

<b>Application Number:</b>	P/FUL/2022/04629		
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>		
<b>Site address:</b>	Southover Farm, Tolpuddle, Dorchester DT2 7HE		
<b>Proposal:</b>	Retrospective application for as-built slurry lagoon.		
<b>Applicant name:</b>	J F Cobb & Sons		
<b>Case Officer:</b>	Eren Balkir		
<b>Ward Member(s):</b>	Emma Parker		
<b>Publicity expiry date:</b>	21 October 2022	<b>Officer site visit date:</b>	26 September 2022
<b>Decision due date:</b>	01 December 2022	<b>Ext(s) of time:</b>	19 June 2023

**1. Summary of Recommendation:**

1.1 GRANT, subject to conditions.

**2. Reason for Recommendation**

2.1 As set out in the conclusion of this report, the reasons for this recommendation can be summarised as:

- The development will provide the applicant with greater flexibility and certainty to manage slurry across their local agricultural holdings and support the applicant's local farming business.
- The development complies with local and national planning policies.
- Slurry lagoons are encouraged and incentivised by national policies, such as by the Department for Environment, Food & Rural Affairs (DEFRA). DEFRA suggest that slurry storage can significantly reduce ammonia emissions, and to a lesser extent, reduce nitrate and phosphate pollution.
- The development will not harm the environment and will not have an adverse impact on Poole Harbour (SSSI, SPA, Ramsar) or Oakers Bog (SSSI,

and SPA, SAC, and Ramsar under the name 'Dorset Heathlands') or Oakers Wood (SSSI).

- The development will not result in any additional slurry tanker movements; the total number of tanker movements to fill the lagoon would be similar to the number of tanker movements that were needed before the lagoon was built, when slurry was immediately deposited on the fields. The provision of slurry storage will allow existing tanker movements to be spread across a longer period of time, rather than concentrated over a period of a few weeks. This is overall to the benefit of the local community. Further, the number of daily associated traffic movements will remain the same as was stipulated under a previous permission in 2019; 10 movements a day (5 in and 5 out).
- If this application were to be refused, the applicant has stated their intention to resume their earlier practice of spreading slurry directly onto the fields, at the appropriate time of year. Such activity would not be constrained by conditions attached to any grant of planning permission. It is anticipated that the same volume of slurry would be imported into Southover Farm to be spread, with or without the lagoon. Therefore, this application provides an opportunity for the regulation of slurry movements associated with Southover Farm, with due consideration for the interests and amenity of local residents.

3. **Summary of key issues:**

Issue	Conclusion
Principle of Development	<ul style="list-style-type: none"> <li>• The principle of slurry storage at Southover Farm is acceptable and complies with local and national planning policies.</li> <li>• The application site is in an isolated agricultural location.</li> <li>• A slurry lagoon of less depth received planning permission on the same site in 2019, and the as-built lagoon has been in use since the winter of 2021-22.</li> <li>• Slurry storage is encouraged and incentivised by national policies, such as those by DEFRA. Slurry storage can provide environmental benefits, such as reducing ammonia emissions and nitrate pollution.</li> <li>• Slurry storage provides the applicant the flexibility to better manage slurry across their agricultural holdings.</li> </ul>
Impact on the Environment	<ul style="list-style-type: none"> <li>• The development will not result in harm to the environment, or have an adverse impact on Poole Harbour (SSSI, SPA, Ramsar), Oakers Wood (SSSI), or Oakers Bog (SSSI, and a SPA, SAC, Ramsar under the name ‘Dorset Heathlands’).</li> <li>• Without a cover on the lagoon, there is the possibility that ammonia emissions could result in harm to ecological sites, such as Oakers Bog (SSSI) and Dorset Heathlands (SPA, SAC, Ramsar). It is recommended that a planning condition is included to require the use of a cover when the lagoon is in use. This would reduce ammonia emissions and would prevent an adverse effect upon the integrity of these ecological sites. A planning condition requiring a cover is also a requirement of the appropriate assessment conducted by Dorset Council.</li> </ul>

	<ul style="list-style-type: none"><li>• The application site is within a Nutrient Vulnerable Zone (NVZ), and there are concerns over the level of nitrates entering the nearby River Piddle, and eventually into Poole Harbour (SSSI, SPA, Ramsar). The spreading of slurry is a significant source of nitrate pollution into watercourses. The rate of permitted slurry spreading is set and regulated by the Environment Agency (EA) and the Department for Environment, Food, Rural Affairs (Defra). The nutrient neutrality of the development is supported by the fact that the same volume of slurry will be imported and spread at Southover Farm as before, with no 'intensification'. Any further slurry spreading above this level would breach the spreading limit at Southover Farm, which is 83m<sup>3</sup> per hectare, as dictated by regulations and enforceable guidance.</li><li>• Neither the Environment Agency nor Natural England object to the proposal.</li></ul>
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<p>Impact on Amenity</p>	<ul style="list-style-type: none"> <li>• Farm traffic, including slurry tanker movements to fill the lagoon adversely impact on the amenity of local residents, as borne out by the various representations and submissions. However, with appropriate conditions limiting the number and timing of movements, these amenity impacts can be made acceptable.</li> <li>• This proposal will not result in any additional slurry tanker movements; the total number of tanker movements to fill the lagoon would be similar to the number of tanker movements that were needed before the lagoon was built, when slurry was immediately deposited on the fields. The provision of slurry storage will allow existing tanker movements to be spread across a longer period of time, rather than concentrated over a period of a few weeks. This is overall to the benefit of the local community.</li> <li>• As the lagoon is in an isolated location, more than 1km away from the nearest residential building, and as it will be covered, there would be no adverse impact from odour emitting from the lagoon.</li> </ul>
<p>Economic Benefits</p>	<ul style="list-style-type: none"> <li>• The provision of slurry storage will support the applicant’s local farming business. It will provide the applicant the flexibility to better manage slurry across their agricultural holdings. It will support a circular-economy model in which slurry is used as natural fertilizer for arable crops, which are in turn are used to feed dairy cows, which in turn produce the slurry to be used as fertilizer.</li> </ul>
<p>Access</p>	<ul style="list-style-type: none"> <li>• The slurry lagoon needs to be filled by tractors hauling slurry tankers. At present, the only route passable to such heavy vehicles is from Southover Lane to the north, which passes through the rural villages of Affpuddle and Tolpuddle.</li> </ul>

	<ul style="list-style-type: none"><li>• An alternative route (sometimes referred to as “Shakes Hole”) to the south has been suggested by local residents, which would bypass both villages. This route is a public road but would require substantial upgrades and continued maintenance to enable the regular passage of tractors hauling slurry tankers, and it would be unreasonable to require the applicant to enter into a legal agreement to pay for such work, especially as access to the public highway already exists.</li></ul>
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#### 4. Background and the Application

4.1 A slurry lagoon on the same site was previously granted planning permission on 06/06/2019, subject to conditions. (Ref: WD/D/18/001035) Construction was completed in late 2021, although to a larger size, and the lagoon was in use during the winter of 2021-22.

