

Planning Application Report and Report of Handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 23/01018/PP
Planning Hierarchy: Local Development
Applicant: Mr Thomas Irwin
Proposal: Formation of earth bank slurry lagoon and associated works
Site Address: Land at West Drumlemble Farm West of Rowan Tree Cottage
Drumlemble Campbeltown Argyll and Bute

DECISION ROUTE

- Delegated - Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997
- Committee - Local Government Scotland Act 1973
-

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Formation of earth bank slurry lagoon and associated works
- Erection of 2 metre high boundary fencing

(ii) Other specified operations

- Ground works to remove soil and base materials from the site
-

(B) RECOMMENDATION:

That planning permission is granted, subject to conditions.

(C) CONSULTATIONS:

Environmental Health

Initial response requested additional information (Odour Impact Assessment) – 30.08.2023

Following submission of an Odour Management Plan, no objection was raised to the proposal – 20.09.2023

Flood Risk

Initial response recommended deferral of decision – 21/09/2023

Following submission of additional information, no objection was raised to the proposal – 29/09/2023

Laggan Community Council

With more consideration, thought and engagement the development could have been better planned with a less negative outcome. Consider that the project at the current proposed site is hugely detrimental to a significant proportion of residents in the Community Council Area, with very few obtaining any form of benefit. Object to the proposal in the strongest possible terms.

Raise specific concerns in relation to safety, including regarding access to the slurry lagoon, fumes, and subsistence/structural failure associated with historic mine works, noting a large part of the village had to be evacuated in the past, noting the Coal Board's Report is not available. Question the location of the proposed development, suggest it should be located closer to the farm stading, and query the proposed siting in terms of aesthetics. Consider the proposal could affect property values and the desirability to live/relocate to the village.

West of Scotland Archaeology Services

Note that the application lies within an area of archaeological sensitivity and potential based on the presence of recorded sites of prehistoric, medieval and later date in the surrounding landscape. However, no objection is raised subject to a condition to secure an archaeological watching brief.

(D) HISTORY:

No relevant site-specific planning history

(E) PUBLICITY:

Regulation 20 Advert (expiry date: 07.07.2023)

Neighbour notification (expiry date: 12.06.2023)

(F) REPRESENTATIONS:

(i) Representations received from:

A total of 29 representations were received for the application – 28 of which were in objection and a neutral comment. Details of the contributors and contents of representations are summarised below.

Neutral comment received from:

- Donald Kelly

Objection comments received from:

- Susan Jones – 30 Rhudal Cottages, Drumlemble, Campbeltown, PA28 6PR

- Sheila Ross – 21 Rhudal Cottages Drumlemble, Campbeltown, PA28 6 PR
- Michelle Ross – 2 Rhudal Cottages Drumlemble, Campbeltown, PA28 6 PR
- Christina Mauchline – 29 Rhudal Cottages Drumlemble, Campbeltown
- Debbie Morrison – 5 Burn bank cottages, Drumlemble, PA28 6 PP
- Chris Annetts – 28 Rhudal Cottages Drumlemble, Campbeltown
- Tiffany Lang – 7 Rhudal Cottages Drumlemble, Campbeltown, PA28 6 PR
- Elizabeth McTaggart – 16 Rhudal Cottages Drumlemble, PA28 6 PR
- Leslie MCGeachy - 2 Burnbank Cottages Drumlemble PA28 6PP
- Norman Munro - 15 Rhudal Cottages Drumlemble Campbeltown PA28 6PR
- Moyra Patterson - Dalbuie Southend Campbeltown PA28 6PJ
- Isobel & William Mathieson - 22 Rhudal Cottages Drumlemble PA28 6PR
- Marie & Stewart McSporran - 24 Rhudal Cottages Drumlemble PA28 6PR
- Allan Russell - Flat 2/1 27 Longrow Campbeltown PA28 6ER
- Kate Omary - 25 Rhudal Cottages Drumlemble, Campbeltown, PA28 6 PR
- Christopher Lang - 3 Main Row Cottages Drumlemble PA28 6PS
- Jeananne Mathieson - Torchoillean Farm Drumlemble PA28 6PW
- Andrew Nelson - 1 Rhudal Cottages Drumlemble, PA28 6 PR
- Michelle Crawford – 6 Burnbank Cottages Drumlemble PA28 6PP
- Diana & J H Manning – 1 Burnbank Cottages Drumlemble PA28 6PP
- Tommy Millar - Bal-Na-Hannan Drumlemble Campbeltown PA28 6PW
- William Mathieson - 1A Davaar Avenue Campbeltown PA28 6NF
- Sandra Mathieson & Les Van Acker - 8 Burnbank Cottages Drumlemble PA28 6PP

Representations are published in full on the planning application file and are available to view via the [Public Access](#) section of the Council's website.

(ii) Summary of issues raised:

Summary of neutral comment:

- Concerns regarding the positioning and potential impacts of the slurry on neighbouring residents raised by Donald Kelly who was at the time of submission an elected member for Ward 1. Cllr wishes to vote and speak should the application go to a discretionary hearing.
- *Comment: This point is noted and addressed in the main body of the report below. The application is scheduled for Planning Committee, and officers are of the view that a hearing would add little value to the decision-making process. Ultimately, it would be for members of PPSL to decide whether a discretionary hearing was necessary. It is noted that Donald Kelly has subsequently stepped down from his role as elected member for Ward 1*

Summary of objection comments:

- Safety concerns raised in relation to danger posed by the development to local children, elderly and animals should they gain access to the slurry regardless of the 2 metres high fence. A historic loss of a dog in slurry has been highlighted.
- *Comment: This point is noted. However, a 2-metre-high security fence would be erected around the site. In addition, the applicant has opted to install a covered slurry lagoon, with a small hole for the inlet/outlet being the only*

access to the slurry. As such, it is considered that withholding planning permission on safety grounds would not be justified.

