

MEMBURY  
(Yarty)

06/1258/MFUL  
(FULL)

07.08.06

Applicant:

D & I Dyer

Location:

Crawley Farm, Yarcombe, EX14 9AY  
(GR: 26468 08069)

Proposal:

Construction of a lined dirty water lagoon

### **Consultations**

#### **County Highway Authority**

No comment

#### **Environment Agency**

These works are required under control of pollution regs., which this Agency has been in contact with the applicant about. See supporting letter from the Agent with the application. Clean surface water to be kept separate from foul drainage. Fould drainage to be disposed of to prevent pollution. Disposal of slurry must be undertaken in accordance with MAFF Code of Agricultural Practice for the Protection of Water.

### **Representations**

3 letters and two phone calls of objection have been received.

### **Summary of Objections**

- Visually intrusive fence around lagoon;
- Concerned about seepage into nearby pond and water course;
- Potential for smells and fly infestation affecting nearby dwellings.

### **Parish/Town Council**

Councillors (Membury Parish Council) are concerned at the proposed location of the lagoon and its potential detrimental effect on surrounding properties, particularly Foundry Cottage – smell, flies, etc. We suggest that an alternative site is found, well away from residential property.

Neighbouring Yarcombe Parish Council has also commented on this application: The application has been approved by the P.C. with a request for screening on three sides of the lagoon as it will be seen from a wide area.

### **Location**

Crawley Farm is located two kilometres east of Yarcombe village where the farmhouse and main dairy buildings are concentrated at high density in a valley on the north side of the A30, between the road and a tributary of the river Yarty. Grain facilities and buildings are on the southern side of the road and pasture land associated with the farm rises quite steeply to the north and south of the road line. Crawley Farm is run as a dairy unit with 400 milking cows and 400 followers. The proposed site of the lagoon is some 300 metres south of Crawley Farm and the A30 within a field located on higher ground with access off an unclassified lane. The proposed lagoon is 120 metres from the nearest dwelling (Foundry Cottage).

## **Planning Background**

The construction of the lagoon is required under the Water Resources Act 1991, Section 161a-d as amended by the Environment Act, 1995. An Anti Pollution Works Notice Number 1006 was issued by the Environment Agency. Due to the amount of the dirty water discharge from the farmyard in close proximity to water courses feeding the Yarty river a need has arisen to provide containment for four months average rainfall across the farmyard areas.

Various sites on the farm were considered for the siting of the lagoon, but there are few areas level enough to take the construction and much of the farm is visible from the A30 in the Blackdown Hills Area of Outstanding Natural Beauty. Sites to the north of the farm are also either very wet or on greensand, which would make the structure unstable.

## **The Proposed Development**

The application is for the construction of a lagoon measuring 46 metres square, to be left uncovered and surrounded by a safety fence 1.3 metres high including 2 strands of barbed wire at the top. The lagoon requires an excavation to a depth of 1.2 metres and the formation of a 1.3metre high bank surrounding it to take dirty water to a depth of 1.75 metres. The site on high ground in a grazing field has been chosen because it is away from the A30 on relatively level land.

Throughout the wettest months of the year dirty water from the farm yard will be collected and periodically pumped under the highway and up to the lagoon. The water will then be gravity fed to the pumping system at Crawley Farm buildings and will be irrigated via an existing irrigation line onto the flatter fields north of the buildings, probably three times a year.

The applicant already has a culvert underneath the highway and the need to pump the dirty water to the lagoon would be the same wherever it is sited.

## **Planning Policy**

### Adopted East Devon Local Plan 1995-2011

- EN1 Development Within Areas of Outstanding Natural Beauty
- S4 Countryside Protection
- D4 Landscape Requirements

### Devon Structure Plan 2001-2016

- CO3 Areas of Outstanding Natural Beauty
- ST1 Sustainable Development

### Government Planning Guidance

- PPS7 Sustainable Development in Rural Areas

## **Observations**

This major application comes before Committee, because Membury Parish Council objects to the development.

The need for the lagoon to protect the local water environment having been accepted, the main issues that remain to be considered are:

- The impact on the appearance and natural beauty of the landscape; and

- The impact if any on the amenity of the nearest residential properties;

Local residents and the Membury Parish Council are concerned about a potential nuisance from the location of the lagoon close to residential properties. The dwellings that have been highlighted are Foundry Farm, Foundry Cottage and Gillets Farm that are located to the south-east and south-south-west of the proposed lagoon. The nearest of these, Foundry Cottage is 120 metres to the south-east.

The Environmental Health Officer has been consulted on this matter and has no adverse comments to make. Having regard to the distance between lagoon and dwellings, the mature tree belt to the east and the prevailing wind direction it is not considered that smells and flies that might arise from dirty water (not slurry) being stored on this site will be sufficient to harm the enjoyment of the nearest residential property. If poor husbandry gives rise to nuisance then this can be dealt with under other legislation.

Whilst the lagoon development will be visible at a distance of 2 Km across the valley against a backdrop of trees, it is considered that with additional landscaping the impact can be kept to an acceptable minimum. The need to protect the distinctive landscape and natural beauty of the countryside has been weighed against the harm done to the water environment by a heavy discharge of dirty water from the intensive farmyard at Crawley Farm.

### **Conclusion/Summary**

The proposed lagoon is sufficiently justified by the need to avoid dirty water polluting the environment via the nearby water courses. There are no alternative sites on the Farm that are feasible. The proposed site is visible from over 2 kilometres away from the hillside on the opposite side of the Yarty river and village, but this siting is less intrusive in the landscape than a site within close proximity to the A30 highway. Additional landscaping will reduce any impact further.

Having regard to the very dilute form of slurry that will be held in the lagoon and prevailing wind directions, it is considered that there is an insignificant level of risk that smells and other nuisance will harm the amenity enjoyed by the occupants of nearby residential property.

### **Recommendation**

APPROVE subject to the following conditions:

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1. Prior to the erection of the perimeter safety fence full details of the fencing and entrance gate/s shall be submitted to and approved by the Local Planning Authority  
(Reason: To ensure that the appearance of the safety fence is sympathetic with the Area of Outstanding Natural Beauty)
2. Prior to the erection of the perimeter safety fence a landscaping scheme shall be submitted to and approved by the Local Planning Authority; such a scheme to include the planting of native trees, shrubs, herbaceous plants that will soften the impact of the proposed development on the landscape. The landscaping scheme shall be carried out accordance with the approved details prior to the occupation of the development.  
(Reason - In the interests of preserving and enhancing the character and appearance of the area.)

Note for Applicant

List of Background Papers

The file containing all letters, consultations, and documents referred to in the report.