail has raised no objection to the current proposal. As per their request, an advice note should be included on the decision notice that the developer will need to contact Network Rail with regards to the excavation works on the lagoon.

Views of the lagoon would be limited from surrounding areas. The lagoon itself would be screened by the earth banks around its perimeter. The earth banks and perimeter fencing would not be particularly appropriate features in this predominantly flat landscape but they would be relatively low in height and subject to a condition

requiring appropriate landscaping, it is considered that the development would have an acceptable visual impact.

To limit the environmental impacts of construction, it is considered that a condition should be imposed controlling the depth of excavation and requiring all excavated materials to be retained on site.

Two objections, including one from Weeton-with-Preese Parish Council, have been received objecting to the odours that the digestate lagoon may generate, in addition to flies and insects that the lagoon may attract. Policy EP26 of the Fylde Borough Local Plan refers to air pollution and states that development will not be permitted which is likely to give rise to unacceptable levels of air pollution where it would prejudice other adjacent or nearby land uses, and where potentially polluting development is allowed, permission will be granted subject to appropriate conditions designed to minimise airborne emissions, including unpleasant odours.

Anaerobic digestion is a biological process that takes place in the absence of oxygen. AD stabilises organic waste and so substantially reduces the potential for foul odours that digestate could release. The type of waste fed into an AD plant has an effect on the potential for odour. Animal waste, such as slurry, increases such potential. The waste types fed into the AD plant at Stanley Villa Farm are potato waste and crops such as maize. The potential for odour problems from the digestate are therefore reduced. The digestate has less odour than slurry that is commonly spread on farmland as a fertiliser as much of the biological content has been used in the AD process.

The EA have advised that the digestate material is likely to meet the PAS110 standard for 'compost' material and would therefore not be classified as a waste for the purposes of waste permitting. The EA consider that it is unlikely that the lagoon would cause odour at the nearest house given the separation distances, but that such impacts cannot be ruled out completely. The EA consider that the applicant's submitted information is correct in that the AD process ensures feedstock is digested for the appropriate time which reduces the odour potential of the digestate, although it depends on the weather, wind direction and how long the digestate lies in the lagoon before being spread on the adjacent field. The EA advise that the applicant's existing storage lagoon has been in place for three years and they are not aware of any complaints about odour. Whilst the spreading of the digestate on the land could be the main source of odour, no planning permission is required for such activities and the applicant has advised that such practices already occur to which no complaints have been received from the nearest residential property. Fylde Borough Council's Environmental Protection team have commented that any odour nuisance could be dealt with under statutory nuisance which covers both odours and insects. However, they advise that the applicant should produce an odour management plan which details the procedures to be implemented to reduce odour.

Taking into these comments, it is considered the development would have limited amenity impacts at the nearest property. Potential impacts could be reduced by ensuring that only the lagoon is only used for the storage of digestate from the AD plant at Stanley Villa Farm and requiring the applicant to submit an odour

management plan. Subject to such conditions, the proposal accords with Policy EP26 of the Fylde Borough Local Plan.

In relation to traffic, the development would be accessed from Mythop Road and then across the field. Weeton-with-Preese Parish Council have objected on the grounds of a hazard to highway safety because the access is sited between a blind bend and hump-back bridge on an already hazardous corner. With the accessing of the site by slower, heavy vehicles (e.g. tractor and trailer), with on-coming traffic travelling at a much greater speed, the Parish Council consider this extremely dangerous and unsuitable.

In response, the field access that would be used is already used by agricultural traffic. Presently, the digestate is transported by road to the application site for spreading by three to four tractors and tankers which creates intense traffic movements and deposits mud on the roads at the times of year when spreading is undertaken. The proposed lagoon would enable the applicant to transport the digestate at a relatively constant rate which would be less intrusive on local residents of Weeton.

LCC Highways Development Control has raised no objection and considers the proposal to be acceptable on highway safety grounds. To prevent material from being dragged onto the public highway, and to reduce the number of vehicle movements associated with the construction phase, conditions should require the provision of wheel cleaning facilities, and the prevention of the export of material from the site, plus the provision of a hard surfaced access road between the field access to the site from Mythop Road and the lagoon.

The Environment Agency has not raised any objection to the proposal. They have advised that the applicant has already received pre-application advice from them, and that the development will not require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010. Instead, it will require a British Standard accreditation from them to ensure that there is sufficient clay content in the ground to contain the digestate and ensure that the ground water is not polluted, otherwise a liner would have to be used but this would be confirmed by the Environment Agency as a part of their regulatory regime. In line with the Environment Agency's comments, an advice note should be included on the decision notice that the developer will need to contact the Environment Agency relating to design standards for the lagoon. The proposal is therefore considered acceptable in terms of groundwater and accords with Policy EP24 of the Fylde Borough Local Plan.