- Concerns regarding the smell associated with the proposed slurry (even when covered), and the prevailing wind, which would pose health problem and restricted use of locals' outdoor spaces and garden areas. A previous similar slurry pit further from the village is noted to have caused odour nuisance in summer periods. The area already has existing odour related issues from farming. Concerns that the proposed site would be difficult to monitor away from the main farm.

Comment: The above points are noted, and an Odour Management Plan has subsequently been submitted to the Planning Authority. Environmental Health who raised no concerns following review of the document. Furthermore, the applicant has confirmed that the proposed slurry would serve as a surplus unit to an existing slurry tank within the current farm steading. The applicant also noted that the intent of this application is not to intensify the existing farm operations, and that the proposal would remain ancillary to an existing land use, where such odours would not be an unusual experience in a countryside location.

- The suitability and lifespan of the lagoon's lining and cover was queried.
- *Comment: In this regard, the proposed material for the lining has been deemed suitable by SEPA who will inspect the work upon completion to ensure the right materials have been used and installed appropriately. An appropriately worded condition could be imposed to ensure the proposed works have been reviewed by SEPA post completion of works.*
- The site is within close proximity to a natural watercourse, noted to be liable to surface water flooding within the village during heavy rain. Concerns have been raised regarding the slurry's potential to exacerbate this by overflowing/leaking to residents' garden areas as a result of structural/material malfunction and/or heavy rains filling the slurry.
- *Comment: This point is noted and addressed in detail in the main body of the report. However, as per SEPA flood maps, the proposed site and its immediate surrounding are out with any flood risk zones and is subject to no known record of flooding. SEPA have also confirmed acceptance of the lining materials and propose a post inspection of the lagoon prior to its use to ensure compliance. In addition, following the submission of requested additional information, the Council's Flood Advisor has raised no objections to the proposed development.*
- Query the slurry lagoons location as opposed to the immediate surrounding of the farm and the potential precedence this would set. A potential alternative site is also suggested.
- *Comment: These points are noted. However, each planning application must be assessed on its own merits and the supporting document sets out why the proposed location was selected. Further detail associated with the site selection and suitability is addressed in the main body of the report.*

- Concerns raised with regards to road/pedestrian safety as the proposal would intensify the volume of farm traffic and heavy vehicles/ machinery going through the village.
- *Comment: This point is noted. However, the applicant has confirmed that due to the proposed site location, journeys through the village would be reduced as once slurry is due to be spread, there will be limited transportation through the village as the slurry will already be on site and will be connected to an umbilical system for spreading up to three times annually. Further vehicular activities through the village are detailed in the main body of the report.*
- It is suggested that a completely sealed tank, high walled or metal structure or some other impermeable material would seem safer, and the tank could be located nearer the farm which is the source of the slurry.
- *Comment: This point is noted. However, SEPA has assessed the proposed materials and confirmed suitability. Given that the proposal is to meet legislative requirement and noting the characteristics of the identified suitable site, it is considered that a high walled/metallic structure would appear visually prominent. Further consideration of site suitability is contained in the main body of this Report. Moreover, the proposed development must be assessed on its own merits.*
- Comment was made regarding the earth bund containment of the development and as well as the carbon footprint of the slurry.
- *Comment: These points are noted. The earth bund is intended to be seeded to blend in with the surround fields. Given the proposal is in response to new legislative requirements rather than the intensification of the existing agricultural unit and based on the available evidence, withholding permission on the basis of climate change would be difficult to substantiate.*
- Local occupants have highlighted the effect of the proposal on house prices within the village and the likelihood to legally challenge the application's decision.
- *Comment: These points are noted. However, the effect of a proposed development on property prices or the likelihood of a legal challenge is not a consideration material to the determination of this planning application.*
- The possibility of an underground mine shaft being present on the site was highlighted due to record of previously collapsed mines within the village. The Coal Authority's mapping system was claimed to be inadequate, with no records of mines older than 1900. Hence, a bore test is proposed to test the area.
- *Comment: This point is noted. However, no substantive evidence has been submitted to support this point. The Coal Authority have raised no concerns in respect of the proposed development, with reference to the documentation submitted by the applicant. However, the redline site area the Coal Authority provided comments to the applicant for is slightly different to the red line site boundary associated with this planning application. Notwithstanding this, having been assessed by officers, the designation is a low risk area where*

Standing Advice is drawn to the attention to the applicant as standard practice. This will be appended to any approval by way of an informative to the applicant.

