

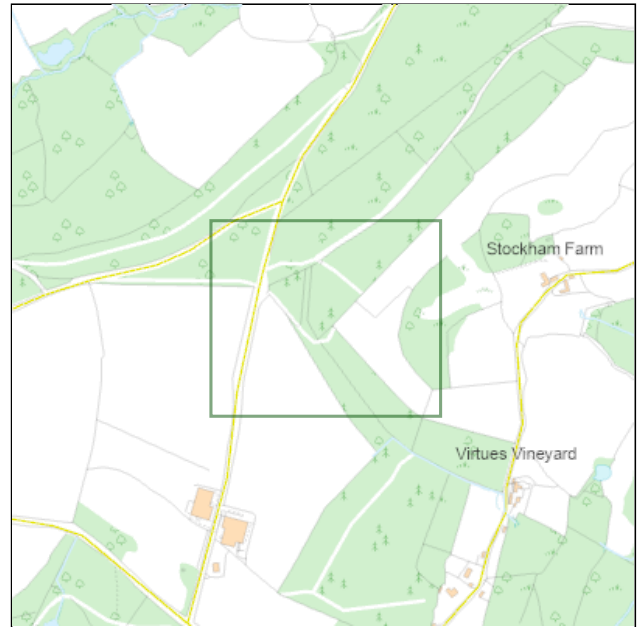
Ward Coly Valley

Reference 25/2444/FUL

Applicant Mr J Reed

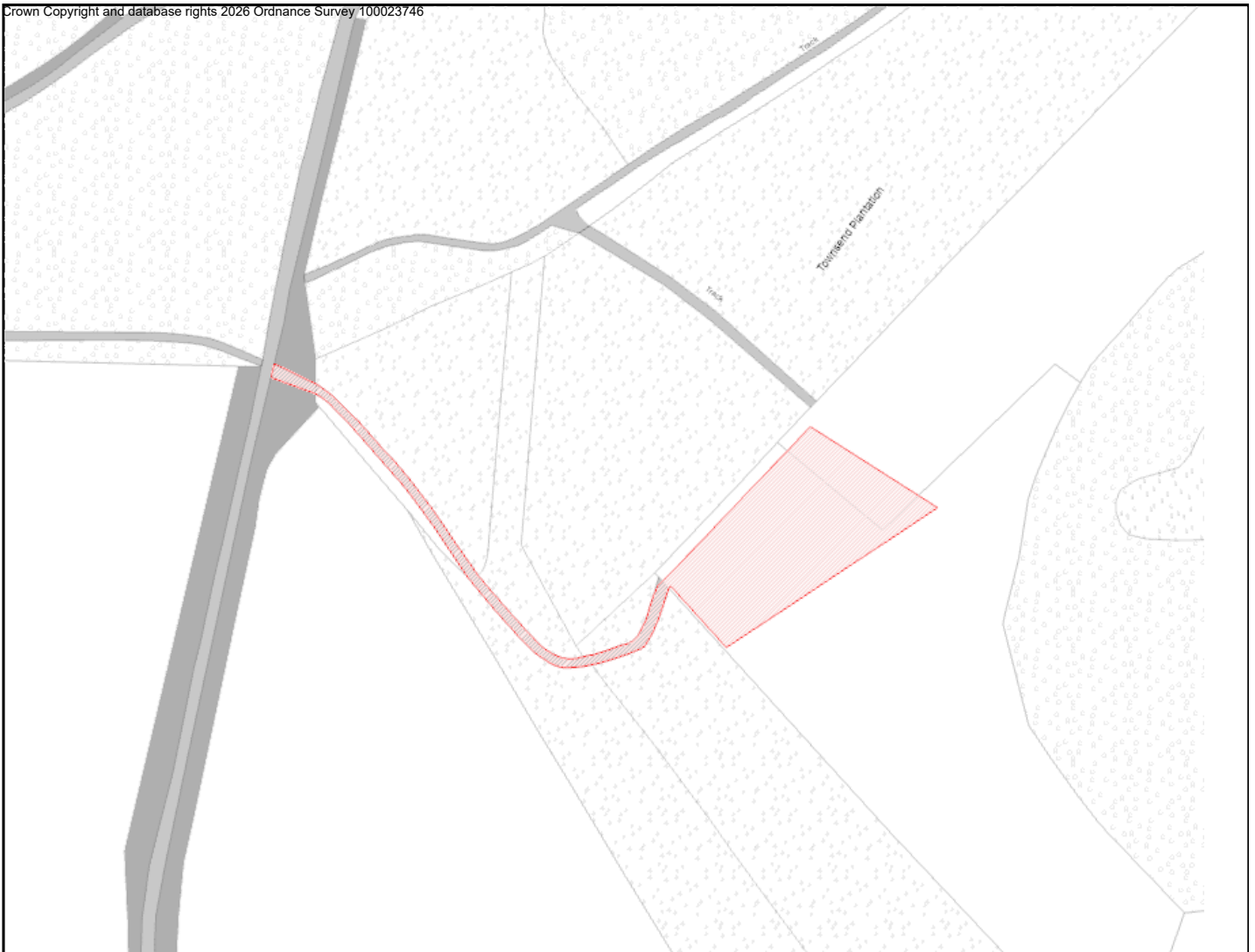
Location Land South East Of Townsend Plantation
Southleigh Colyton