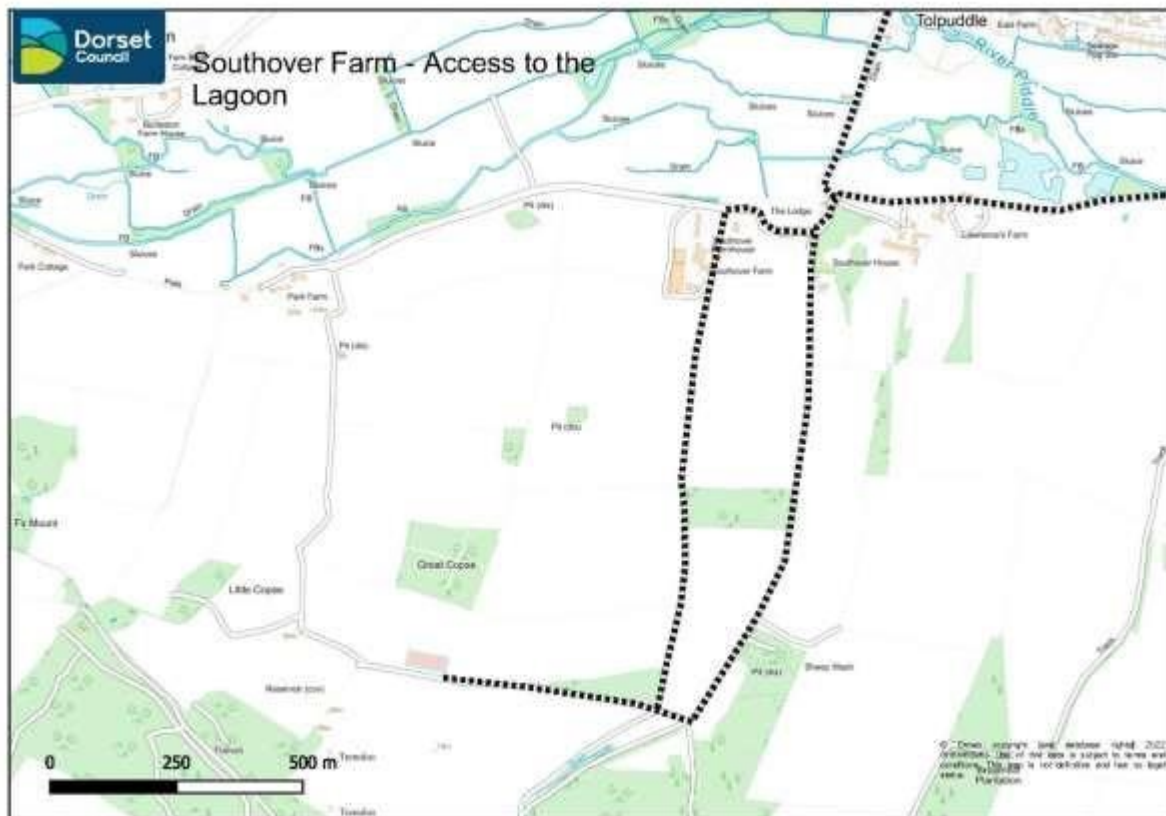
4.2 The slurry lagoon was constructed deeper than approved. The approved slurry lagoon would have been filled to a depth of 3.4m, however the slurry lagoon as constructed fills to a depth of 5.5m. The length and the width of the as-built lagoon also differs from the approved plan, being slightly less wide and slightly longer. These discrepancies were brought to the attention of Dorset Council in May 2022. The earlier grant of planning permission is no longer valid, and the applicant was advised to submit a retrospective planning application for the as-built lagoon.

4.3 In December 2021 and January 2022, it was reported that traffic movements to fill the lagoon exceeded the limits set within conditions 3 and 4 of the original permission, both in higher frequency and longer hours of operation. The applicant has resumed filling the lagoon in December 2022. There continue to be claims that the latest traffic movements exceed these limits, but this is disputed.

4.4 As part of the original permission, a ‘Slurry Liaison Committee’ was formed and continues to meet regularly. This is comprised of two parish councillors, two residents, and the owner/operator of Southover Farm, Mr Cobb.

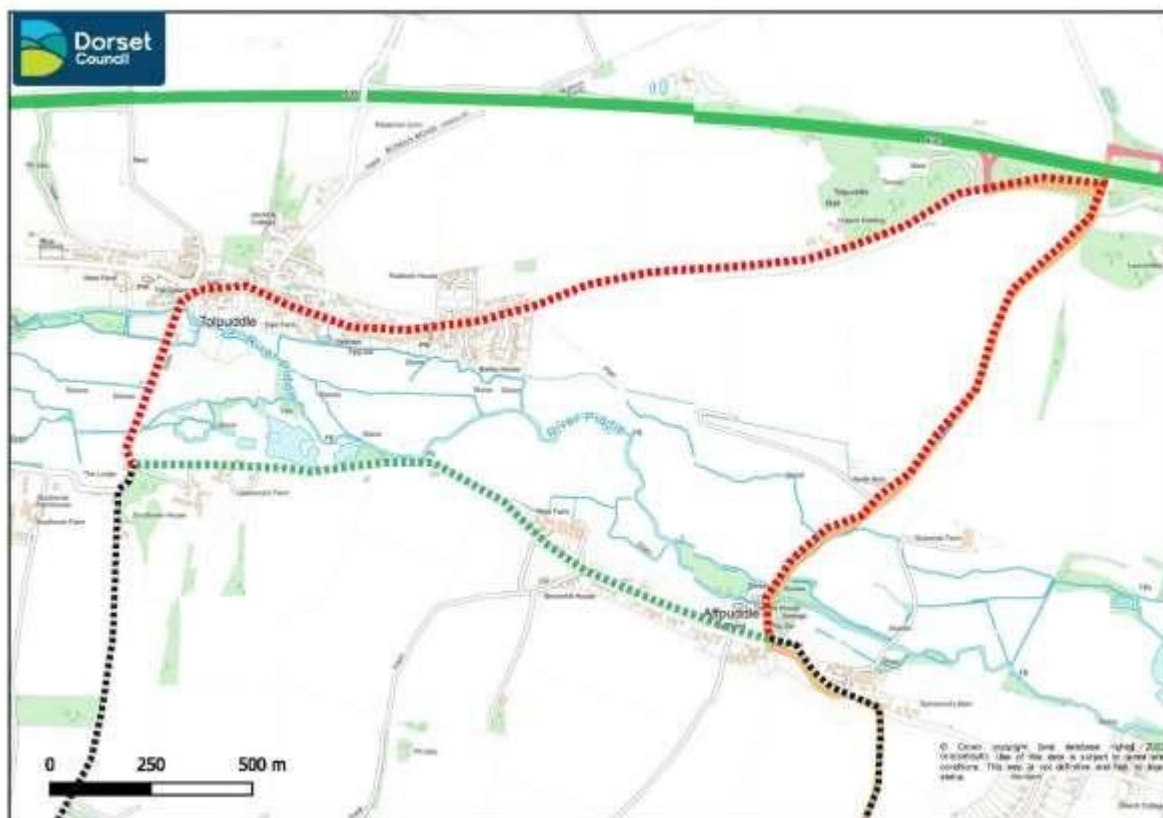
**5. Site Description**

- 5.1 The application site is located within 175 hectares (ha) of farmland known as Southover Farm, which is owned by the applicant. The farm is to the south-west of the rural villages of Affpuddle and Tolpuddle. Both villages are linked by Southover Lane. The A35 is within a kilometre (km) to the north and provides a strategic highway route to the nearest town of Bere Regis (6 km) to the east and Dorchester (14km) to the west.
- 5.2 The slurry lagoon is sited in a hilltop position and is located on the southern edge of a large field used for arable farming. The lagoon is within an open field, but the expanse is broken by a small copse of trees to the east and another to the north. The wider farm is bounded by larger woodland areas and copses, including Southover Woods/Sares Woods to the south and southeast.
- 5.3 The application site is bounded to the south by a mature hedgerow. On the other side of the hedgerow is a farm track which runs from east to west, which is designated as a public footpath (S46/7) and is within land owned by the applicant. Access to the lagoon is along this farm track. The farm track runs east for approximately 350m.
- 5.4 The slurry is taken to the lagoon by tractors hauling slurry tankers. These heavy vehicles must leave and enter Southover Farm via Southover Lane. Southover Lane is approximately 1km north of the slurry lagoon and is accessed through two alternative parallel north-south tracks (See map below; the slurry lagoon is the pink rectangle below the Great Copse). The applicant uses both tracks; the western track is within Southover Farm and in the control of the applicant.



5.5 From Southover Lane, the tractors make their way to the B3390, through either Tolpuddle (north) or Affpuddle (east). There is a long-standing informal one-way system in place in which tractors from Southover Farm leave via Tolpuddle and enter via Affpuddle; however, this informal agreement has not always been followed by the applicant (see map below; tractors enter the farm via the green route and exit via the red route).





- 5.6 There is an alternative track out of Southover Farm to the south. This route (“Shakes Hole”) enters Sares Woods and exits onto the B3390, and thereby bypassing the villages of Affpuddle and Tolpuddle. However, as explained in more detail later, this track is presently impassable by heavy vehicles, such as tractors. Therefore, all slurry tanker movements must at present access the farm from Southover Lane in the north and must pass through either Affpuddle or Tolpuddle.
- 5.7 Slurry is imported from Newburgh Dairy Farm, 9km to the south. The applicant owns and operates both Newburgh Dairy Farm and Southover Farm, as well as other farms in the area.
- 5.8 The application site is in an isolated rural location. It is not visible from the public highway and the nearest residential properties are located approximately 1.2km away, on Southover Lane.