The line of a Roman road known as the 'Danes Pad' is located in the field 40m to the west of the development. The LCC Specialist Advisor (Archaeology) has commented that the Roman road and other archaeological finds in the area suggest that the proposed lagoon does not threaten archaeological remains that should be preserved in situ at the expense of the development. It does indicate, however, that formal archaeological monitoring of the earthworks is required so that any further remains in this area can be identified and recorded. To ensure the recording and inspection of matters of archaeological/historical importance, a condition should require that no works shall take place on the site until a programme of archaeological works has

been submitted to and agreed in writing. Subject to the imposition of such a condition, the proposal would accord with Policy EP21 of the Fylde Borough Local Plan. An advice note should be included on any permission to assist the applicant with the details required to satisfy the condition.

The LCC Specialist Advisor (Ecology) has expressed concern that the field within which the development is proposed may be suitable to support wintering birds that use European protected sites. The County Planning Authority will therefore need to consider whether the proposed development is likely to affect designated sites. Regulation 61 of the Habitats Regulations requires a competent authority, before authorising a project which is a) likely to have a significant effect on a European site (alone or in combination with other plans or projects) and b) not directly connected with or necessary to the management of that site, to make an appropriate assessment of the implications of the project for that site. The proposals are not connected with or necessary to the management of a European site. Lancashire County Council will therefore need to screen the proposals for likely significant effects

In response, the proposed development is approximately 6.5km from the Ribble & Alt Estuary Special Protection Area (SPA) and Ramsar site, 5.5km from the Wyre Estuary SSSI (part of Morecambe Bay SPA and Ramsar), and just over 3km from Matron Mere Blackpool SSSI, designated for breeding, wintering and passage birds. The size of the proposed development is relatively small at 0.32 hectares, and is some distance from the aforementioned sites. There are a number of factors that will reduce the suitability of the immediate area to support SPA birds including the proximity to existing sources of disturbance/ displacement such as Mythop Road, Blackpool to Preston railway line and the M55 motorway. It is accepted that there may be effects including indirect loss of habitat (a larger area of the field becomes unavailable to wintering birds as a result of construction (if during winter and/ or operation of the development) and construction over winter could result in disturbance to wintering birds, if present. However, given the size and location of the development it does seem unlikely that there would be a direct loss of wintering bird habitat, and also limited indirect effects. It is therefore considered that the proposal would not be likely to have a significant effect on a European site. However, a condition should be imposed to protect nesting birds. The proposal would therefore accord with Policy CS9 of the Core Strategy, Policy DM2 of the LMWLP, and Policies EP15 and EP16 of the Fylde Borough Local Plan.

The Human Rights Act 1998 requires the County Council to take into account the rights of individuals under the European Convention on Human Rights and not to act in a manner incompatible with those rights. Article 8 of the Convention provides that everyone has the right to respect for his private life and home save for interference which is in accordance with the law and necessary in a democratic society Article 1 of Protocol 1 states that an individual's peaceful enjoyment of their property shall not be interfered with except as is necessary, in accordance to the law and as is proportionate.

It is not considered that the impacts of the proposed development would impact to a degree that interfered with the rights of residents in the vicinity and that any impacts could be controlled by conditions.



## Recommendation

That planning permission be **Granted** subject to the following conditions:

### Time Limits

1. The development shall commence not later than 3 years from the date of this permission.

*Reason: Imposed pursuant to Section 91 (1)(a) of the Town and Country Planning Act 1990.*

### Working Programme

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:

a) The Planning Application received by the County Planning Authority on 02 August 2016, and the email from the applicant on 20 September 2016.

b) Submitted Plans and documents received by the County Planning Authority on 02 August 2016:

Drawing No. Bra/635/2139/03 - Location Plan

Drawing No. Bra/635/2139/02 - Site Plan

Drawing No. Bra/635/2139/01 - Floor plan, Cross sections, Fence Detail & Topographical Information

c) All schemes and programmes approved in accordance with this permission.

*Reason: For the avoidance of doubt, to enable the County Planning Authority to adequately control the development and to minimise the impact of the development on the amenities of the local area, and to conform with Policies CS7 and CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policies NPPF 1 and DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, and Policies SP2, EP15, EP16, EP21, EP22, EP24 and EP26 of the Fylde Borough Local Plan.*

### Odour Controls

3. No materials other than digestate derived from the Anaerobic Digestion plant at Stanley Villa Farm shall be stored within the lagoon.

*Reason: In the interests of minimising odours and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, and Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One.*

4. No waste materials shall be imported into the lagoon until an odour management plan has been submitted to and approved in writing by the County Planning Authority.

The odour management plan shall describe the odour control measures that would be employed, the circumstances in which they would be implemented and a timescale for their implementation.

*Reason: In the interests of managing odour, and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, and Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One.*

### **Site Operations**

5. No excavation to construct the lagoon shall exceed the base depth of the lagoon as shown on the approved Drawing No. Bra/635/2139/01 - Floor plan, Cross sections, Fence Detail & Topographical Information.

*Reason: To enable the County Planning Authority to adequately control the development, and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, and Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One.*

### **Highway Matters**

6. No clay, soil or other mineral shall be exported from the site during the excavation of the lagoons. All excavated materials shall be retained on the site for use in the perimeter bunds shown on drawing no Bra/635/2139/01.