- Concerns are raised regarding the health and safety of the village residents (including their physical, social and psychological effect) and potential of gas poisoning from the slurry.
- *Comment: This point is noted and is addressed in the main body of the report.*
- Concern raised by the immediate neighbouring residents stating that farm operations have ceased and the premises now remains a family home. The comment highlights an enclosed slurry would not be such an issue and proposes alternative site further from their home.
- *Comment: This comment is noted and addressed in the main body of the report.*
- Comment made highlighting discrepancies in the application and information circulated locally by the applicant which made no mention of the proposed cover for the slurry, did not plan for an umbilical/pipeline system, and did not include both the Coal Board's report and that of SEPA.
- *Comment: The application has been assessed based on the submitted information from both the Coal Authority and SEPA which have raised no concerns in response to the planning application, with reference to the documentation submitted by the applicant. However, the redline site area the Coal Authority provided comments to the applicant for is slightly different to the red line site boundary associated with this planning application. Notwithstanding this, having been assessed by officers, the designation is a low risk area where Standing Advice is drawn to the attention to the applicant as standard practice. This will be appended to any approval by way of an informative to the applicant. The applicant has confirmed a temporary umbilical system will be through the fields for filling the lagoon and intends to install a permanent piping system under the public road which will be dealt with in a separate planning application.*
- Concerns regarding the ground suitability to hold the amount of slurry and the potential of slurry leaking into underground mines that were not filled.
- *Comment: The applicant has submitted a topographical survey in support of the proposal. Furthermore, comments have been submitted from the Coal Authority by the applicant, which albeit relate to a slightly different red line to that associated with this planning application. Notwithstanding this, having been assessed by officers, the designation is a low risk area where Standing Advice is drawn to the attention to the applicant as standard practice. This will be appended to any approval by way of an informative to the applicant.*

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) **Environmental Impact Assessment Report:** Yes No (if Yes insert EIA topics below)
- (ii) **An Appropriate Assessment under the Conservation (Natural Habitats) Regulations 1994:** Yes No (if Yes attach as an appendix)
- (iii) **A Design or Design/Access statement:** Yes No (if Yes insert summary of key issues below)

'This proposal has come about after the government made changes to its general binding rules stating that all cattle farms within Scotland must have at least 22 weeks slurry storage capacity by the 1st of January 2026. We endeavour to do our best to be compliant.'

As a farm we want to be proactive in getting the measures in place in good time to be compliant with the legislation rather than leaving it to last minute when it will be a logistical nightmare to have measures in place when every other farmer is trying to get the same supplier/builder/contractor to complete their works at the same time.

Much planning, consulting and research has gone into suitable siting, equipment and material as well the logistics of operating such a storage facility in conjunction with the farms current storage system. The proposed location has been selected to benefit the environment, community and the farms soil health.

No additional slurry will be produced on farm other than what is produced at present. This proposal is simply to store slurry for when there is a more suitable time to spread to benefit the environment.'

The supporting statement sets out that the site in question has been chosen as it is situated away from the main track leading to the Piggery and High Tirfergus farm. Although along this track may have been more practical and convenient for the site, it is kept back from where people regularly and rightly enjoy walking to keep people out harm's way when equipment may be working around the lagoon.

'In terms of lagoon safety, a tall security fence would be installed as per plans (refer to operation statement). This would be a chain lock fence which meets legislation and can't be climbed or scaled with ease. Relevant warning signage would be installed as per legislation.

A suitable stock proof fence will also be built around the perimeter of the bund to protect the banks and security fence from damage from livestock or equipment.

With one small child of our own and another on the way, safety is of utmost importance right across the whole farm, this wouldn't have been considered if it was thought to be unsafe. This is a busy working farm with dangers at every corner be it from livestock/machinery/topography or electric stock fences and such like. Children should be supervised, and the Scottish outdoor access code followed at all times when out enjoying the countryside.

Protecting our environment/climate

- a) *The material used for the liner are compliant with SEPA*
- b) *The lagoon will enable slurry to be spread when the crop has a nutrient requirement (i.e. February to October) and not when we are at the mercy of stores being full. This means cleaner watercourses.*
- c) *The lagoon would be fully enclosed with a floating cover, this will help our climate/environment by reducing emissions and eliminating rainwater entering the slurry system (refer to operation statement)*
- d) *Leak detection system. This will be in place to mitigate any issues of leakage into watercourse if a minor leak were to occur when the liner is reaching its operational lifespan at which point the liner can be replaced rather than constructing a whole new facility at a cost to the environment/climate.*

Smell/odour and overflow from Livestock slurry

As previously mentioned, the lagoon would be enclosed with a floating cover. This is not mandatory or a cheap option by any means, but we wanted to ensure the best measures are taken to mitigate smell/odour. This would be sealed around all 4 sides and there would be no means of gaining access to the slurry other than that of the 6 inch inlet/outlet valves used to fill/empty the store. This mitigates any risk of smell or odour that may occur around mixing or storage.

No complaints have ever been received for smell from mixing/storage of slurry at the steading with the tanks being situated from only 120 meters from the village. This proposal is around 400 meters from the village and 180 meters from the nearest dwelling not associated with the farm. We don't foresee any issues with smell.

This same cover would also collect any rain water that may fall upon the lagoon's freeboard capacity. The water would be pumped off onto surrounding grassland and prevent any rainwater producing any slurry in excess of what is produced on farm at present. This would mean that there will be no means for the lagoon to overflow at any time. Whatever volume of slurry put in the lagoon will be the same as that to come back out at application.'

The planning application is also accompanied by documentation from SEPA and the Coal Authority, the contents of which are summarised below:

SEPA (letter dated 03.07.23)

Confirms that the proposed lagoon, in combination with existing slurry storage facilities, will provide the business with greater than the required 22 week slurry storage. Confirms the liner is complaint for slurry storage use in Scotland, and advises the liner must have a geotextile installed between the liner and the ground, and fixed

missing, filling and emptying points with concrete protection should be provided.

Provided the works are carried out in the submitted drawings and attached Annex, states the development should meet regulatory requirements. Requests that SEPA are contacted post completion of works to allow final inspection.