Proposal Retrospective application for an earth lined
slurry lagoon



RECOMMENDATION: Approval retrospective (conditions)

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		Committee Date: 09.06.2026
Coly Valley (Southleigh)	25/2444/FUL	Target Date: 22.01.2026
Applicant:	Mr J Reed	
Location:	Land South East Of Townsend Plantation Southleigh	
Proposal:	Retrospective application for an earth lined slurry lagoon	

RECOMMENDATION: APPROVE subject to conditions

EXECUTIVE SUMMARY

This application is before the Planning Committee because the recommendation is contrary to the view of one of the Ward Members.

Retrospective planning permission is sought for the retention of an earth-lined slurry lagoon on agricultural land within the East Devon National Landscape.

The slurry lagoon forms part of a wider farm holding and provides additional on-farm storage to enable slurry to be spread at agronomically appropriate times, thereby reducing the risk of pollution associated with inappropriate land application. As such, the development is considered acceptable in principle under Local Plan Policy D7.

In landscape terms, the lagoon is located within an open agricultural field and is largely contained by existing landform and surrounding woodland. Subject to mitigation, including additional planting to address identified arboricultural harm, the development is considered to integrate satisfactorily into its setting and would not result in unacceptable harm to the character or natural beauty of the East Devon National Landscape.

There is no objection from the Environment Agency or Environmental Health. The Environment Agency has inspected the lagoon under the relevant regulatory regime and is satisfied that it meets the required standards for slurry storage. The planning system operates alongside separate pollution control legislation, and significant weight is afforded to the Environment Agency's assessment. On this basis, the development is not considered to give rise to an unacceptable risk to the water environment.

Further assessment confirms that there would be no adverse effects on designated ecological sites, including the Beer Quarry and Caves SAC and nearby ancient woodland.

Access is via existing agricultural tracks and the proposal would not result in a material increase in traffic movements. No highway safety issues are identified.

Overall, the benefits of supporting the agricultural operation and improving slurry management, together with the absence of significant adverse impacts, weigh in favour of the development. The proposal is therefore considered acceptable and recommended for approval, subject to conditions.

CONSULTATIONS

Local Consultations

Coly Valley - Cllr Paul Arnott

Background

All planning applications exist within a wider context, and district councillors are often able to contribute relevant information which assists the understanding of planning officers and ultimately the Planning Committee. In cases such as this the potential for reputational damage to EDDC is substantial.

- [REDACTED]
- He did this after a separate historic Planning Application Ref. No: 19/1768/FUL was **turned down** to build a slurry pit, when he was **told by EDDC not to commence** development in connection with the application. Nevertheless, the Applicant has now proceeded to build a substantially larger slurry pit, 3,000 m² at least plus in size, in close proximity to the site where the Application was rejected, and without any planning permission. The Applicant has also been operating the pit for several months notwithstanding that he has no planning permission. He was then asked to submit a retrospective planning application.
- **The pit is now full.** It is not credible that it is operating solely to provide a facility for the applicant's own needs, and it is probable that he is **receiving slurry** from a wide area as a business. **Highways at DCC** should be advised of this.
- The **Environment Agency** has commented: "Following an inspection on 5 November 2025 and review of supporting soil testing, the Environment Agency has confirmed that the lagoon **visually appears** to have been constructed in accordance with the relevant construction standard and that the materials used meet the required permeability thresholds."
- However, the EA has not provided evidence to validate the statement that the lagoon has indeed been built in accordance with the construction standard. For example, there **does not appear to be any detailed specification** for the pit construction or professional engineering drawings signed off by a qualified person. EDDC members must not be asked to approve a

retrospective planning application without site on request of all documents relied upon by the EA on which they base their advice to EDDC planners.

- EA goes onto say that its soil test confirms that the materials used in construction meets the necessary permeability requirements. However, the pit appears to be no more than a very large hole in the ground dug out of the existing soil, and there is **no evidence of what additional “materials” have been used in the “construction”**. Also, evidence of the soil tests carried out by the EA have not been made available.
- **Liner.** SSAFO Regulations require that an earth-banked pit include an impermeable liner, either 1m of puddle clay or a synthetic geo membrane. SSAFO Regulations also require that the store must be designed and constructed to satisfy a 20-year lifespan without maintenance. These regulations require that tank base, walls, channels and pipes must be fully impermeable and protected against corrosion and they must be strong enough to withstand the loads they’ll experience in normal use. Regulation 4 of The Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018 requires that farmers plan the application and storage of organic manure to ensure it does not create a significant risk of pollution, **specifically citing "the slope of the land" and "proximity to surface waters" as risk factors. There is no evidence to support this having been done.**
- This pit has been built in close proximity to a **steep slope** which leads down into the valley. Any leakage or overflow from the lagoon would likely find itself travelling into the valley below and polluting the local waterways and rivers, not to mention the potential flood risk that the lagoon poses to local residences. There doesn't appear to be any evidence to support how these Regulations and the SSAFO Regulations have been complied with. Where are any professional engineering sign-off documents for the critical design, construction and stability.
- Further a lagoon of this size which is close to a steep hillside requires a **geotechnical stability assessment by a qualified person**. This is because earth-banked lagoons can be prone to slumping and catastrophic failure. There is no evidence that this assessment has been completed.
- Given the above, it is not possible to establish from the available information that all the regulatory requirements for the construction of the pit have been met. Therefore, there is a **real risk of flooding, damage to the water table, damage to property and pollution to local waterways and rivers.** [REDACTED]. The applicant is also the longstanding chair of Southleigh Parish Council, which has not commented.
- The Clean Air Strategy 2019 mandates that **all slurry stores should be covered** by 2027 to reduce ammonia emissions. While the deadline is approaching, local authorities are able to use Best Available Techniques under the Environmental Permitting (England and Wales) Regulations 2016 to