## 6. Description of Development

- 6.1 The applicant seeks retrospective planning permission for a lagoon to store animal waste from cows (slurry). The lagoon has been built and is in use.
- 6.2 The applicant imports slurry from their main dairy farm in Winfrith Newburgh, which is approximately 9km south of the application site. The slurry is eventually spread onto arable fields, and acts as a natural fertilizer.
- 6.3 A slurry lagoon on the same site was previously granted planning permission on 06/06/2019, subject to conditions. (Ref: WD/D/18/001035). The main difference in design between the then proposed lagoon and the current as-built lagoon is that the as-built lagoon is significantly deeper, slightly longer, and slightly less wide.
- 6.4 The as-built lagoon is surrounded by a two-metre-high chain-link fence, with wooden stakes and strands of barbed wire on top. This fenced area is 2848m<sup>2</sup>; the length of the fenced area is 89m and the width is 32m. In contrast, the length of the fenced area of the approved lagoon was to be 61m and the width 37m.
- 6.5 The as-built lagoon itself (as opposed to the fence around it) is 83m long and 28m wide. The depth of the lagoon, from the maximum height of the banks to the floor of the lagoon, is 6.5m. The maximum depth at which the lagoon can be filled is 5.5m from the floor, due to the required 750mm freeboard. Whereas the banks of the lagoon are above the ground on its eastern end, they are level with the ground on its western end.
- 6.6 The volume of the as-built lagoon is 7687m<sup>3</sup>, but the maximum possible slurry capacity is 7300m<sup>3</sup> due to the 750mm freeboard required by Environment Agency regulations. The 7300m<sup>3</sup> capacity is more than three times the maximum slurry capacity on the previously approved lagoon, which was only 2200m<sup>3</sup>.

6.7 The large difference in volume between the approved lagoon and the as-built lagoon is primarily due to the greater depth of the latter. Whereas the approved lagoon was to be filled to a depth of 3.4m, the as-built lagoon is filled to 5.5m.<sup>1</sup>

## 7. Constraints

7.1 Oakers Wood and Oakers Bog Site of Special Scientific Interest (SSSI) are located approximately 2.4km to the east of the application site. This latter site forms part of the European Sites: Dorset Heaths Special Area of Conservation (SAC), Dorset Heathlands Special Protection Area (SPA) and Ramsar, which are protected by the Conservation of Species and Habitats Regulations 2017. The proposed development is therefore required to be screened for potential likely significant impacts on the integrity of the European Sites.

7.2 There are Conservation Areas within the nearby villages of Affpuddle and Tolpuddle respectively. Both villages have historic listed buildings, and several of these are located along Southover Lane, where the tractors pass to fill the lagoon. Several of these listed cottages have no front porch or pavement in front of them and are not set-back from Southover Lane.

## 8. Relevant Policies

8.1 Applications for planning permission must be determined in accordance with the development plan unless other material considerations indicate otherwise. The term 'other material considerations' is broad in scope, encompassing all matters outside the development plan that should be considered in making a planning decision. Whether a consideration is material in any given case depends on the circumstances and should be relevant to planning and to the making of the planning decision in question. National policies, such as those contained within the NPPF, are material considerations in planning decisions.

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<sup>1</sup> . The depth of the approved lagoon, from the maximum height of the banks to the floor of the lagoon, would have been 4.75m, and the maximum depth at which the lagoon could have been filled would have been 3.4m. The Case Officer at the time opted not to include the 2.6m bund heights, and therefore used a 2.2m depth figure.

8.2 The development plan includes:

- I. West Dorset, Weymouth, & Portland Local Plan (2015), adopted by West Dorset District Council and Weymouth & Portland Borough Council in October 2015. Policies of potential relevance to this application include:
  - Policy INT1: Presumption in Favour of Sustainable Development.
  - Policy ENV2: Wildlife and Habitats
  - Policy ENV9: Pollution and Contaminated land
  - Policy ENV16: Amenity
  - Policy COM7: Creating a Safe and Efficient Transport Network
  
- II. Bournemouth, Christchurch, Poole and Dorset Waste Plan, adopted by BCP Council and Dorset Council in December 2019. Policies of potential relevance to this application include:
  - Policy 18: Biodiversity and geological interest.
  - Policy 16: Natural Resources
  - Policy 13: Amenity and quality of life.
  - Policy 12: Transport and Access.
  - Policy 5: Facilities to enable the recycling of waste
  - Policy 4: Applications for waste management facilities not allocated in the Waste Plan.
  - Policy 1: Sustainable Waste Management.

8.3 The National Planning Policy Framework (NPPF) is a material consideration in planning decisions. National policies of potential relevance to this application include:

- Section 2. Achieving Sustainable Development: Para 11 – “Plans and Decisions should apply a presumption in favour of sustainable development.”
- Section 4. Decision taking: Para 38 – “Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work

proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.”

- Section 4. Decision taking: Para 56 - “Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects.”
- Section 6. Building a strong, competitive economy: Para 84(b) – “Planning policies and decisions should enable the development and diversification of agricultural and other land-based rural businesses.”
- Section 9. Promoting sustainable transport: Para 111 – “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”
- Section 15. Conserving and enhancing the natural environment: Para 180(b) – “development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it, should not normally be permitted.”

8.4 The National Planning Policy for Waste is a material consideration. There is one policy of relevance to this application:

- Appendix B: Para D – “Considerations will include any adverse effect on a site of international importance for nature conservation (Special Protection Areas, Special Areas of Conservation and RAMSAR Sites), a site with a nationally recognised designation (Sites of Special Scientific Interest, National Nature Reserves), Nature Improvement Areas and ecological networks and protected species.”

8.5 In addition to the above adopted development plans, there is also an emerging development plan: the Dorset Council Local Plan, which is not expected to be adopted until 2026. The Dorset Council Local Plan will supersede the West Dorset,

Weymouth, & Portland Local Plan when it is eventually adopted. Although it is a material consideration, little weight should be given as it has not passed examination or been adopted.

## 9. **Human Rights**

9.1 Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property.

This recommendation is based on adopted Development Plan policies and material planning considerations, the application of which does not prejudice the Human Rights of the applicant or any third party.

## 10. **Public Sector Equalities Duty**

10.1 As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

10.2 In considering the merits of this planning application the officers have taken into consideration the requirements of the Public Sector Equalities Duty. We do not consider that there will be any material impact on anyone with protected characteristics.

## 11. **Consultation**

11.1 The application was advertised in the local press and several notices were displayed by the case officer, including one along Southover Lane.

11.2 All consultee responses, and representations, can be viewed in full on the website.

### Representations

11.3 18 individual representations were received from the local community. All were objections. The objections to the proposed development can be summarised as follows:

- The retrospective nature of the application, and the applicant's previous breaches of conditions. Repeated references were made to the lagoon's size being 3x greater than originally approved.
- A breakdown of trust between residents and the applicant, a general distrust of the applicant's intentions, and a fear that conditions will not be complied with, or properly enforced.
- A view that the applicant is unilaterally abandoning the carefully brokered compromise agreement from the original application.
- The alleged damage that tractors associated with Southover Farm have done to property along Southover Lane, including listed cottages.
- That tractors drive at dangerous speeds through Affpuddle and Tolpuddle.
- That tractors are not abiding by the informal one-way system.
- Potential clashes between tractors and two early-morning school buses.
- Concerns for the safety of road users, pedestrians, animals and cyclists.
- The carbon footprint of traffic movements.
- Mud from the tractors will enter the drains, clog them, and cause flooding.
- Cumulative impact of other unregulated traffic associated with Southover Farm, such as the harvest.
- An overall loss of amenity from the traffic movements associated with the slurry lagoon.
- The special status of Affpuddle and Tolpuddle as Conservation Areas, and the negative impact traffic will have on these protected areas.
- The potential for nitrates pollution to enter into the River Piddle due to the use of large quantities of slurry as fertilizer.
- Allowing this application sets a negative precedent, in allowing developers to ignore the approved details of planning permissions.

- 11.4 In addition to the 18 individual representations by local residents, a further joint representation was received from Stags Planning on behalf of residents of Affpuddle, Southover, and Tolpuddle. This representation critiques the applicant's calculations and suggested conditions, and the objections are similar to those received from Puddletown Area, and Affpuddle and Turnerspuddle, Parish Councils.