*Reason: In the interest of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, and Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One.*

7. Measures shall be taken at all times during the construction of the development to ensure that no mud, dust or other deleterious materials are tracked onto Mythop Road by vehicles leaving the site during construction works.

*Reason: In the interest of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, and Policy DM2 of the Joint*

*Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One.*

8. No development shall commence until a scheme and programme for the provision of a hard surfaced access road between the field access to the site from Mythop Road and the entrance to the lagoon has been submitted to the County Planning Authority and approved in writing.

The approved works shall be implemented prior to the construction of the lagoon commencing and shall thereafter be retained for the duration of the development.

*Reason: In the interest of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, and Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One.*

### **Landscaping**

9. Within one month of the completion of the lagoon excavation works, the external faces of the perimeter bunds shall be spread with topsoil material to a depth of not less than 300 mm and shall thereafter be sown with a suitable grass seed mix.

Thereafter the external faces of the bunds shall be retained in a fully grassed weed free condition.

*Reason : In the interests of visual amenity and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, and Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One.*

10. No development shall commence until a scheme and programme of landscaping has been submitted to the County Planning Authority and approved in writing. The scheme and programme shall contain details of the landscaping of the external sides of the lagoon including for the planting of trees and shrubs, the species to be planted, location of planting, numbers, sizes and types of plants, planting methods and protection measures.

The approved planting works shall be undertaken in the first planting season following the completion of the construction of the development and shall thereafter be maintained for a period of five years including replacement of failures, weed control and maintenance of protection measures.

*Reason : In the interests of visual amenity and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, and Policy DM2 of the Joint Lancashire Minerals and Waste*

*Local Plan - Site Allocation and Development Management Policies - Part One.*

11. No soil stripping shall take place within the bird nesting season between 1 March and 31 July inclusive unless the absence of nesting birds has first been confirmed by a suitably qualified/ experienced ecological professional. If nesting birds are found to be present, works must be delayed until such time as nesting is complete.

*Reason: To protect nesting birds and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, and Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One.*

## **Archaeology**

12. No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological works. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and approved in writing by the County Planning Authority.

*Reason: To ensure and safeguard the recording and inspection of matters of Archaeological / historical importance associated with the site, and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, and Policy EP21 of the Fylde Borough Local Plan.*

## **Notes**

The grant of planning permission does not remove the need to obtain the relevant statutory consents/licences from the Environment Agency.

The EA also make the following advisory comments:-

Guidance on the storage of slurry can be found on the Environment Agency's website: [https://www.gov.uk/guidance/storing, silage, slurry and agricultural fuel oil.](https://www.gov.uk/guidance/storing_silage_slurry_and_agricultural_fuel_oil)

All new slurry storage facilities must 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 SSAFO Regulations set out requirements for the design, construction and maintenance of new, substantially re-constructed or substantially enlarged facilities for storing these substances. All stores must be at least 10 metres from any water, including field drains or ditches, and be built or altered to last for at least 20 years with proper maintenance.

Guidance on the required standards for slurry stores is available on our website at <https://www.gov.uk/government/collections/water-resources-control-of-pollution->

silage-slurry-and-agricultural-fuel-oil-england-regulations-2010-and-as-amended-2013-ssafo.

The Environment Agency advise that the applicant consults this guidance to ensure they can comply. The applicant should be aware that the SSAFO Regulations are a separate requirement to planning permission. The applicant must notify the EA in writing about any new, substantially enlarged or substantially reconstructed system at least 14 days before it is constructed. The notification must include the type of structure and its location. The EA can provide a form to assist or it can be download one from their website.

To assist the applicant with the required scheme and programme for archaeological investigation, the LCC Specialist Advisor (Archaeology) has recommended that the initial topsoil stripping of the proposed lagoon site is undertaken with a 360 degree excavator fitted with a toothless ditching bucket in such a way that archaeological material in the topsoil/subsoil junction can be detected and recorded, prior to the main excavation works proceeding. Such a 'strip, map and record' exercise is likely to be faster and less disruptive to the construction process than an archaeological watching brief undertaken during the whole of the works, although that too is a possible response. These works should be carried out by an appropriately qualified and experienced professional archaeological contractor, to the standards and guidance of the Chartered Institute for Archaeologists ([www.archaeologists.net](http://www.archaeologists.net)).

The developer will need to contact Network Rail in regards to the excavation works on the lagoon as Network Rail will need to observe the earthworks and what plant/machinery/diggers/procedures are to be used on the site for the construction of the lagoon. The developer will need to enter into a Basic Asset Protection Agreement (BAPA) for these works. The developer should contact Adrian Stott (Asset Protection – Network Rail) to discuss relevant details of working on site. The developer will be liable for all Network Rail costs in facilitating the proposal. The BAPA will be in addition to any planning consent.

**Local Government (Access to Information) Act 1985  
List of Background Papers**

| Paper         | Date           | Contact/Directorate/Ext |
|---------------|----------------|-------------------------|
| LCC/2016/0060 | 02 August 2016 | Rob Jones/34128         |

Reason for Inclusion in Part II, if appropriate

N/A