enforce covers on high-risk or newly built sites to mitigate ammonia which could damage the ancient woodland, trees and hedges nearby all of which are sensitive receptors. At the moment covers are not included as part of the proposal. There is a reputational risk for the council that the applicant is seeking to “beat the deadline”. Local residents confirm that ten metres down from the already filled pit top, under pressure from heavy rain slurry is oozing through the bank. They should be believed.

- The Design and Access Statement dd 27 November 2025 stated that: "The new store is sited to enable the application of slurry to the neighbouring fields with the use of an umbilical slurry spreading system. The slurry will be transferred to the store by tractor and tanker. There will be no increase in the overall number of traffic movements." However subsequent correspondence from the Applicant on the EDDC website states that: "There is nothing set in stone showing where the slurry will be applied." This is not therefore consistent with the original stated purpose of the store and it is likely to result in an increase in the overall **traffic movements** further damaging the already heavily pot holed lanes.
- **Tree damage.** [REDACTED] he has already been found by EDDC Trees to have caused immense damage to the roots of birch trees which are unlikely to now flourish in driving an access track across land. The nearby public access path has now been blocked and walkers diverted.
- **Natural England** appear not to be satisfied that they have sufficient information.
- To be included in detail in any report: EDDC’s log of **enforcement engagement** with the applicant re this application and the previous ones. Also, an assessment of **reputational damage to EDDC** if it relies on sub-standard analysis from the Environment Agency
- For the Chair and Vice Chair of Planning: I formally object to this application and will argue that it is in the public interest for it to come before the Planning Committee.
- I will urge a site visit.

I hope these comments are helpful.

Other Representations

Four public objections were received. The main issues raised are summarised below:

Flood Risk and Water Pollution

Representations express strong concerns that the uncovered lagoon could overflow—particularly during heavy rainfall—resulting in slurry entering nearby watercourses, leats and the valley below. Objectors highlight the potential for both flooding and pollution of the water table, streams and rivers. Reference is also made to the Farming Rules for Water, specifically Regulation 4 of the 2018 Regulations,

which requires that storage and application of organic manure must avoid significant pollution risk, including risks arising from land slope and proximity to surface water.

Environmental and Ecological Impacts

Objectors state that the proposal may harm sensitive habitats, including woodland, hedgerows and designated ecological sites. One representation notes the absence of a Habitats Regulations Assessment despite advice from Natural England regarding possible significant effects on the Beer Quarry & Caves SAC. Concerns also include impacts on protected species, biodiversity, and nutrient enrichment from slurry storage and spreading.

Air Quality and Ammonia Emissions

Concerns are raised regarding ammonia emissions from an uncovered lagoon, with reference to national policy in the Clean Air Strategy 2019 that requires slurry stores to be covered by 2027. It is argued that large open lagoons are high-risk ammonia sources and could harm nearby ancient woodland and other sensitive receptors. Objectors question whether the authority would require the lagoon to be covered if approved.

Insufficient Technical Information and Containment Concerns

Multiple representations argue that the application lacks essential engineering detail, including lining specifications, containment design, seepage prevention, rainfall capacity, overflow pathways and monitoring systems. The SSAFO Regulations requirement for stores to be designed for a 20-year lifespan without maintenance is referenced, with calls for professional engineering verification. The absence of detail on slurry spreading, the proposed umbilical system, and ongoing monitoring arrangements is highlighted, alongside concerns about whether EDDC has adequate resources to ensure compliance.

Scale, Location, Highway Impact and Landscape Harm

Objectors consider the lagoon to be disproportionately large and inappropriately sited within the protected landscape (AONB/National Landscape). Concerns include visual impact and landscape harm. Additional recent representations also argue that the lagoon's distance from the slurry source will lead to increased heavy vehicle movements on narrow rural lanes that are already damaged, whereas siting the lagoon closer to the source could reduce this impact.

Accuracy and Procedural Concerns

Representations claim the application contains misleading or inaccurate site descriptions, particularly references to "Land at Stockham Farm," which some say is not owned by the applicant. Commenters also highlight limited or absent neighbour notification and concerns that retrospective elements are unclear. One objector states the application cannot lawfully be determined without required assessments.

Construction and Use Prior to Consent

Several objections note that a similar application was previously refused, yet the slurry pit has already been constructed and appears to be in use, raising concerns about compliance with planning controls.