Puddletown Area Parish Council

Objection

- 11.5 Puddletown Area Parish Council submitted, as part of their objection, a statement prepared by several 'resident members' of the 'Slurry Liaison Committee' (SLC): Councillor Peter Walton, Councillor Lizzie Guinn, Philip Martin, and Sally Slocock. (Resident members are the appointed representatives of the two Parish Councils on the SLC). This statement was received on 11/10/22, and, in response to additional information provided by the applicant, a further statement from the same resident members of the Slurry Liaison Committee was received on 01/11/22.
- 11.6 The Parish notes that *"there is extreme local concern about the possible excessive application of nitrogen on land which is not only in an NVZ but also now part of the Poole Harbour Catchment area plan to achieve nitrogen neutrality."* The Parish opposes the suggestion that larger tankers could be used (22m<sup>3</sup>, rather than 16m<sup>3</sup>), due to concern over the potential increased width of the larger tankers. They oppose amending the hours of movements, due to concern over potential clashes with school buses.
- 11.7 The Parish opposes the applicant's plan to concentrate movements between November and March. It claims that this reneges on previous commitments; they argue that:

*"The 'deal', offered by the Applicant's agent in his original covering letter, was that the building of the lagoon would enable tanker trips to be spread across the year, avoiding an acknowledged nuisance and harm to the communities affected . . . It is crucial that the essential basis of the previous "deal" - involving no more than 5 trips per day, between certain hours,*



*throughout the year, using a one-way system and with traffic speeds carefully controlled – is retained.”*

11.8 The Parish Council also emphasises the applicant’s breaches of the existing planning permission and its conditions.

11.9 The Parish concludes that *“farm traffic on the industrial scale now proposed will seriously damage that quality of life and very probably the infrastructure itself . . . for those living along the route through Affpuddle and Southover, the nuisance though incessant noise, vibration and dust would be simply unacceptable.”*

11.10 In the resident members of the SLC’s further statement of 01/11/22, they propose the following alternative conditions:

- No more than 2 outward deliveries per day (4 two-way movements) Monday to Friday and excluding Bank Holidays
- Operating times of 9am – 3pm each day (to avoid the busiest traffic movements on Southover Lane, through Tolpuddle, and on the B3390)
- Speed limits of 15mph
- Continued use of the one-way system
- Use of slurry tankers with a maximum capacity of 17 cubic metres

#### Affpuddle and Turnerspuddle Parish Council

##### Objection

11.11 Affpuddle and Turnerspuddle Parish Council submitted their objection on 17/11/22. The Parish shares many of the objections made from Puddletown Area Parish Council and by residents in their representations. The Parish lists their main objections as:

- Traffic: *“The small country lanes cannot sustain the proposed intensification of operation included in the plan for a significant increase in traffic movements.”*
- Highway safety concerns: *“Between Affpuddle and Southover Farm the narrow lane has no passing places which makes it difficult for even two small*

*cars to pass each other. Vehicles of the size and frequency proposed would render the lane dangerous for other road users, including horse riders, cyclists and walkers. There are no pavements, and the large hedges on either side of the lane mean there is no escape from the large vehicles in transit.”*

- *Amenity: “amenity impacts from the proposed vehicular movements will be severe, rendering the route through the hamlet of Affpuddle and the small country lane from Affpuddle to Southover Farm a no-go area.”*
- *Structural damage: “Cottages (many of which are listed buildings) were built on the edge of the country lane, which is now used as a route for large heavy goods vehicles to haul the slurry through the hamlet. The proposed intensification of transportation (vehicle size and number of movements) is likely to have a detrimental effect on the structure of these homes due to the vibration created by vehicular movements.”*

11.12 The Parish has concerns about the environmental impact of the development. They state that:

*“The Parish Council believe that the environmental issues require more scrutiny in order to determine whether safety levels are being compromised by the release of gases into the atmosphere and the potential runoff of nitrates and phosphates into the waterways of the Piddle Valley.”*

11.13 The Parish opposes any changes to the conditions imposed on the previous permission. They state their view that:

*“The Parish Council cannot see any justification for the requested changes to the conditions set down in the original planning consent, which represented a compromise between the previously intrusive nature of the slurry transport on this narrow lane in a Conservation area and the needs of the business. The conditions, therefore, should remain as is . . .”*

11.14 The Parish argue that an alternative route is possible through Sares Woods to the south, or what they term the “Shakes Hole alternative route.” Although conceding

that the track was not suitable for heavy vehicles at the time of the previous permission in 2019, the Parish argue that *“the vegetation has been cleared back and the road surface has been substantially improved. So much so that normal saloon cars use it to access the Southover Woods campsite, Max Events, and the Forest School.”* They ask that this route *“be given serious consideration as it would remove most of the objections and potential problems.”*

11.15 The Parish expresses their *“grave concern that the increase in the size of the slurry lagoon is proposed for the purpose of creating a distribution hub for the sale or use of slurry for other sites.”*

11.16 The Parish Council have made the following requests of Dorset Council:

- *“The Parish Council requests that an independent report is commissioned by Dorset Council to consider how much slurry is needed to apply to the arable land making up Southover . . .” This request for an ‘independent report’ is understood to be in addition to this Officer Report.*
- *“A further assessment of environmental concerns must be obtained.”*
- *“Consideration to be given to the alternative remedy concerning the routing of vehicles.”*

11.17 On 27/03/23, a further letter was received from Affpuddle and Turnerspuddle Parish Council. This letter expresses concern over the *“apparent lack of transparency resulting in the withdrawal of Natural England’s objection to this application,”* and request that all relevant documents be published. The Parish further expresses their concern over the *“overuse of slurry and other nutrients on land that is so close to the River Piddle,”* and question the need for a slurry lagoon of 7000m<sup>3</sup> when the agent had stated in the original application that 2200m<sup>3</sup> was the ‘perfect amount.’

11.18 In the same letter, the Parish detail recent traffic movements associated with Southover Farm, and reiterate the negative impact these have on local amenity:

*Experience over the last four months – lagoon filling started at the end of November – with 5 loads a day spaced out between 9am and 4pm – has demonstrated that this puts Southover Lane virtually out of bounds for residents wanting to walk, cycle, ride or just stand chatting to neighbours*

*during weekdays. To grant this would be to disregard the amenity of three settlements in favour of one farmer, when the originally offered compromise would make life immeasurably more agreeable for the communities affected.*

*In addition to the effect of the significant number of slurry movements detailed above there have been additional imports of farmyard manure and sand bedding that have already been transported to Southover through Affpuddle this winter. This has brought additional amenity loss and has also heightened concern over the quantity of imported materials being delivered to site.*

11.19 On 01/06/23, a further third letter was received from Affpuddle and Turnerspudde Parish Council. This letter expresses concern that “that the balance between the needs of the applicants and the negative impacts on local residents has moved too far in favour of the applicant.” The letter expresses particular concern about Condition 3 (number of movements) and Condition 7 (slurry liaison committee), which are proposed to be imposed on this permission.

11.20 On Condition 3, the Parish reiterate their wish to see a reduction in the maximum daily traffic movements down to two, from five, and argue that the Slurry Liaison Committee should be the one to agree changes to the number of daily movements in exceptional circumstances.

11.21 On Condition 7, the Parish oppose the proposed changes to the terms of reference of the Slurry Liaison Committee. They explain that:

*“There is also every reason for the SLLC to continue meeting face to face twice a year for the community to better understand the challenges of the applicant and for the applicant to better understand the impacts of traffic movements on local residents.”*

Environment Agency (EA)

No Objection

- 11.22 “The lagoon will need to comply with The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (SSAFO) Regulations 2010 and as amended 2013. This requirement has not changed, and the amended design does not materially change the constraints involved. We therefore expect these requirements to have been followed for as built lagoon, and we have no objection to the proposal.”

DC Environmental Health

- 11.23 No Objection

DC’s Natural Environment Team (NET)

- 11.24 The NET recommends that a cover is necessary if the condition on vehicle movements on the previous permission is to be maintained:

“NET note that planning consent to create a slurry lagoon (application ref. WD/D/18/001035) was granted in 2018. Following an air quality assessment NET and Natural England concluded that provided a cover was used in relation to the lagoon, no adverse effects on the European sites was likely. In relation to this application, NET continue to recommend that a cover will be needed to reduce emissions and therefore impacts on the European sites, if the condition on vehicle movements for the previous permission (WD/D/18/001035) will be maintained for this application, if granted.”

DC Highways

No Objection

- 11.25 An initial response was received from DC Highways on 12/10/22, which stated:

“The alterations sought do not change the opinion provided by the Highway Authority on the original application WD/D/18/001035 . . . As before the Highway

Authority considers that the proposal does not present a material harm to the transport network or to highway safety and consequently has NO OBJECTION.”

11.26 In response to a request for further comment from the case officer, DC Highways provided a more detailed response:

“Farm traffic has the same rights as any other member of the public to use the public highway, they also like any other member of the public must adhere to the law, driving with due care and attention. Under planning law, you cannot refuse an application for a reason that is enforced by other legislation e.g. the Highways Act and the Road Traffic Act. Inappropriate or unsafe operation of a motor vehicle is prosecutable under the Road Traffic Act.”

“The objectors indicate that “very frequent” traffic movement will occur, whereas the submitted information indicates a maximum of 10 two-way trips per day. Whilst it is understood that is double what was originally approved it equates very roughly to 2 two-way trips per hour during the working day (0830 – 1500 as conditioned). Under the terms of paragraph 111 of the NPPF it is the Highway Authority’s opinion that the proposed trip rate (2 two-way trips per hour) could not be considered to have a severe or unacceptable impact on the safety of the public highway.”

