

**Argyll and Bute Council
Development and Economic Growth**

Delegated or Committee 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

SUPPLEMENTARY REPORT NO. 1

1.0 INTRODUCTION

This report provides Members with an update following their decision at the 22nd November PPSL meeting to continue the application in order to allow submission of further information from the applicant in relation to:

1. Details on the nature of the proposed fence in terms of size and design and signage displayed in order to secure the site of the slurry lagoon;
2. Clarification on the type of cover that will go over the slurry lagoon in terms of the safety aspects of it; and
3. Details of protocols that will be put in place in respect of the Health and Safety aspects of the site, to ensure it was a safe place to work

2.0 FURTHER SUPPORTING INFORMATION

The applicant submitted the requested further information on 6th December 2023. The additional information submitted includes;

- A health and safety management plan for the site
- Revised site plan with tyre ladder details
- Revised cross-section plan
- Revised security steel mesh fence details to include 2 strands of barbed wires at the top and bottom.
- Health and Safety Executive (HSE) information sheet on managing slurry on farms

Note: Full details of the revised plans, health and safety management plan and HSE's information sheet on managing slurry on farms can be view on the Council's website at www.argyll-bute.gov.uk

3.0 SUMMARY OF MEMBERS REQUESTS AND RESPONSE:

3.1 Details on the nature of the proposed fence in terms of size and design and signage displayed in order to secure the site of the slurry lagoon.

Response: The applicant has submitted a revised plan as noted under section 2.0 above for the proposed fence and signage details. The design of the fence to be installed at the top of the earth bank now includes two stands of barbed wires at the top and bottom of the proposed gated security fence. The proposed fence would be made of steel mesh instead of timber as proposed initially and would measure a total of about 34.5 m and 2 meters high. A secondary 1m high fence has also been proposed to be installed at the lower ground of the lagoon to be made of post and wire tock. With regards to the proposed signage to be installed on site, it would have warning details which include the following;

- *Slurry Lagoon*
- *Danger*
- *Toxic Gases*
- *No Smoking and No Naked Flames*
- *Danger of Drowning*
- *Children must not play on this site*
- *Postcode, What3words and OS Grid Ref of site*
- *Emergency contact numbers 999 and site owner*

Officers note that the proposed fence specification is in line with guidance provided by the Health and Safety Executive for securing such sites. It is however recommended that an additional condition be attached to any permission granted requiring signage to be installed on all elevations of the fence and on all access gates to the site including on the two security fence gates as recommended on the revised site layout plan with drawing no. PL-002 Rev D.

3.2 Clarification on the type of cover that will go over the slurry lagoon in terms of the safety aspects of it.

Response: Members are reminded that SEPA's requirement for meeting the updated legislation for which this application has been submitted does not required to have a cover. Notwithstanding, the proposed floating cover will be produced from from Genatex 920 Reinforced PVC with 2 vented floaters and a de-gassing pipe with four chimney outlets. These outlets are to control the buildup of gas pressure under the cover. The floating cover is estimated to reduce emissions, and therefore odour, by approx. 85%.

The applicant has confirmed there is no other cover available to the industry for slurry lagoons other than the proposed floating cover. In their response the applicant notes that while this type of cover will not prevent anyone from falling into the lagoon; it would prevent anyone and/or animals from submerging in the slurry/gasses – increasing the chances of survival if anyone was to accidentally fall in. Submitted revised plans (site layout plan and site section plan) indicates additional installation of four tyre ladders to be anchored to the security fence and positioned internally at each corner of the lagoon. This is intended to assist anyone or animal who may have accidentally fallen into the lagoon to climb out.

3.3 Details of protocols that will be put in place in respect of the Health and Safety aspects of the site, to ensure it was a safe place to work.

Response: Members are advised that while additional information was requested relative to the health and safety aspect of the slurry lagoon, officers are minded that this aspect of the slurry management and operational activities are governed and monitored under a separate legislation by HSE. Similarly, SEPA would be responsible for ensuring the proposed lagoon has been constructed to satisfy SEPA's regulations and therefore has requested for a follow up site visit/investigation post construction and prior to the slurry lagoon being brought into use. Notwithstanding, the applicant has submitted additional document – HSE's information sheet on managing slurry on farm and has noted the proposed development would be managed in accordance with the HSE guidance document submitted. Furthermore, the applicant has submitted a health and safety management plan for the site. An additional condition requiring that the site be managed in accordance with this additional supporting documentation is proposed.

4.0 UPDATED RECOMMENDATION

It is recommended that planning permission be granted subject to the revised list of conditions and reasons appended to this report.

Author of Report: Tiwaah Antwi

Date: 7th December 2023

Reviewing Officer: Peter Bain

Date: 8th December 2023

Fergus Murray
Head of Development and Economic Growth

REVISED 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 Layout Plan	PL-002	D	06.12.2023
Security Fence Details	PL-004	A	06.12.2023
Cross Sections through proposed slurry lagoon	PL-003	C	06.12.2023
Topographic Survey	01		22.09.2023
Odour Management Plan			22.09.2023
Health and Safety Management Plan			06.12.2023

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.

6. Notwithstanding the effect of Condition 1, the proposed safety signage shall be installed on all elevations of the fences and on all access gates to the site including on the two security fence gates as recommended on the revised site layout plan with drawing no. PL-002 Rev D. Thereafter the signage shall be maintained to ensure that it remains legible.

Reason: In the interests of safety.

7. The development hereby approved shall be operated in accordance with the submitted Health and Safety Management Plan submitted to the Planning Authority on 06 December 2023, unless otherwise agreed in writing by the planning authority; or as may otherwise be alternatively instructed by any other Agency with a statutory remit limiting the operation or maintenance of the site, including the Health and Safety Executive and/or SEPA.

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