The Coal Authority (Coal Mining Report dated 16.06.23):

In summary notes ' According to the official mining information records held by the Coal Authority at the time of this search, evidence of, or the potential for, coal mining related features have been identified. It is unlikely that these features will impact on the stability of the enquiry boundary.'

However, the redline site area the Coal Authority provided comments to the applicant for is slightly different to the red line site boundary associated with this planning application. Notwithstanding this, having been assessed by officers, the designation is a low risk area where Standing Advice is drawn to the attention to the applicant as standard practice. This will be appended to any approval by way of an informative to the applicant.

- (iv) **A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** Yes No (if Yes list supporting documents below)

(H) PLANNING OBLIGATIONS

- Is a Section 75 agreement required:** Yes No (if Yes insert details of the terms and heads of agreement and, grounds for refusal if not completed within 4 months below)

-
- (I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:** Yes No (if Yes insert details of direction below)

-
- (J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application**

- (i) List of all Development Plan Policy considerations taken into account in assessment of the application.**

[National Planning Framework 4 \(Adopted 13th February 2023\)](#)

Part 2 – National Planning Policy

Sustainable Places

NPF4 Policy 1 – Tackling the Climate and Nature Crises
NPF4 Policy 2 – Climate Mitigation and Adaption
NPF4 Policy 3 – Biodiversity
NPF4 Policy 4 – Natural Places
NPF4 Policy 5 – Soils
NPF4 Policy 7 – Historic Assets and Places
NPF4 Policy 9 – Brownfield, Vacant and Derelict Land and Empty Buildings (*includes provisions relevant to Greenfield Sites*)
NPF4 Policy 13 – Sustainable Transport

Liveable Places

NPF4 Policy 14 – Design, Quality and Place
NPF4 Policy 22 – Flood Risk and Water Management
NPF4 Policy 23 – Health and Safety

Productive Places

NPF4 Policy 29 – Rural Development

[‘Argyll and Bute Local Development Plan’ Adopted March 2015](#)

LDP STRAT 1 – Sustainable Development
LDP DM 1 – Development within the Development Management Zones
LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment
LDP 9 – Development Setting, Layout and Design
LDP 10 – Maximising Our Resources and Our Consumption
LDP 11 – Improving our Connectivity and Infrastructure

Local Development Plan Schedules

[‘Supplementary Guidance to the Argyll and Bute Local Plan 2015’ \(Adopted March 2016 & December 2016\)](#)

Natural Environment

SG LDP ENV 1 – Impact on Habitats, Species and our Biodiversity
SG LDP ENV 11 – Protection of Soil and Peat Resources

Landscape and Design

SG LDP ENV 14 – Landscape
SG LDP ACE 1 – Area Capacity Evaluation (ACE)

Historic Environment and Archaeology

SG LDP ENV 19 – Impact on Scheduled Ancient Monuments (SAMs)
SG LDP ENV 20 – Development Impact on Sites of Archaeological Importance

Sustainable Siting and Design

SG LDP Sustainable – Sustainable Siting and Design Principles

Bad Neighbour Development

SG LDP BAD 1 – Bad Neighbour Development

Resources and Consumption

SG LDP SERV 2 – Incorporation of Natural Features / SuDS

SG LDP SERV 3 – Drainage Impact Assessment

SG LDP SERV 5 – Waste Related Development and Waste Management

Transport (Including Core Paths)

SG LDP TRAN 4 – New & Existing, Public Roads & Private Access Regimes

SG LDP TRAN 7 – Safeguarding of Airports

(ii) List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 3/2013.

- Third Party Representations
- Consultation Responses
- Planning History

[Argyll and Bute proposed Local Development Plan 2 \(November 2019\)](#) – The Examination by Scottish Government Reporters to the Argyll and Bute Local Development Plan 2 has now concluded and the [Examination Report](#) has been published (13th June 2023). The Examination Report is a material consideration of significant weight and may be used as such until the conclusion of the LDP2 Adoption Process. Consequently, the Proposed Local Development Plan 2 as recommended to be modified by the Examination Report and the published Non Notifiable Modifications is a material consideration in the determination of all planning and related applications.

Spatial and Settlement Strategy

Policy 02 – Outwith Settlement Areas

Policy 04 – Sustainable Development

High Quality Places

Policy 05 – Design and Placemaking

Policy 08 – Sustainable Siting

Policy 09 – Sustainable Design

Policy 10 – Design – All Development

Policy 14 – Bad Neighbour Development

Policy 15 – Protection, Conservation and Enhancement of Our Historic Environment

Policy 19 – Scheduled Monuments

Policy 21 – Sites of Archaeological Importance

Connected Places

Policy 35 – Design of New and Existing, Public Roads and Private Access Regimes

Policy 37 – Development Utilising an Existing Private Access or Existing Private Road

Policy 43 – Safeguarding of Aerodromes

Sustainable Communities

Policy 55 – Flooding

Policy 61 – Sustainable Urban Drainage Systems (SUDS)

Policy 63 – Waste Related Development and Waste Management

High Quality Environment

Policy 73 – Development Impact on Habitats, Species and Biodiversity

Policy 79 – Protection of Soil and Peat Resources

Local Development Plan 2 Schedules

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: Yes No (if Yes confirm date of screening opinion and reference below)

(L) Has the application been the subject of statutory pre-application consultation (PAC): Yes No (if Yes provide summary detail of PAC below)

(M) Has a Sustainability Checklist been submitted: Yes No (if Yes provide detail below)

(N) Does the Council have an interest in the site: Yes No (if Yes provide detail below)

(O) Requirement for a pre-determination hearing: Yes No (if Yes insert details below)

(P)(i) Key Constraints/Designations Affected by the Development:

- Coal Bearing Land.