DC’s Landscape Officer

No Objection

11.27 “I do not object to the principle of this development on landscape grounds. Its impacts will be similar to the scheme that was granted permission in the 2018 application . . . However, the previous proposals included a scheme for landscaping . . . suitable landscaping details should also be provided and successfully implemented as part of these proposals. They should be amended in relation to the previous 2018 landscaping scheme to account for the change in location of the slurry pit.”

11.28 A landscaping scheme, as referred to above, was approved by the Landscape Officer, and a condition included requiring implementation.

Natural England

No Objection.

11.29 Natural England requested more time to respond to the application on 19/10/22. Natural England issued a holding objection on 19/12/22, requesting more information on nutrient neutrality and a commentary on the submitted SCAIL air quality assessment. The requested information was submitted by the applicant on 19/01/23.

11.30 In light of the further information supplied by the applicant, Natural England withdrew their objection, stating “Natural England hold no further objection to this proposal.”

**12. Planning Assessment**

12.1 Having regard to the provisions of the development plan, and the information submitted in support of the application and representations received, the main issues raised by this application are:

- Whether the development is acceptable in principle.
- Whether the development has implications for the environment, such as impacts on ecology and on the River Piddle.
- Whether the development has an impact on highway traffic and safety.
- Whether the development has an impact on local amenity.

Principle of Development

12.2 This planning application is for a slurry lagoon to store imported slurry at Southover Farm. The slurry will then be used as natural fertiliser on arable fields. The question of acceptability in principle relates to the storage of imported slurry in a slurry lagoon, prior to it being spread.

- 12.3 When considering the acceptability of the principle of the development, it is relevant to note that planning permission was previously granted for a slurry lagoon at this location in 2019 (Ref: WD/D/18/001035). Construction of the as-built lagoon was completed in late 2021, and the lagoon was in use for the first time during the winter of 2021/22. The filling of the lagoon has resumed in December 2022.
- 12.4 Southover Farm has an arable area of 130ha used to grow maize. The applicant intends to spread an annual total of 10,209m<sup>3</sup> of slurry, and estimates that Southover Farm produces 3000m<sup>3</sup> of slurry itself. This leaves an estimated shortfall of 7,209m<sup>3</sup> of slurry, which is imported from another farm in the control of the applicant; namely Newburgh Dairy Farm, located approximately 5.5 miles to the south.
- 12.5 As explained in greater detail below, the Environment Agency regulations for Nitrate Vulnerable Zones (NVZ) limit the amount of slurry that can be spread at Southover Farm, which the applicant states is an upper limit of 10,814m<sup>3</sup>.
- 12.6 Newburgh Dairy Farm produces a very significant amount of slurry each year from the manure of its hundreds of dairy cows. Newburgh farm has been in operation for less than a decade; it was granted planning permission in January 2013 (Ref: 6/2012/0545). Importation of slurry from Newburgh Farm to Southover Farm began shortly after. The maize produced at Southover Farm is exported, and then used as feedstock for the applicant's dairy herds, in a circular-economy model.
- 12.7 Slurry was imported into Southover Farm for several years before the lagoon was in use; the slurry was immediately deposited onto the field rather than stored. It is anticipated that without a lagoon, the applicant would resume their earlier practice of spreading slurry directly onto the fields, and therefore the same volume of slurry would be imported into Southover Farm to be spread.
- 12.8 As the case officer said in the Officer Report on the original application (Ref: WD/D/18/001035):

*"The provision of slurry storage capacity at Southover Farm would reduce the overall impact of this permitted agricultural activity. Instead of hundreds of*



*tractor and trailer loads travelling through local villages over a concentrated period of weeks, these movements would be spread throughout the year. This significant reduction in intensity is considered a more sustainable approach that would balance the business needs of the applicant but also ensure that permitted slurry importation is more sensitive to its impact on the surrounding area.”*

This argument continues to be sound, and there is no significant difference between the original application and the present application which would undermine or alter the above conclusion.

- 12.9 The addition of a slurry lagoon would ensure the availability of enough slurry for fertilising the land at the optimum time and provide the applicant with greater flexibility and certainty to manage slurry across their portfolio of local agricultural holdings.
- 12.10 The use of slurry lagoons is encouraged by the Department for Environment, Food, & Rural Affairs (DEFRA), which has set up a grant to incentivise farmers to build greater slurry capacity.<sup>2</sup> DEFRA has three objectives in promoting slurry capacity: ensuring that “nutrients from slurry aren’t lost,”; that “any damage to our environment is reduced,”; and that “farmers aren’t dependent on expensive artificial fertilisers.” DEFRA state that, “Enlarging and covering slurry stores will help reduce the 60% of nitrate pollution, 25% of phosphate pollution and 87% of ammonia emissions that come from agriculture.”<sup>3</sup> Therefore, it is likely that this development will result in notable environmental benefits.
- 12.11 More generally, the storing of slurry is regulated by DEFRA and the Environment Agency, which has issued guidance entitled “Storing Silage, Slurry, and Agricultural Fuel Oil.”<sup>4</sup> Farmers are expected to have a minimum of 4 months slurry storage but are encouraged to go beyond these minimum requirements.

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<sup>2</sup>[Farming Investment Fund – new slurry infrastructure grants coming in autumn 2022 - Future Farming \(blog.gov.uk\)](#). Accessed: November 2022

<sup>3</sup> [Farmers given support to tackle water and air pollution from slurry - GOV.UK \(www.gov.uk\)](#) Accessed: November 2022

<sup>4</sup> [Storing silage, slurry and agricultural fuel oil - GOV.UK \(www.gov.uk\)](#) Accessed: November 2022

- 12.12 The principle of the development is supported by several local planning policies. Policy 1: Sustainable Waste Management, of the Bournemouth, Christchurch, Poole and Dorset Waste Plan (2019), supports the circular-economy benefits of the slurry lagoon: it calls for the Waste Planning Authority (WPA) to “work proactively with applicants to promote the circular economy and find solutions which mean that proposals can be approved where appropriate to secure development that improves the economic, social, and environmental conditions in the area.”
- 12.13 Due to the environmental and economic benefits of the development, the development complies with Policy INT1: Presumption in Favour of Sustainable Development, of the West Dorset, Weymouth, & Portland Local Plan (2015), which states that “there will be a presumption in favour of sustainable development that will improve the economic, social, and environmental conditions in the area.”
- 12.14 The development also finds support from Section 6: Building a strong, competitive economy, of the NPPF, which states that “Planning policies and decisions should enable the development and diversification of agricultural and other land-based businesses.” It also finds support from the wider presumption in favour of sustainable development in Section 2, Paragraph 11.
- 12.15 Given the above, and the convincing need for slurry storage at Southover Farm, the principle of a slurry lagoon on the site is acceptable and complies with local and national planning policies.
- 12.16 In order to ensure that the slurry lagoon is not used as a base for exporting slurry, and that the slurry imported to the lagoon is used for its stated purpose as natural fertilizer for the arable fields of Southover Farm, a condition which limits the re-export of slurry from the lagoon is proposed.

#### Environmental Issues

- 12.17 The application site is within 2.4km of two Sites of Special Scientific Interest (SSSI); Oakers Wood and Oakers Bog. Oakers Bog forms part of the European Sites: Dorset Heaths Special Area of Conservation (SAC), Dorset Heathlands Special Protection

Area (SPA) and Ramsar site, which are protected by the Conservation of Species and Habitats Regulations 2017.

- 12.18 An Appropriate Assessment was undertaken by Dorset Council as Competent Authority in accordance with the requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Article 6 (3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the Natural Environment and Rural Communities (NERC) Act 2006 to the purpose of conserving biodiversity.
- 12.19 The Appropriate Assessment concluded that in light of the mitigation provided, namely a cover of light clay aggregate balls which would significantly reduce emissions from the lagoon, there will be no adverse effect on the integrity of the designated sites.
- 12.20 There are several national planning policies which require the protection of SSSIs, SACs, SPAs, and Ramsar sites. Section 15, paragraph 180(b) of the NPPF states that “development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it, should not normally be permitted.” Similarly, the National Planning Policy for Waste notes in Appendix B: paragraph D that material considerations “will include any adverse effect on a site of international importance for nature conservation (SPA, SAC, and Ramsar), a site with a nationally recognised designation (SSSI). . .” etc.
- 12.21 There are also several local planning policies which place similar protections, including Policy ENV2: Wildlife and Habitats, of the Local Plan (2015) and Policy 18: Biodiversity and Geological Interest, of the Waste Plan (2019). The latter states that “proposals for waste management facilities must not adversely affect the integrity of European or Ramsar or other internationally designated sites. . .” and that proposals “will only be permitted where adverse impacts on biodiversity will be” avoided, adequately mitigated; or compensated for.