Technical Consultations

EDDC Landscape Architect

I have now visited the above site and make the following observations. Unfortunately I had not read your email below before my visit and I therefore did not know to look out for excavation damage to the boundary hedgebanks as raised in the Arb. Officer's response. However, I can see in the attached photo (DSC0026) where some grading at the base of the existing hedgebanks may have occurred during construction.

The as-built layout of the lagoon deviates somewhat from the submitted drawings. While it would appear to be of similar o/a size, the form is more rounded than the drawings indicate.

Overall, the lagoon sits comfortably in the landform and is screened by existing woodland to the north and west. There are views to the south across the valley to public access woodland but these are at a distance and part filtered by intervening trees such that any visual impact is likely to be slight to negligible according to season. I would not advocate any additional planting being needed to mitigate visual impact but some planting may be required to address the root damage issue identified by the Arb. Officer.

I note the intention to provide 1.8m high perimeter fencing. This has not yet been installed and I would recommend reducing this to an overall height of 1.5m including barbed wire, which is in line with relevant CIRIA guidance (Livestock Manure and Silage Storage Infrastructure for Agriculture – Part 2 Design and Construction para. 7.4.9.2). I would also recommend a gate with appropriate warning sign being installed at the end of the access track where it enters the host field.

There is currently a large mound of spoil by the area of hardstanding beside the highway from which the site is accessed (see attached photo DSC033). This is likely to be from the site excavations. Should the application be approved a condition should be imposed requiring details of how/ where it will be disposed of and giving a maximum of three months for this to be completed from the issue of the decision notice.

EDDC Trees

The slurry lagoon has now been installed and is accessed via two tracks which pass through the adjacent woodland compartment, providing access from the west and the north.

The installation of the lagoon has required excavation into the south eastern face of the adjacent hedge bank. This has resulted in root damage to large, mature beech coppice stools growing within the bank. It should be noted that these beech stools are of considerable age and exhibit decay features typically associated with veteran and ancient trees. As such, they are of high biodiversity value.

Whilst the access tracks may be pre existing, their increased use is likely to have resulted in some harm to soil conditions within the adjacent woodland. This impact is partially mitigated by the fact that the woodland compartment closest to the lagoon has recently been cleared, presumably under a licence issued by the Forestry

Commission. Enquiries have been made with the Forestry Commission in this regard.

Given that damage has occurred, should the location of the lagoon be considered acceptable on planning grounds, any approval should be subject to appropriate mitigation measures. These should include compensatory planting to increase tree canopy cover in the area and to mitigate for the loss and damage already incurred.

Any planning approval should therefore be subject to a landscaping condition requiring the submission of a detailed landscaping scheme. This should include the planting of new native trees and shrubs to integrate the lagoon into the surrounding woodland landscape, to the north and west of the lagoon.

Environment Agency

We have no objections to this planning application. The proposal will ensure the farm operates with sufficient storage for slurry, reducing the risk of slurry being spread to land at inappropriate times and helping to protect water quality. Nonetheless, the proposal must operate in accordance with the relevant regulations.

An informative regarding the regulatory requirements under pollution control regimes and additional advice is recommended.

A condition of SSAF requires that the Environment Agency must be notified of a new, reconstructed or enlarged slurry store, silage clamp or fuel store at least 14 days before starting any construction work. We appreciate that this application is retrospective, so this is not likely to be relevant at this point.

Advice for the LPA - Private water supplies

The site is not located within a Source Protection Zone. However, you should also consider whether there are any wells, springs or boreholes used for the supply of water for human consumption within 50 metres of the store. Local authority's environmental health or public protection teams, as the regulators for private water supplies, hold information on the location of these supplies.

Natural England

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES AND PROTECTED LANDSCAPES

As submitted, the application could have potential significant effects on Beer Quarry & Caves Special Area of Conservation (SAC). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

Air Quality Standing Advice

Natural England advises that the potential for air quality impacts arising from this development needs to be assessed. Natural England refers your authority to Standing Advice 'Air pollution and development: advice for local authorities. How to assess sector-specific planning applications that could affect air quality on a protected site'. This standing advice is Natural England's formal statutory advice and

is a material consideration. It provides decision makers with the information needed to fulfil their statutory duties when making decisions on planning applications with potential air pollution impacts.

Protected Landscapes

The local planning authority should carefully consider any impacts on the statutory purposes of protected landscapes and their settings in line with the NPPF, relevant development plan policies and the Section 245 duty.

Environmental Health

15/12/25 - I have considered the application and do not anticipate any environmental health concerns.

14/01/26 - I have considered the application and do not anticipate any environmental health concerns.

03/02/26 - I've checked the location of the slurry lagoon against the PWS's we have listed on our system and we don't have any PWS's located within 50m of the site.

PLANNING HISTORY

Permission was refused for a slurry store at a nearby location, reference 19/1768/FUL, on the grounds of failure to preserve or enhance the character of the AONB.

Pre-application advice was provided in relation to three alternative possible locations for a slurry store, including the location proposed in application 24/1544/FUL.