(P)(ii) Soils

[Agricultural Land Classification:](#)

Class: 4.20

[Peatland/Carbon Rich Soils Classification:](#)

Class 1

Class 2

Class 3

N/A

[Peat Depth Classification:](#)

N/A

Does the development relate to croft land?

Yes No

Would the development restrict access to croft or better quality agricultural land?

Yes No N/A

Would the development result in fragmentation of croft / better quality agricultural land? Yes No N/A

(P)(iii) Woodland

Will the proposal result in loss of trees/woodland?
(If yes, detail in summary assessment) Yes No

Does the proposal include any replacement or compensatory planting? Yes No details to be secured by condition N/A

(P)(iv) Land Status / LDP Settlement Strategy

Status of Land within the Application (tick all relevant boxes) Brownfield Brownfield Reclaimed by Nature Greenfield

ABC LDP 2015 Settlement Strategy
LDP DM 1 (tick all relevant boxes)

- Main Town Settlement Area
- Key Rural Settlement Area
- Village/Minor Settlement Area
- Rural Opportunity Area
- Countryside Zone
- Very Sensitive Countryside Zone
- Greenbelt

ABC LDP 2015 Allocations/PDAs/AFAs etc:

N/A

ABC pLDP2 Settlement Strategy
(tick all relevant boxes)

- Settlement Area
- Countryside Area
- Remote Countryside Area
- Helensburgh & Lomond Greenbelt

ABC pLDP2 Allocations/PDAs/AFAs etc:

N/A

(P)(v) Summary assessment and summary of determining issues and material considerations

This application seeks for planning permission to establish an earth bank slurry lagoon and associated works, including erection of a 2m high security fence.

The application site is accessible via a farm track off a private access to the U031 public road. The proposal development is in response to the updated Scottish government legislation on the Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021, which requires all cattle and pig farmers to have a minimum slurry storage capacity for a period of 22 and 26 weeks by 1 January 2026; and slurry storage to be built in line with the Silage, Slurry and Agricultural Fuel Oil (SSAFO) requirements.

In terms of the provisions of NPF4 policies and those of the adopted Argyll and Bute Local Development Plan (LDP) and the proposed LDP2, the application site comprises a greenfield site located within the Countryside Zone. Of relevance, NPF4 Policy 9 sets out that proposals on greenfield sites will not be supported unless the site is explicitly supported by policies in the LDP. Policy LDP DM 1 gives

encouragement to small scale developments on appropriate infill, rounding off and redevelopment sites and change of use of existing building. Policy 02 of the proposed LDP2 further sets out a presumption in favour of sustainable development within the Countryside Areas where this is of an appropriate scale, design, siting and use for its countryside location, as detailed in the relevant subject policies.

Other forms of development in the open countryside might be supported if an exceptional case is demonstrated and the works meet the terms of an Area Capacity Evaluation (ACE). However, table 1, which accompanies Policy SGLDP ACE 1, sets out the definition of scale of development by type, none of which the proposed use would fall into. Additionally, the proposal is not considered to have adverse impact that would require the submission of additional assessments with respect to policy 02 of pLDP2.

In this instance, the proposed erection of a slurry lagoon, whilst on a greenfield site, represents an exceptional case (to comply with new regulatory requirements) requiring this specific location (located within a reasonable distance from the existing functioning agricultural buildings) to function as an integral part of the agricultural operations at West Drumlemble Farm.

While the proposed building is not located immediately beside the existing farm, the applicant has set out that the water table around the existing farm steading would be breached should the lagoon be sited within the area. Also, the soil type within the area means it is not possible to accommodate the type of development proposed nearer the farm steading. In addition, it is considered that the submission of a topographical study has helped demonstrate that the proposed site would be a reasonable location for the development. The application has therefore been deemed an acceptable extension to the existing West Drumlemble farm as an ancillary unit. Though Policy LDP DM 1 sets out categorical development allowed within the Countryside Zone, it allows for exceptional cases for developments such as this to be considered favourable where appropriate.

The determining factors in the assessment of this application were to establish the appropriateness of the proposed site is for the development. Further considerations, including the scale, design and effect of the development on local residents and the wider landscape and visual effect of the proposed development, are assessed in Appendix A.

In this case, it is accepted that the site forms part of the farmland. The setback position of the proposal with a backdrop of a built presence coupled with its scale, design and impacts, as assessed in Appendix A of this report, are acceptable in that it would not result in a materially detrimental effect in terms of local landscape and character. Furthermore, consultee responses have raised no objection to the development and its potential effect in terms of flood risk, and on the living conditions and amenity of neighbouring occupants. It is officer's view that there is no justifiable basis to withhold planning permission.

The application has attracted a high volume of representations and is therefore referred to Members to be determined as per the Council's agreed scheme of delegation.

(Q) Is the proposal consistent with the Development Plan: Yes No

(R) Reasons why Planning Permission or Planning Permission in Principle Should be Granted:

The proposal, subject to conditions, is considered to be consistent with the relevant provisions of the Development Plan, and there are no other material considerations of sufficient significance to indicate that it would be appropriate to withhold planning permission having regard to s25 of the Act.