*Air Quality and Ecology*

- 12.22 As part of the original grant of planning permission for the slurry lagoon, Condition 8 required the lagoon to be covered:

*“The slurry lagoon shall be covered in ‘light expanded clay aggregate balls’ within three months from the date of this permission unless otherwise agreed in writing by the Waste Planning Authority.”*

12.23 This condition was imposed due to the risk of ammonia emissions and nitrogen deposition from an uncovered slurry lagoon adversely impacting the Site of Special Scientific Interest (SSSI) at Oakers Wood, located 2.4km away. This conclusion was reached using SCAIL (Simple Calculation of Atmospheric Limits) modelling. Natural England explained in July 2018 that:

*“The proposed slurry lagoon emissions exceed the 4% Process Contribution (PC) threshold for Nitrogen deposition levels for Oakers Wood SSSI. These thresholds are based on national guidance agreed with the Environment Agency. While SCAIL models a worst-case scenario, without a full emissions appraisal we cannot be certain that this proposal will not have an adverse impact on the integrity of Oakers Wood SSSI, protected under the Wildlife and Countryside Act 1981 . . . therefore we advise that the applicant consider progressing with an altered design, which includes either a crust or a cover.”*

12.24 The current application is supported by a new ‘SCAIL’ air quality assessment, commissioned by the applicant. This assessment concludes that emissions from the lagoon will not pose a risk to either Oakers Bog and Oakers Wood SSSI, or Dorset Heathlands SPA and Ramsar, provided that the lagoon is only filled for 180 days a year and that a natural crust forms. Nevertheless, the applicant has agreed that there is the need for a cover if the lagoon were filled year-round, rather than merely 180 days.

12.25 Dorset Council’s Environmental Assessment Officer conducted an Appropriate Assessment in May 2023, which stated in part that:

*“The applicant has submitted an air quality assessment using the ‘SCAIL’ (Simple Calculation of Atmospheric Limits) agricultural model, which assess the potential deposition of ammonia and nitrates from the proposed slurry lagoon.*

*The outputs of the SCAIL model indicate that there will be exceedances for ammonia, nitrogen and acid deposition. As a result, mitigation is required in order to prevent an adverse effect upon the integrity of the Dorset Heathlands European site.*

*The applicant will be required to use a cover, consisting of clay aggregate pellets, to greatly reduce emissions to air. This mitigation will be secured through a planning condition.*

*Natural England have reviewed the air quality assessment and have commented that they have no objection to the proposal.”*

12.26 Therefore, a condition requiring the use of a cover is a specific requirement of the Appropriate Assessment. Without a cover, there is the possibility of harm to the integrity of the Dorset Heathlands European site. Natural England reviewed the Appropriate Assessment and have concurred in its conclusions.

12.27 Dorset Council’s Natural Environment Team (NET) reaffirmed their earlier advice that a cover is required for the current application, in their consultation response of 20/12/22, stating that:

*“In relation to this application, NET continue to recommend that a cover will be needed to reduce emissions and therefore impacts on the European sites, if the condition on vehicle movements for the previous permission (WD/D/18/001035) will be maintained for this application, if granted.”*

12.28 Overall, therefore, a condition requiring a cover on the lagoon while in use remains justified and necessary. This would reduce ammonia emissions and thereby prevent an adverse effect upon the integrity of nearby ecological sites, including the Dorset Heathlands SPA and Ramsar, and thereby comply with local and national policies. The applicant has accepted a condition to that effect.

*Pollution of the River Piddle*

- 12.29 There were several concerns raised in received representations about the potential impact of the spreading of large volumes of slurry at Southover Farm on the nearby River Piddle, specifically the volume of nitrates entering the river.
- 12.30 There are local planning policies which protect water resources; Policy 16: Natural Resources of the Waste Plan (2019) and Policy ENV9: Pollution and Contaminated Land of the Local Plan (2015). The former states that: “Proposals for waste management facilities will be permitted where . . . it can be demonstrated that the quality and quantity of water resources (including ground surface, transitional and coastal waters) would not be adversely impacted and/or would be adequately mitigated.”
- 12.31 As a result of recent guidance issued to Dorset Council on 16<sup>th</sup> March 2022 by Natural England, several types of developments in vulnerable catchment areas are required to demonstrate nutrient neutrality, and this includes applications for expanded slurry storage. Nutrient neutrality means that developments within catchment areas of vulnerable watercourses do not result in an increase in phosphate and nitrate levels in those watercourses beyond current levels.
- 12.32 The wider area around Southover Farm is part of the Poole Harbour Catchment Area, and the River Piddle and River Frome flow into Poole Harbour, which is designated as a SSSI, SPA, and Ramsar site. The increase in nitrates in Poole Harbour could have an adverse ecological impact, by encouraging the growth of algal mats, and restricting the growth of other species. Therefore, any increase in nitrates entering the River Piddle, and by extension, Poole Harbour, is of concern.
- 12.33 Southover Farm is within a Nitrate Vulnerable Zone (NVZ), and efforts have been made to reduce the level of nitrate pollution in the area. Agricultural activities are the origin of the majority of nitrate pollution in the area. The applicant is a member of the Poole Harbour Nutrient Management Scheme.
- 12.34 The use of nitrogen fertilisers, including slurry, for agricultural activity is controlled by the Environment Agency and the Department for Environment, Food, and Rural

Affairs (Defra), which set limits on the amount of fertiliser, including manure, that can be spread within NVZs.

- 12.35 The rate of permitted slurry spreading is dependent on how diluted or concentrated the slurry is. At 3% nitrogen, the maximum rate of slurry spreading is 83 cu/m/ha. Slurry is regularly tested to ascertain the percentage of nitrogen present, and according to the applicants last analysis, the percentage of nitrogen present was 2.3%. Nonetheless, the applicant assumes 3% nitrogen, and therefore a limit of 83 cu/m/ha, as the nitrogen concentration percentage fluctuates throughout the year.
- 12.36 The arable area of Southover Farm is 130.3ha. Using the 83 cu/m/ha maximum spreading rate, then an annual total of 10,814m<sup>3</sup> of slurry can be spread at Southover Farm. The applicant intends to spread slightly less (10,200m<sup>3</sup> of slurry), which would equate to a spreading rate of 78 cu/m/ha. This rate of spreading is within the limits set by the Environment Agency for NVZs.
- 12.37 This development can be considered to have demonstrated nutrient neutrality as the amount of slurry that will be imported and spread at Southover Farm will remain at the same level as before the slurry lagoon was in use. Without the slurry storage, the applicant would simply apply the same volume of slurry onto the fields at the appropriate time, as they did in earlier years. If the applicant were to spread substantially more slurry than proposed here, they would breach the limits set by the Environment Agency.
- 12.38 It should be noted that, as paragraph 188 of the NPPF states, planning decisions should assume that separate control regimes will operate effectively. The control and regulation of slurry spreading is governed by national regulations, including The Nitrate Pollution Prevention Regulations 2015, and The Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018.<sup>5</sup> Farmers in NVZs are required to follow enforceable Guidance, titled “Using nitrogen fertilisers in nitrate

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<sup>5</sup> [The Nitrate Pollution Prevention Regulations 2015 \(legislation.gov.uk\)](#) - Accessed: June 2023  
[The Reduction and Prevention of Agricultural Diffuse Pollution \(England\) Regulations 2018 \(legislation.gov.uk\)](#) - Accessed: June 2023

vulnerable zones,” dated 15 August 2022, issued jointly by the Environment Agency and Defra.<sup>6</sup>

12.39 In conclusion, there would be no adverse impact from the proposal on water quality, and the development complies with local planning policies in this regard.

### Amenity Impacts

#### *Quality of Life*

12.40 Policy 13: ‘Amenity and Quality of Life’ of the Waste Plan (2019) requires that potential adverse impacts on amenity arising from waste management facilities must be “satisfactorily avoided, or mitigated to an acceptable level, having regard to sensitive receptors.” In this case, the relevant criteria are: a) noise and vibration; c) odour; h) visual impact and i) site related traffic impacts.

12.41 In addition, Policy ENV16 of the Local Plan (2015) is relevant. It states, in part, that, “Development proposals will only be permitted provided they do not generate a level of activity or noise that will detract significantly from the character and amenity of the area or the quiet enjoyment of residential properties.”

12.42 It is clear from the submissions of the Parish Councils and of individual residents, that they consider their amenity to be adversely impacted from the regular passage of tractors associated with Southover Farm, as well as specifically tractors hauling slurry tankers. Residents complain of the noise and vibration of the vehicles, the danger they pose to pedestrians, cyclists, and other road-users, the damage they allegedly cause to properties, and the harm to the character of Conservation Areas in Tolpuddle and Affpuddle. The impact of the passage of tractors is amplified by how close many properties are to the road; along Southover Lane, for example, several cottages have no front porch or pavement in front of them and are not set back from the road, and their foundations are potentially vulnerable to the vibrations caused by tractors travelling at speed.