Application 24/1544/FUL was refused on grounds of its harmful visual impact on the National Landscape due to inadequate landscape mitigation, insufficient evidence that compensatory tree planting could be delivered without ecological harm, and lack of information demonstrating that tree removal and slurry-related air quality impacts would not adversely affect protected species, ancient woodland and the Beer Quarries and Caves SAC.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside) Adopted

Strategy 46 (Landscape Conservation and Enhancement and AONBs) Adopted

Strategy 47 (Nature Conservation and Geology) Adopted

D1 (Design and Local Distinctiveness) Adopted

D2 (Landscape Requirements) Adopted

D3 (Trees and Development Sites) Adopted

D7 (Agricultural Buildings and Development) Adopted

EN5 (Wildlife Habitats and Features) Adopted

EN13 (Development on High Quality Agricultural Land) Adopted

EN14 (Control of Pollution) Adopted

EN22 (Surface Run-Off Implications of New Development) Adopted
TC2 (Accessibility of New Development) Adopted
TC4 (Footpaths, Bridleways and Cycleways) Adopted
TC7 (Adequacy of Road Network and Site Access) Adopted

Draft East Devon Local Plan 2020-2042 Policies

Strategic Policy SP06 (Development beyond Settlement Boundaries) Draft
Strategic Policy OL02 (National Landscapes (Areas of Outstanding Natural Beauty))
Draft
Strategic Policy PB01 (Protection of internationally and nationally important wildlife sites) Draft
Strategic Policy PB04 (Habitats Regulations Assessment) Draft
Strategic Policy TR01 (Prioritising walking, wheeling, cycling, and public transport)
Draft
Strategic Policy AR01 (Flooding) Draft
Policy SE02 (Employment development in the countryside) Draft

Government Planning Documents

National Planning Policy Framework 2024 (as amended)
National Planning Practice Guidance

Site Location and Description

The site lies within open countryside in the East Devon National Landscape. The lagoon occupies an open arable field (previously sown to maize) immediately adjacent to woodland edges, with access via existing tracks from the west and north.

A public bridleway passes through the woodland about 100 metres from the lagoon. While there is a licence to fell the woodland between the bridleway and the lagoon, there is a treed bank adjacent to the lagoon that would be retained.

The site is on the upper slope of a hill and the land falls sharply away to the east towards residential properties situated about 300-350 metres away.

ANALYSIS

Proposed Development

This application is for retention of an earth-lined slurry lagoon with perimeter bunds that have been seeded to blend with the surrounding sward. A 1.5 m fence with barbed top strands is proposed around the lagoon for stock and public safety.

The lagoon forms part of a wider farmed landholding and is used to store slurry for subsequent umbilical application to nearby fields at agronomically appropriate times. The applicant states the scheme responds to Environment Agency (EA) expectations to increase on-farm storage capacity.

Principle

The lagoon provides additional slurry storage to enable timely, agronomically-led spreading, reducing pollution risk and supporting the functioning and environmental performance of the farm enterprise. Such development is acceptable in principle in accordance with Policy D7 where scale/siting/design avoid unacceptable effects on landscape, biodiversity, trees and amenity.

East Devon National Landscape

The site lies within the East Devon National Landscape. In determining this application, the Council is required, as a relevant authority, to seek to further the statutory purpose of conserving and enhancing the natural beauty of the protected landscape. Government guidance explains that this is an active duty, requiring reasonable and proportionate steps to recognise that purpose in decision-making. In this case, that duty is addressed through careful consideration of siting, landform, visibility, existing landscape features and opportunities for mitigation and enhancement.

Unlike the previously refused woodland-based proposal (24/1544/FUL), the slurry lagoon is sited within an open agricultural field and has been formed using graded, bunded earthworks seeded with grass, allowing it to sit comfortably within the existing landform. Whilst the as-built lagoon presents a more rounded profile than the rectilinear form shown on the submitted drawings, this reflects the practicalities of constructing earth-worked features rather than a substantive deviation from the drawings. The lagoon remains consistent with the submitted plans in terms of its siting, footprint and overall scale, and its visual presence is not materially altered. On this basis, the drawings are considered to provide a sufficiently accurate representation of the development to enable the imposition and enforcement of any relevant planning conditions.

The lagoon is well screened by existing woodland to the north and west. More distant views are available to the south across the valley from areas of public access woodland, however these are filtered by intervening vegetation and occur at sufficient distance that any visual impact would be slight to negligible, varying with season. Woodland to the north currently screens views from the bridleway; even if felling were to occur in accordance with a Forestry Commission licence, views would be limited and largely restricted to partial glimpses over retained banks and through boundary trees.

In this context, the development is considered to integrate satisfactorily into its landscape setting and would not result in undue harm to the natural beauty of the National Landscape. In addition, the recommended landscaping and compensatory planting condition would secure reinforcement of boundary vegetation and canopy cover, helping to conserve and enhance the landscape character of the site and its immediate surroundings. Taking account of the limited visual effects identified, the retention of important landscape features and the scope for mitigation and enhancement, officers are satisfied that approval of the development would be consistent with the Council's duty to seek to further the statutory purpose of the East Devon National Landscape, as well as with Strategy 46 and relevant national policy.