(S) Reasoned justification for a departure to the provisions of the Development Plan

N/A

(T) Need for notification to Scottish Ministers or Historic Environment Scotland:

Yes No (If yes provide detail below)

Author of Report: Tiwaah Antwi

Date: 06.11.2023

Reviewing Officer: Bryn Bowker

Date: 10.11.2023

Fergus Murray
Head of Development & Economic Growth

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 23/01018/PP

Standard Time Limit Condition (as defined by Regulation)

Standard Condition on Soil Management During Construction

Additional Conditions

1. **PP - Approved Details & Standard Notes – Non EIA Development**

The development shall be implemented in accordance with the details specified on the application form dated 19.05.2023 supporting information and, the approved drawings listed in the table below unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Plan Title.	Plan Ref. No.	Version	Date Received
Location Plans/Site Layout Plans	PL-001	A	30.05.2023
Proposed Site Plan - 1:250	PL-002	B	30.05.2023
Proposed Site Plan with Topography	PL-002	C	22.09.2023
Security Fence Details	PL-004		30.05.2023
Cross Sections through proposed slurry lagoon	PL-003	B	30.05.2023
Topographic Survey	01		22.09.2023
Odour Management Plan			22.09.2023

Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.

2. Notwithstanding the effect of Condition 1, the developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Planning Authority, during all ground disturbance. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record, recover and report items of interest and finds. A method statement for the watching brief will be submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority prior to commencement of the watching brief. The name of the archaeological organisation retained by the developer shall be given to the Planning Authority and to the West of Scotland Archaeology Service in writing not less than 14 days before development commences.

Reason: In order to protect archaeological resources.

3. Notwithstanding the effect of Condition 1, upon completion of works the development hereby approved shall not be brought into use until the applicant has submitted to the planning authority written confirmation from SEPA to confirm that the proposed development complies with the relevant provisions of The Water Environment (Controlled Activities)(Scotland) Regulations 2011 (as amended).

Reason: In order to safeguard amenity and the environment.

4. No development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved in writing by the Planning Authority. The scheme shall include details of:

- i) Any proposed re-contouring of the site by means of existing and proposed ground levels;
- ii) Proposed hard and soft landscape works;
- iii) A biodiversity statement demonstrating how the proposal will contribute to conservation/restoration/enhancement of biodiversity, and how these benefits will be maintained for the lifetime of the development.

The development shall not be operated until such time as the surface treatment and any re-contouring works have been completed in accordance with the duly approved scheme.

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme during the first planting season following the commencement of the development, unless otherwise agreed in writing by the Planning Authority.

The biodiversity statement should refer to [Developing with Nature guidance | NatureScot](#) as appropriate.

Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity, and to comply with the requirements of NPF4 Policy 3

5. The proposed development hereby approved shall be operated in accordance with the submitted Odour Management Plan dated September 2023, unless otherwise agreed in writing by the planning authority.

Reason: In the interests of amenity and safety.

NOTE TO APPLICANT

- The applicant's attention is drawn to SEPA's note regarding the proposed slurry liner which states that it must have a geotextile installed between the liner and the ground. Also, a fixed mixing, filling and emptying points with concrete protection shall be provided.
- Regard should be had to the West of Scotland Archaeology Service's consultation comments in respect of the proposed development.
- **Development Low Risk Area - Standing Advice**

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

COMMITTEE REPORT	
APPENDIX A – RELATIVE TO APPLICATION NUMBER:	23/01018/PP
PLANNING LAND USE AND POLICY ASSESSMENT	

1. Settlement Strategy

1.1. Background

Planning permission is sought for the formation of an earth bunk slurry lagoon and associated works, including the erection of a 2m high gated fence.

The proposal has been made in response to the updated Scottish government legislation on the Water Environment (Controlled Activities) (Scotland) Amendment Regulations 2021 commonly referred to as the ‘*Diffuse Pollution General Binding Rules*’. The legislation requires all cattle and pig farmers to have a minimum slurry storage capacity for a period of 22 and 26 weeks respectively by 1 January 2026; and the slurry to be built in line with the Silage, Slurry and Agricultural Fuel Oil (SSAFO) requirements. As noted in the supporting statement accompanying the proposal, the applicant seeks to meet this requirement in time and to comply with the necessary guidelines issued relative to operating the farm.

1.2. Principle of development

Of relevance, NPF4 Policies 1, 2, 3 and 4 are collectively set out to safeguard against developments likely to have detrimental impact including cumulative effect on climate change, biodiversity and natural environment.

NPF4 Policy 9b) sets out that proposals on greenfield sites will not be supported unless the site has been allocated for development or explicitly supported by policies in the Local Development Plan (LDP). In this regard, reference is made to ABC LDP Policies LDP DM 1, SG LDP ACE 1 and Policy 02 of pLDP2.

NPF4 Policy 29 seeks to encourage rural economic activity, innovation and diversification whilst ensuring that the distinctive character of the rural area and the service function of small towns, natural assets and cultural heritage are safeguarded and enhanced.

The site is located approximately 400m south west of Drumlemble and for planning purposes would be sited within a Countryside Zone wherein the provision of Policy LDP DM 1 of the adopted Argyll and Bute LDP apply. This policy encourages sustainable forms of small-scale developments on appropriate infill, rounding off and redevelopment sites and change of use of existing building. In exceptional cases, up to and including large scale may be supported, if this accords with an Area Capacity Evaluation (ACE), wherein Policy SG LDP ACE 1 applies. However, table 1 which accompanies Policy SG LDP ACE 1, sets out the definition of the scale of development by type, none of which the proposed use would fall into.

Policy 02 of the proposed LDP2 further sets out a presumption in favour of sustainable development within the Countryside Areas where this is of an appropriate scale, design, siting and use for its countryside location, as detailed in the relevant subject policies. For the reasons that follow below, the proposal is not considered to have adverse impact that

would require the submission of additional assessments with respect to policy 02 of pLDP2.