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<sup>6</sup> [Using nitrogen fertilisers in nitrate vulnerable zones - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/106422/Using_nitrogen_fertilisers_in_nitrate_vulnerable_zones.pdf) - Accessed: June 2023



12.43 However, it should be recognised that both Affpuddle and Tolpuddle are rural villages, and farm traffic, such as tractors, is to be expected in such a rural location. Indeed, the anticipated maximum of five daily one-way tanker movements is not an excessively high figure, and it is anticipated that such movements would only take place over approximately ninety working days of the year.

12.44 It is worth noting that most of the complaints over vehicle movements at Southover Farm pre-date the proposal for a slurry lagoon, and begin around 2015. As Puddletown Area Parish Council explain in their response,

*“After Cobbs intensive dairy at Winfrith was given permission by Purbeck District Council, there was a dramatic increase in large agricultural vehicles travelling at speed to and from Southover Farm through the narrow lanes of Affpuddle, harvesting maize and transporting slurry.”*

Most of these agricultural movements are, at present, unregulated. This application provides an opportunity for the regulation of slurry tanker movements associated with Southover Farm, with due consideration for the interests and amenity of local residents.

12.45 It is considered that the development will not have a material adverse effect on local amenity, subject to reasonable limitations upon the number and time of vehicle movements. Two planning conditions are therefore proposed. One limits the number of vehicles importing slurry to 10 movements a day (5 in and 5 out). The other condition limits the hours in which slurry can be imported to between the hours of 9:00 and 16:00, Monday to Friday, and excludes weekends and public holidays. This latter condition minimises the potential for conflict with local school buses.

12.46 The applicant had initially proposed 20 movements a day (10 in and 10 out), as well as an earlier 8:30 start time. However, following negotiations with the Case Officer, the applicant has accepted the above conditions.

12.47 The applicant owns and uses 16m<sup>3</sup> slurry tankers, although there is the possibility of acquiring 22m<sup>3</sup> tankers in the future. Assuming all tankers are full (16m<sup>3</sup>), and the

maximum number of permitted daily trips is completed (5 trips a day), then it would take 90 working days to fill the lagoon. This therefore allows ample time over the rest of the working days of the year to make-up for inevitable missed trips.

12.48 It is not anticipated that the development would result in any increase in the number of tractors hauling slurry tankers passing through Affpuddle and Tolpuddle. This is for two reasons:

- First, the condition of 10 movements per day (5 in and 5 out) will be the same as the condition imposed on the previous approved slurry lagoon, and therefore the maximum number of daily slurry tankers remains the same as agreed then.
- Second, the annual volume of slurry imported to Southover Farm, and therefore the total number of slurry tankers passing through Affpuddle and Tolpuddle, will remain the same as before the lagoon was in use. Whether there is slurry storage on the farm or not, the same volume of slurry will continue to be imported into Southover for use as fertilizer, up to the regulatory and enforceable limits set by the Environment Agency.

12.49 The provision of larger slurry storage at Southover Farm will reduce the intensity of slurry tanker movements; rather than movements taking place over a concentrated period of a few weeks, the slurry lagoon allows for movements to be spread throughout the year. It is clear from the representations received, and from discussions with the Parish Council, that local residents overwhelmingly prefer that slurry tanker movements take place over a longer period of time at the lowest possible daily rate. Approval of the new slurry lagoon at Southover Farm will enable this.

12.50 The status quo, without the use of a slurry lagoon, was described in the response of Puddletown Area Parish Council as a “three-week onslaught of 30-40 tractors and slurry tankers daily in the early Spring.” If this application were approved, this “onslaught” can hopefully be avoided in future.

12.51 Alongside local concerns around amenity, there is a related concern by residents over the perceived lack of enforcement of existing breaches of traffic conditions in relation to the lagoon. It has been claimed by Affpuddle and Turnerspuddle Parish Council that the applicant has breached traffic conditions as recently as December 2022. Any breaches of planning conditions are of concern and will be investigated and pursued by Dorset Council's Enforcement Officers.

*Landscape and Visual Impact*

12.52 As part of the original application, a Landscape and Visual Impact Assessment (LVIA) was submitted which argued that the location and size of the lagoon would not be unduly prominent or obtrusive in views from the surrounding countryside. A slurry lagoon is not an unusual landform within an agricultural landscape. Nonetheless, the slurry lagoon introduces a new landform to an undeveloped agricultural field and is partially visible from a nearby footpath. The revised landscaping scheme will reduce these impacts to an acceptable level.

12.53 As part of this application, the applicant has submitted a revised landscaping scheme (Drawing: 2591/2124320/AJM/06). This minimises the visual impact of the lagoon, particularly from the public footpath on the other side of the hedgerow. The scheme includes provision for the planting of trees and hedges immediately to the west of the lagoon. As the previous landscaping scheme has not been implemented, it is appropriate to impose a condition requiring compliance with the revised landscaping scheme, and the completion of planting by November 30<sup>th</sup> 2023.

12.54 The soil (mainly topsoil) that was excavated from the ground in order to construct the slurry lagoon is currently stored on site in the same area that the proposed landscaping will be located. The applicant intends to move this topsoil before commencing planting, by spreading the topsoil very thinly across several large fields across Southover Farm.

*Odour*

12.55 Slurry lagoons contain manure and can emit an odour. However, odour from slurry spreading is not unusual at certain times of the year in the countryside. Slurry stored

in a lagoon naturally forms a crust, containing any odour. Furthermore, this slurry lagoon will have a cover; 'light expanded clay aggregate balls', further containing any odour. The slurry lagoon is in an isolated rural location, approximately 1.2km from the nearest residential buildings on Southover Lane. No objection has been received from either the Environment Agency or from environmental health officers. Overall, it can be concluded that potential odours from the slurry lagoon will not generate adverse impacts on amenity or health.

#### *Highway Traffic and Safety*

- 12.56 It is the view of both local Parish Councils, and many local residents, that Southover Lane is inappropriate as a regular route for the passage of tractors hauling slurry tankers. This was a view put forward by residents at the time of the previous application. However, it was the view of Dorset Council Highways at the time that the road network was suitable. As the Case Officer then summarised:

*The Council's highways liaison officer has no objections to the proposal, but in light of the objections and concerns raised by the Parish Council and local residents, a follow-up site visit was made and further comments submitted. The additional comments from the highways liaison officer reiterated that the local road network was of sufficient design and capacity for the number and size of agricultural vehicles importing slurry to the site."*

- 12.57 Dorset Council Highways consider that the road network is suitable and has no objection to the development. They argue that:

*"Under the terms of paragraph 111 of the NPPF it is the Highway Authorities '[SIC]' opinion that the proposed trip rate (2 two-way trips per hour) could not be considered to have a severe or unacceptable impact on the safety of the public highway."*

- 12.58 The development will involve the same size and type of vehicles on the road network as currently serve the site during the traffic intensive several-weeks-long period of slurry spreading, as well as the traffic intensive period of maize harvesting.

12.59 However, as stated in paragraphs 12.32 and 12.33 of this report, local residents have expressed strong concerns about the use of Southover Lane for farm traffic. Therefore, a route into Southover Farm which bypasses Affpuddle and Tolpuddle would be welcomed by residents. This possibility was explored by the Case Officer at the time of the previous application:

*“The applicant did obtain and provide evidence of a quote for the highway improvements and maintenance necessary to enable the use of the alternative traffic route, Shakes Hole, proposed by the Parish Council. The quote cited costs exceeding £100,000 which was supported as a reasonable figure by the Council’s highways team for the works needed. It is considered that there is no material planning reason to refuse the application on highways or amenity grounds and to require the applicant to enter into a legal agreement to fund an alternative access route would be unreasonable.”*

12.60 This route runs south for almost 3km, through Sares Woods, and eventually onto the B3390. It is an unclassified road (D21305). Dorset Council’s Highways team produced an assessment in July/August 2018, following a site visit, which concluded that upgrading the road would be “a very expensive scheme,” but declined to give a more specific cost estimate.

12.61 In their response to this application, Affpuddle and Turnerspuddle Parish Council have once again raised the possibility of the applicant using this alternative access route into Southover Farm. They argue that the route has been improved since 2019: “the vegetation has been cleared back and the road surface has been substantially improved. So much so that normal saloon cars use it to access the Southover Woods campsite, Max Events, and the Forest School.” Indeed, this route is now passable by light vehicles. However, it remains impassable to tractors hauling slurry tankers.