It is noted that the Landscape Architect identified a mound of spoil adjacent to the hardstanding near the highway, which may have originated from recent excavation works. However, there is insufficient evidence to demonstrate that this material is directly attributable to the construction of the slurry lagoon that is the subject of this application. In the absence of a clear link to the development, it is not considered reasonable or necessary to control its management or disposal through this planning permission. Any storage, handling or disposal of spoil remains subject to relevant separate legislation and guidance; however, should evidence emerge that the deposit constitutes unauthorised development or results in harm, it may be expedient for the Local Planning Authority to investigate the matter further through its planning enforcement powers.

Trees and Hedgebanks

The Council's Tree Officer has advised that excavation works associated with the installation of the lagoon have encroached into the south-eastern hedge bank, resulting in damage to the root systems of mature beech coppice stools. These trees exhibit veteran characteristics and are of high biodiversity value. In addition, the intensification of use of access tracks through adjacent woodland has the potential to have caused localised soil compaction, although this is partly mitigated by recent woodland clearance undertaken under licence.

The Council's Landscape Architect confirms that limited grading appears to have taken place at the base of the hedge bank and agrees that, while additional planting is not required to mitigate visual impact, planting would be appropriate to address the arboricultural harm identified. The potential loss or decline of boundary trees could, over time, incrementally increase visibility of the lagoon and erode the traditional field boundary structure characteristic of the landscape.

On this basis, while the impacts identified do not warrant refusal of the application, they do amount to residual harm when assessed against Policy D3. To mitigate this and to preserve and enhance landscape character, it is therefore necessary to secure a condition requiring the submission and implementation of a detailed landscaping scheme. This should include native tree and shrub planting, focused particularly to the north and west of the lagoon, to increase canopy cover, reinforce boundary vegetation, and compensate for damage already incurred.

Highways and Access

Access to the slurry lagoon is taken via an existing agricultural track connecting to the public highway. This route has long been used as part of the agricultural operation of the holding and is established in character and function. The proposal does not introduce any new points of access onto the highway network.

The Design and Access Statement explains that the lagoon is intended to serve surrounding farmland efficiently, thereby minimising vehicle movements associated with the transfer, storage and spreading of slurry. The applicant confirms that the lagoon will be used solely for slurry arising from within the same agricultural holding and that no slurry will be imported from third-party operations. The slurry will

primarily be applied to adjacent land via an umbilical spreading system, thereby significantly reducing the need for transport by tractor and tanker. While it is acknowledged that there may be occasional circumstances where slurry is transported to other land within the applicant's control, this reflects existing operational practices across the wider holding and would not amount to a material intensification of traffic movements beyond the established agricultural baseline.

Officers note that slurry and agricultural materials have historically been transported to and from this landholding using the existing access tracks for a number of years. On that basis, and having regard to the scale and nature of the proposal, it is not considered that the development would result in a material increase in traffic generation or give rise to unacceptable impacts on highway safety or the operation of the local road network.

The Highway Authority has not raised any objection to the proposal, and officers are satisfied that the existing access arrangements are adequate to serve the development. The proposal is therefore considered to comply with Local Plan Policy TC7.

The Council's Tree Officer has noted that, while the access tracks are pre-existing, their use has the potential to affect soil conditions locally within adjacent woodland areas. It is also noted that the woodland compartment closest to the lagoon has been subject to recent felling under a Forestry Commission licence, which alters the immediate context. Any ongoing or future impacts associated with access use, including potential mitigation measures, are matters of arboricultural assessment rather than highway safety and are addressed elsewhere in this report.

Air quality impacts

Natural England's initial consultation response referred the decision-maker to its air quality standing advice, including screening using the Simple Calculation of Atmospheric Impact Limits tool (SCAIL). In response, the applicant has submitted details confirming the maximum storage capacity, storage surface area and duration of storage in order to inform the screening process.

Initial screening demonstrates that, on its own, the proposal would not give rise to any adverse air quality impacts on internationally or nationally designated wildlife sites (SSSIs and SACs). A further stage of assessment requires consideration of potential effects in combination with other developments. A review of other relevant planning applications within five kilometres of the site has been undertaken, and no developments have been identified which, when considered alongside this proposal, would result in thresholds for adverse effects being exceeded. On this basis, no further air quality assessment is required in respect of protected wildlife sites.

In relation to ancient woodland, initial screening was unable to rule out the potential for an adverse effect on Great Shrubbery Ancient Woodland to the north of the site. In response, the applicant has submitted a detailed Air Quality Assessment (AQA). This assessment concludes that the contributions arising from the development in terms of ammonia, nutrient nitrogen and acid nitrogen are all below one hundred percent of the relevant critical levels and critical loads. In accordance with

Environment Agency air emissions risk assessment guidance¹, impacts at this level are regarded as insignificant.

Published guidance from the Woodland Trust² and the Institute of Air Quality Management³ questions the use of a one hundred percent critical level or load threshold for ancient woodland. However, there is currently no statutory or nationally adopted planning guidance requiring a lower threshold to be applied, and Natural England's published standing advice on air quality does not extend to ancient woodland. In the absence of alternative authoritative guidance, it is appropriate to have regard to Defra and Environment Agency risk assessment guidance, which indicates that impacts below one hundred percent of the critical level or load are not significant.