Notwithstanding the above, whilst the proposed slurry lagoon would be on a greenfield site, it is considered that the proposal represents an exceptional case in that it relates to an established farm that is required to comply with new regulatory requirements. The location of the proposed lagoon has been given consideration by the applicant and it would be sited within a reasonable distance to existing functioning agricultural buildings.

With reference to the submitted supporting statement, a site selection process was undertaken by the applicant to find the best suited site for the development. The process involved several test holes being dug to a considerable depth to establish the site's suitability. Based on the engineer's findings, the proposed site and material were deemed suitable for construction of the lagoon. A topographical survey was conducted and used to inform the lagoon's design. The applicant has also stated that a suitable site could not be found around the current farm steading owing to the water table and soil type unsuitability. Details from the submitted supporting statement confirms that part of site has been cleared of any potential mine shafts by the Coal Board compared to other areas of the farmland. However, the redline site area the Coal Authority provided comments to the applicant for is slightly different to the red line site boundary associated with this planning application. Notwithstanding this, having been assessed by officers, the designation is a low risk area where Standing Advice is drawn to the attention to the applicant as standard practice. This will be appended to any approval by way of an informative to the applicant. Based on the available evidence, it is considered that a sufficient case has been put forward by the applicant to justify the site's location.

Drawing the above together, the principle of slurry development at the site is considered acceptable and would not materially compromise the provisions of NPF4 Policies 1, 2, 9 and 29; ABC LDP 2015 Policies LDP DM1, LDP 10, SG LDP ACE 1, and SERV 5; and Policy 02 of pLDP2, subject to the acceptability of the detailed matters set out below.

2. Local Character and Appearance

The proposed site boundary area is 2978m² and is surrounded by open fields/farmlands to the west and north, with Drumlemble village located some 400m to the north east. To the south is an existing drain which runs downhill towards the village. The closest residential property is known as 'Rowan Tree', approximately 180m from the site. Torchoillean is located to the south east, which is understood to now be operated solely for residential purposes with farming operations having ceased. Though located some 150m west of Torchoillean's former farm buildings, the slurry would be viewed as a new addition associated with this cluster of development.

The slurry would measure approximately 27.5m in width and length, with a depth of 4.25m. This is estimated to provide a 2036m³ slurry capacity and is proposed to be fitted with a floating cover. This is intended to reduce emissions to the atmosphere and keep nutrients within the slurry, while preventing any clean rainwater entering. The cover would help mitigate odour nuisance during mixing/storage. An earth bunk surround would be formed and a 2 metre security fence installed at its top.

The application site is located outwith any local or national landscape designation but does comprises a greenfield site in the open countryside. Despite this, the proposal does not give rise to any immediate effect in local character and appearance terms, given that the presence of a slurry store in a rural context near to an existing farm and close to clusters of nearby development would not be unusual sight. The earth bund will be reseeded to

blend in with the surrounding landscape, which would help mitigate the visual effect of the development. To provide additional reassurances in this respect, including in relation to land contouring works associated with the proposal, a landscape condition is necessary to help ensure that the development blends into its surroundings. Due to the proposed fence in the context of the built presence in the backdrop, the proposed slurry would not be a prominent feature from the public viewpoints along the B843 located some 570m to the south immediately adjacent to the village.

Overall, it is considered that the proposal would not have a harmful effect on local character and appearance and as such would comply with NPF4 Policies 4, 9 and 14; ABC LDP 2015 Policies LDP 3, LDP 9, SG LDP ENV 14 and SG LDP Sustainable; and Policies 05, 08, 09 and 10 of pLDP2 insofar as they relate to this matter.

3. Neighbouring living Conditions/Flood Risk

The proposal is located within close proximity to Drumlemble located some 400m north where a number of occupants have raised concerns, particularly in relation to odour nuisance, intensification of agricultural traffic, the safety of children and animals (via climbing over the fence and falling into the slurry) and regarding the proposal exacerbating ongoing surface water flooding (from a drain located south of the application site), and the potential of the slurry overflowing during heavy rain. Environmental Health have been consulted on the application in response to the odour concerns submitted and have raised no objection following review of an Odour Management Plan submitted by the applicant. No other concern/comment has been raised by Environmental Health with regard to the development. In addition, a 2m high security chain locked fencing is proposed, and it is noted that the applicant intends to install relevant warning signage. Furthermore, the applicant proposed to cover the slurry which would also help to address safety concerns. Based on the available evidence, it is considered there is no justifiable basis to withhold planning permission on the grounds of odour nuisance nor on safety grounds.

Highway Safety concerns raised regarding intensification of agricultural traffic has been addressed below under the *'road network, parking and associated transport matters'* subheading. In terms of the effect that vehicular movements associated with the proposed development would have on local occupants; the applicant has set out that there would be a reduction in overall vehicular movement through the village (see assessment under section 6 regarding Road and Transport matters for further detail), and that when slurry is being transported it would be via a sealed, enclosed tank towed by a tractor. The proposed lagoon would be utilised for spreading on the surrounding field up to three times a year. On this basis, it is not considered vehicular movements associated with the proposal would have a materially harmful effect on the living conditions of surrounding occupants.

Turning to matters of flood risk, the site is outside the indicative flood limits from all flood sources as per the SEPA Flood Maps. However, it is within close proximity to a small watercourse located south of the site which runs east and downhill towards the village. Representations have raised concerns relative to the severity of the surface water flooding from the watercourse during downpour and the potential exacerbation the proposed development may have on this. This concern is linked with the likelihood of the slurry itself overflowing and running along with surface water to flood the village during heavy rains.