12.62 In order to facilitate the regular passage of heavy vehicles, the Shakes Hole route would need to be upgraded further. At a minimum, trees and bushes would need to be regularly cut back, the road would need regular grading, and potholes filled in. It would be unreasonable to require the applicant to enter into a legal agreement to

fund upgrades to this alternative access route, especially as there already exists a route on a suitable public highway.

- 12.63 There is an informal agreement between the applicant and local residents that tractors enter Southover Farm via Affpuddle and leave via Tolpuddle. Nonetheless, this one-way system is not always adhered to; the route through Affpuddle is slightly shorter than the route through Tolpuddle and is therefore more attractive to farm traffic. It is not possible to include this one-way system as a condition on a planning permission; the applicant would need to enter into a legal agreement with Dorset Council (ie. a Section 106 Agreement). However, such an agreement is judged to be unnecessary to make the development acceptable in planning terms.
- 12.64 It has been claimed by at least two residents that tractors associated with Southover Farm, over the course of several years, had caused minor damage to their residential properties. This is, of course, very concerning. Such actions would constitute criminal damage under the Criminal Damage Act 1971, and residents are encouraged to pursue their claims through legal avenues. However, such allegations of property damage do not provide grounds for the refusal of this application.
- 12.65 Similarly, there are claims that tractors are driving at fast speed and endangering other road-users. This is a matter that should properly be dealt with through other legal routes, rather than within a planning application for slurry storage. As Dorset Council's Highways consultation response notes:

*"Farm traffic has the same rights as any other member of the public to use the public highway, they also like any other member of the public must adhere to the law, driving with due care and attention. Under planning law, you cannot refuse an application for a reason that is enforced by other legislation e.g. the Highways Act and the Road Traffic Act. Inappropriate or unsafe operation of a motor vehicle is prosecutable under the Road Traffic Act."*

- 12.66 Overall, there are no highways grounds to refuse this application. Paragraph 111 of the NPPF makes it clear that "Development should only be prevented or refused on

highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

### Other Matters

#### *Slurry Liaison Committee*

12.67 As part of the original permission, Condition 6 required that:

*“Within one month of the date that this permission is implemented, the applicant will have submitted a proposal for the establishment of a Community Liaison Group, to meet twice a year, for approval in writing by the Local Planning Authority. The applicant will conform with the approved proposal for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.”*

12.68 The applicant submitted this proposal and they, or their representative, attended the resulting Slurry Liaison Committee meetings. Under the original terms of reference, the meetings were held twice a year, with further meetings held at the behest of the Chairman (stipulated to be a Dorset Council Member from one of the two local parishes).

12.69 The applicant has submitted a new proposal for a slurry liaison committee, containing the same membership. It would reduce the frequency of meeting to once per year, with any further meetings either on a voluntary basis, or with the approval of Dorset Council Officers.

12.70 Considering the nature and small size of the development, it is considered that the new proposal is acceptable.

12.71 The slurry liaison committee serves to bring the applicant and the local community together in a forum to discuss the impacts of the farm’s operations on the local community. The committee’s retention, albeit in a modified form, is strongly supported by the local community, and is important in minimising amenity impacts from slurry tanker traffic. Therefore, a condition is proposed for the applicant to conform with their new proposal for the slurry liaison committee.

**13. Conclusion**

- 13.1 In conclusion, this retrospective application for slurry storage at Southover Farm is recommended for approval, subject to conditions.
- 13.2 The development will provide the applicant with greater flexibility and certainty to manage slurry across their local agricultural holdings and support the applicant's local farming business.
- 13.3 The development will not harm the environment and subject to the proposed mitigation will not have an adverse impact on Poole Harbour (SSSI, SPA, and Ramsar) or Oakers Bog (SSSI, part of 'Dorset Heathlands' SPA, SAC, Ramsar) or Oakers Wood (SSSI). Ammonia emissions, which have a small potential to cause harm to the SSSIs, will be successfully contained through the use of a cover. The level of nitrates entering the River Piddle, and by extension Poole Harbour, will not be increased by this development, as the same volume of slurry will be spread at Southover Farm as before. Furthermore, the rate of slurry spreading is set and regulated by the Environment Agency, and the applicant's rate of slurry spreading is within those legal limits.
- 13.4 The development will not create any additional tanker movements through the villages of Affpuddle and Tolpuddle, and the annual volume of slurry imported to Southover Farm, and therefore the total number of slurry tankers passing through Affpuddle and Tolpuddle, will remain the same as before the lagoon was in use. Adverse impacts on the amenity of local residents can be adequately mitigated by the imposition of conditions limiting the number and time of tanker movements. The number of permitted daily tanker traffic movements will remain the same as was stipulated under a previous permission in 2019; 10 movements a day (5 in and 5 out).
- 13.5 If this application were to be refused, the applicant has stated their intention to resume their earlier practice of spreading slurry directly onto the fields. Such activity would not be constrained by any conditions attached to the earlier grant of planning permission. It is anticipated that the same volume of slurry would be imported into



Southover Farm to be spread, with or without the lagoon. Therefore, this application provides an opportunity for the regulation of slurry movements associated with Southover Farm, with due consideration for the interests and amenity of local residents, while also providing the applicant with the flexibility to manage their agricultural holdings.

14. **Recommendation**

**Grant**, subject to the following conditions:

1. Development in Accordance with Approved Plans

The development hereby permitted shall be carried out strictly in accordance with the following approved plans:

- Title: Location Plan
- Title: Site Block Plan
- Drawing Number: 2591/2124320/AJM/05. Title: Slurry Lagoon Cross Sections, Elevations, and Floor Plan.
- Drawing Number: 2591/2124320/AJM/06. Title: Slurry Lagoon Cross Sections, Elevations, and Floor Plan, with Landscaping Detail.

Reason: For the avoidance of doubt and in the interests of proper planning.

2. Restriction of Vehicle Movement Hours

No slurry tanker shall enter the site outside the hours of 09:00 – 16:00, Monday to Friday. No slurry tanker shall enter the site during Saturdays, Sundays, or Public Holidays.

Reason: To regulate the movement of heavy traffic associated with the lagoon in the interests of the amenity of local residents.

3. Restriction of Vehicle Movement Numbers

The total number of daily slurry tanker movements shall be limited to 10 (5 in and 5 out). Records of these movements are to be maintained, and on receipt of four-days' notice, copies of these records are to be made available to the Waste Planning Authority for inspection.

Reason: To regulate the movement of heavy traffic associated with the lagoon in the interests of the amenity of local residents.

4. Export of Waste

No slurry from the slurry lagoon shall be exported outside the area known as Southover Farm. Southover Farm is defined for the purposes of this condition as the area edged blue on the approved 'Southover Slurry Lagoon - Location Plan.'

Reason: To control the form of the development in the interests of amenity.

5. Covering

When in use, the slurry lagoon must be fully covered in light expanded clay aggregate balls, unless the lagoon is empty or undergoing maintenance.

Reason: To satisfactory reduce the potential impact of ammonia emissions arising from the development on nearby Oakers Bog and Oakers Wood SSSIs, and on European Sites.

6. Landscaping

The approved landscaping scheme shall be implemented in accordance with Drawing 2591/2124320/AJM/06 (Title: Slurry Lagoon Cross Sections, Elevations, and Floor Plan, with Landscaping Detail). The planting phase of the approved landscaping scheme must be completed by 30th November 2023. Any trees or plants that, within a period of five years after planting,

are removed, die, or become, in the opinion of the Waste Planning Authority, seriously damaged or defective, shall be replaced during the next planting season with others of species, size, and number as originally approved.

Reason: To ensure the satisfactory landscaping of the site, in the interest of safeguarding the visual amenity and landscape qualities of the area.

7. Slurry Liaison Committee

The operator of the slurry lagoon will comply with the proposal for a Slurry Liaison Committee (SLC), titled 'Amended Proposal for Slurry liaison Committee Terms of Reference', until such time as the Waste Planning Authority is notified in writing that the slurry lagoon ceases to be in use.

Reason: To conform the form of the development in the interests of amenity and the environment.

## **Informatives**

The Applicant is encouraged to maintain their long-standing agreement with local residents to adhere to a one-way system for heavy traffic entering and exiting Southover Farm, in which tractors enter via Affpuddle and leave via Tolpuddle.

The Applicant should manage the routing and scheduling of vehicle movements to minimise the risk of wide vehicles passing one another on narrow lanes, particularly along Southover Lane.

Drivers of heavy vehicles should be informed of these routing arrangements, reminded to drive at slower speeds through the villages, and be made aware that any damage to residential properties is prosecutable under the Criminal Damage Act 1971.

The Applicant is encouraged to continue to meet regularly with representatives of the local community, and to keep them informed of any changes in future traffic movements.