The submitted AQA has been prepared by a suitably qualified consultant and is based on accepted and recognised methodologies. It identifies that process contributions remain well below the relevant critical levels and loads, including under a worst-case scenario. On this basis, it is concluded that the proposal would not result in deterioration of the nearby ancient woodland arising from air quality effects attributable to this development. The proposal is therefore considered to accord with Local Plan Policy D3 and national planning policy relating to the protection of irreplaceable habitats.

Beer Quarry & Caves SAC

The site lies within Landscape Connectivity and Core Sustenance zones for greater horseshoe and Bechstein's bats, at a distance of 2.87 km from the SAC. A Habitats Regulations Assessment screening has been undertaken which concludes that the proposal would not give rise to a likely significant effect (LSE), either alone or in combination, for the following reasons:

1. No barrier/fragmentation effects;
2. No lighting introduced;
3. No loss of functionally important habitat - the field was arable (maize) and the small area of change is negligible in bat foraging terms; bunds are seeded grass; and
4. No direct effects on SAC roosts or known key roosts.

Accordingly, the need for Appropriate Assessment has been screened out.

Water Environment, Pollution Control and Public Concerns

A number of representations raise concerns regarding flood risk, the potential for overflow of the uncovered slurry lagoon during periods of heavy rainfall, and the risk of pollution to nearby watercourses, leats, groundwater and the wider valley. Reference is also made to the Farming Rules for Water, in particular the requirement that the storage and use of organic manure must not give rise to a significant risk of pollution, having regard to factors such as land slope and proximity to surface water.

¹ [Air emissions risk assessment for your environmental permit - GOV.UK](#)

² [Ammonia Impacts On Ancient Woodland - Woodland Trust](#)

³ [air-quality-impacts-on-nature-sites-2020.pdf](#)

Additional concerns relate to the perceived lack of technical and engineering detail, including lining and containment specifications, rainfall capacity, seepage prevention, long-term durability and monitoring arrangements.

These matters have been carefully considered. In accordance with paragraph 201 of the National Planning Policy Framework, the role of the planning system is to assess whether the development represents an acceptable use of land, having regard to the characteristics of the site and its surroundings, while assuming that separate pollution control regimes will operate effectively. The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010 and related legislation are specifically designed to regulate construction standards, containment, capacity, permeability, monitoring and ongoing management of slurry storage facilities, and are enforced by the Environment Agency.

The Environment Agency has undertaken a site inspection of the earth-banked slurry lagoon following the legally required prior notification under the SSAFO Regulations. Following an inspection on 5 November 2025 and review of supporting soil testing, the Environment Agency has confirmed that the lagoon visually appears to have been constructed in accordance with the relevant construction standard and that the materials used meet the required permeability thresholds. On this basis, the Environment Agency raises no objection to the proposal and is satisfied that the lagoon complies with the relevant statutory pollution control requirements.

The applicant's agent has provided further clarification in respect of the design and construction of the lagoon. This confirms that soil testing demonstrates that the in-situ clay is suitable and meets the required permeability standards, such that an additional impermeable liner is not necessary under the SSAFO Regulations. It is also advised that the gradients of the earth-lined walls accord with those standards and that the design has taken account of the site's topography. The agent advises that, as constructed, the lagoon is unlikely to be at risk of structural failure such as slumping, and notes that similar earth-banked lagoons are commonly approved on sites with varying levels across East Devon and elsewhere. While such technical matters fall primarily within the remit of the relevant regulatory regime, they are noted as part of the overall context of the proposal.

With regard to concerns about the absence of a cover, it is noted that current regulations do not require earth-lined slurry lagoons to be covered, and that a significant number of such facilities operate without covers. The applicant has indicated that a natural crust will form over time which can assist in reducing ammonia emissions. The absence of a cover is therefore not, in itself, a matter that would justify refusal in planning terms. Should a cover be proposed in the future, it would be capable of assessment under a separate planning application (where required). In this respect, it is likely that any such cover would take the form of a floating cover, which would sit at or near the slurry surface and would be unlikely to materially increase the visual prominence of the lagoon or result in significant additional landscape or visual impacts.

The regulatory regime referred to above requires slurry stores to be designed, constructed and maintained so as to prevent pollution for a minimum design life of 20

years, to provide sufficient storage capacity (typically between four and six months depending on site circumstances), to incorporate appropriate freeboard to accommodate rainfall, and to prevent uncontrolled overflow or seepage. These matters are regulated and enforced outside the planning system and should not be duplicated through planning conditions or requests for detailed engineering verification.

From a land use planning perspective, officers have considered whether the site is inherently unsuitable for slurry storage having regard to its topography, location and surrounding receptors. The lagoon is located on agricultural land on the upper slopes of a valley, with land falling away to the east towards the valley bottom. Environment Agency surface water flood risk mapping indicates that, in the event of an extreme or catastrophic failure, overland flow would not be directed towards any residential dwellings. Records confirm that there are no private water supplies within 50 metres of the site.