In light of this, the Council's Flood Risk Advisor was consulted and following submission of additional information by the applicant. This additional information included a topography survey, confirmation that no drainage is proposed (noting that rainwater collecting on the lagoon cover would be periodically pumped off and spread to surrounding agricultural land as per standard practice with lagoons), noted details of a minimum

750mm freeboard, and photographs of the watercourse. In response to the additional information, the Council's Flood Advisor has raised no objection to the proposal. Additionally, while pLDP2 encourages incorporating existing ponds, watercourses or wetlands as positive environmental features in development schemes, in this case, due to the nature of the development it is considered to not conflict with the relevant provisions of Policy 61 of pLDP2.

On the basis of the above, the proposal has given thorough consideration to risks that the development may pose and has put forward satisfactory measures to reduce risks in terms of neighbouring living conditions and flood risk. It is therefore considered that the proposal would not have a materially harmful effect on neighbouring living conditions (including safety), and in terms of flood risk. Consequently, the proposal would meet the relevant requirements of NPF4 Policy 22 and 23; ABC LDP Policies LDP 10, SG LDP SERV 2 and SG LDP SERV 3; and Policies 55 and 61 of pLDP2 as it relates to the proposed development.

4. Historic Environment

The application site lies within close proximity to a number of Scheduled Ancient Monuments (SAM) with the closest SM206 Torchoillean, standing stone located about 600m north west of the site, and SM3652 Cnocan a'Chluig, cairn & barrow 180m north of the site. It is considered that due to the location, scale, massing and design proposed, the development is highly unlikely to be visible from key outward views associated with the setting of the SAMs. As such, the proposal would not affect the setting of both Scheduled Ancient Monuments, with Historic Environment Scotland consequently having not been consulted.

The constraints data for the application site has not triggered the need to formally consult West of Scotland Archaeology Service (WoSAS) on the application. Nonetheless, WoSAS has confirmed the application site lies within an area of archaeological sensitivity and potential. The site holds record of having produced prehistoric stone tools in the past with recorded sites of prehistoric, mediaeval and later date in the surrounding landscape. WoSAS have therefore requested imposing a condition which, with no substantive evidence to the contrary, is considered necessary to include as part of any permission

Drawing the above together, subject to the noted planning condition, the proposal does not raise any concerns in relation to the historic environment, and as such the proposal would meet the relevant requirements of NPF4 Policy 7; ABC LDP 2015 Policies LDP 3, SG LDP ENV 19 and SG LDP ENV 20; and Policies 15, 19 and 20 of pLDP2.

5. Biodiversity/Soil

The proposal does not relate to, nor is it within immediate proximity of any nature conservation designation. The site has no readily apparent biodiversity value and is classed as 4.20 in agricultural land classification terms, which is not defined as prime agricultural land by NPF4. The application does not include any detail of proposed biodiversity enhancements that would be delivered by the development other than reseeded the earth bank which would be formed using excavated soil from the site. However, it is considered that biodiversity enhancement measures could be secured by way of suspensive planning condition. In addition, a condition requiring good soil management practices would be necessary to meet the terms of NPF4 Policy 5a). Consequently, subject to the above noted conditions, the proposal would not materially conflict with the relevant requirements of NPF4 Policies 3 and 5; ABC LDP Policies LDP 3, SG LDP ENV 1 and SG LDP ENV 11; and Policies 73 and 79 of pLDP2.

6. Road Network, And Associated Transport Matters.

The development would be accessible via the existing farm track with no proposed alteration. Given the positioning of the slurry tank on the farm and the proposed method of operation, the development upon completion is expected to materially decrease the farm traffic through Drumlemble village. The applicant has confirmed the proposed slurry lagoon would remain as surplus to the existing store within the steading and estimates that farm traffic through the village would drop from around 700 trips per annum to approximately 100 trips.

The proposed lagoon will be filled through an umbilical system across the field by a tanker. Therefore, while other farm related transport will continue to travel through the village, any trips as it relates to this development would be associated with maintenance, to tank thin watery slurry to aid mixing (approximately 5 loads, once or twice a year), and slurry spreading. A specialist agricultural contractor will be contracted for the main spreading which will be carried out a maximum of three times annually using an umbilical tanker system to spray the slurry across surrounding fields. It is expected that outwith this requirement, where excess slurry is available after using the umbilical system, and is required to be spread on other parts of the nearby fields, an empty tanker would be used on an ad hoc basis approximately 20 days annually with a maximum of 2 trips daily. This in essence would reduce current travelling through the village with slurry and partly address the concerns surrounding increase in farm traffic and the safety of local residents. The proposal would therefore comply with the relevant requirements of NPF4 Policy 13; ABC LDP Policy LDP 11 and SG LDP TRAN 4; and Policies 35 and 37 of pLDP2.

7. Other Key Policy Matters

The accompanying documentation submitted with the planning application indicates that the applicants have engaged with both the Coal Authority and SEPA at early stages of the proposal. The Coal Authority's comments are covered in the above assessment. SEPA's comments submitted by applicant raised no significant concerns, and requested that the applicant consult them to allow for a post construction for a final inspection to be conducted.

Matters Raised by Proposed Local Development Plan 2 (as modified by Examination)

Proposed Local Development Plan 2 as recommended to be modified by the Examination Report is now a significant material consideration. In this instance it is considered that this application does not give rise to any fundamental conflict with the relevant policies of PLDP2.