In such a scenario, the primary receptors would be watercourses within the wider catchment rather than people or property. The control, mitigation and remediation of any pollution incident affecting controlled waters falls within the statutory remit of the Environment Agency, which operates incident response and enforcement powers independent of the planning system.

Taking the above into account, and having specifically considered both the characteristics of the site and the potential consequences of a failure scenario, officers place significant weight on the Environment Agency's inspection, specialist oversight and confirmation that the lagoon complies with the relevant statutory pollution control regime. On this basis, the proposal is not considered to represent an unacceptable use of land in this location and would not give rise to an unacceptable risk to the water environment in planning terms. It is recommended that an informative be attached to any planning permission to draw attention to the ongoing regulatory responsibilities under the relevant pollution control legislation.

PLANNING BALANCE AND CONCLUSION

The retrospective slurry lagoon provides additional storage capacity to support the agricultural holding and enables slurry to be applied at agronomically appropriate times, reducing the risk of pollution. Significant weight is attached to the Environment Agency's inspection and confirmation that the lagoon complies with the relevant statutory pollution control regime, and to the absence of objection from Environmental Health.

Members are reminded that compliance with the SSAFO Regulations, the Farming Rules for Water and other pollution control legislation is enforced by the Environment Agency. The grant of planning permission does not remove or dilute those duties, nor does it authorise any breach of environmental legislation.

The siting, form and scale of the lagoon result in limited landscape and visual impacts within the National Landscape. While localised arboricultural harm has occurred, this can be adequately mitigated through a suitably worded landscaping and compensatory planting condition. With that mitigation in place, officers are

satisfied that the proposal is consistent with the Council's duty to seek to further the statutory purpose of conserving and enhancing the natural beauty of the East Devon National Landscape. No highway safety issues are identified and no unacceptable impacts arise in respect of designated sites, air quality or the water environment.

On balance, and subject to the recommended conditions and informatives, the development is considered acceptable and in accordance with the relevant policies of the East Devon Local Plan and national planning policy.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
2. Within three months of the date of this permission, a detailed landscaping and arboricultural mitigation scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

Native tree and shrub planting sufficient to compensate for damage to the hedgebank and woodland soils;
Details of species, sizes, densities and locations, focused particularly to the north and west of the lagoon;
A timetable for implementation and a minimum five-year management and replacement programme.

The approved scheme shall be implemented in full during the first available planting season following approval and thereafter maintained. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species.
(Reason - To mitigate arboricultural harm and preserve landscape character, in accordance with Policy D3 - Trees and Development Sites of the Adopted East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council works proactively with applicants to resolve all relevant planning concerns; however, in this case the application was deemed acceptable as submitted.

Informative - Slurry storage

The development must fully comply with the terms of the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (SSAFO) Regulations 2010.

The applicant should also ensure the proposed development supports compliance with:

The Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018, known as Farming Rules for Water (FRfW),

The Environmental Permitting (England and Wales) Regulations 2016 (EPR)

The Nitrate Pollution Prevention Regulations 2015 (NVZ)

Slurry produced must be able to be stored in accordance with the regulations on capacity, construction, and the associated calculations and records. Depending on the relevant regulations, slurry stores must have the capacity to store 4, 5 or 6 months slurry and:

rainfall expected to enter the store during the storage period including yards and roofs; and

any wash water or other liquids that enter the store during that period.

Any agricultural development that will result in an increase in cattle numbers or water usage may adversely impact the storage of waste waters, slurry and other polluting matter. The applicant is advised to consider both the proposed development and existing on-farm slurry and manure storage to ensure compliance with the regulations (SSAFO, FRfW, EPR, NVZ).

Biodiversity Net Gain Informative:

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 means that this planning permission is deemed to have been granted subject to "the biodiversity gain condition" (BG condition).

The Local Planning Authority cannot add this condition directly to this notice as the condition has already been applied by law. This informative is to explain how the biodiversity condition applies to your development.

The BG conditions states that development may not begin unless:

- (a) a Biodiversity Gain Plan (BG plan) has been submitted to the planning authority, and
- (b) the planning authority has approved the BG plan.

In this case the planning authority you must submit the BG Plan to is East Devon District Council.

There are some exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will **not require the approval of a biodiversity gain plan** before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

In this case exemption 2 from the list below is considered to apply:

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates was granted before 12 February 2024; or
 - (ii) the application for the original planning permission to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
 - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
 - (i) the application for planning permission was made before 2 April 2024;
 - (ii) planning permission is granted which has effect before 2 April 2024; or
 - (iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).
 - 4.2 Development below the de minimis threshold, meaning development which:
 - (i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - (ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).
 - 4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental

to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- (i) consists of no more than 9 dwellings;
- (ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- (iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

Plans relating to this application:

	Proposed Combined Plans	27.11.25
SM1	Location Plan	27.11.25
Existing site sections	Sections	12.01.26
5000/01	Proposed Site Plan	24.04.26

List of Background Papers

Application file, consultations and policy documents referred to in the report.

Statement on Human Rights and Equality Issues

Human Rights Act:

The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Equality Act:

In arriving at this recommendation, due regard has been given to the provisions of the Equality Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.