

Item 4e **12/00443/FUL**

Case Officer **Adele Hayes**

Ward **Eccleston And Mawdesley**

Proposal **Construction of fish stock breeding pond**

Location **High Heys Farm Langton Brow Eccleston ChorleyPR7 5PB**

Applicant **Mr K Whaite**

Consultation expiry: 19 June 2012

Application expiry: 28 June 2012

Proposal

1. It is proposed to construct a fish stock breeding pond to the east of the main block of buildings and adjacent to an existing breeding pond. The land generally falls from east to west.
2. The proposed pond would be approximately 110 sq. m. in area and will vary in depth from 1 to 2 m. This will be achieved by a cut and fill exercise.
3. The applicant set up the fishing ponds at High Heys farm in approximately 1990. Currently there are three ponds used for leisure and match fishing purposes, along with a number of breeding ponds.
4. The applicant has advised that initially fish were bought to stock the fishing ponds from external sources; however the applicant has now built up his own breeding programme to produce his own stock.
5. This is the applicant's preferred method of restocking the ponds as it gives him greater control over the development of the fish whilst helping to control diseases within his stock and reduce costs.
6. The replacement fish have been produced on site for approximately the last two years, with no fish being purchased from external sources within this time.
7. The applicant has stated that pond is required to enable a longer rearing period, therefore providing a better specimen of fish to stock the match ponds. Secondly, the applicant states that the proposed development could act as a holding pond for when maintenance works are being undertaken to the other breeding ponds. Finally, the applicant views the pond as a facility to help the expansion of his business.

Recommendation

8. It is recommended that this application is granted conditional planning approval

Main Issues

9. The main issues for consideration in respect of this planning application are:
 - Principle of the development
 - Ecology
 - Flood Risk
 - Traffic and Transport

Representations

10. The occupier of the adjoining property has raised the following grounds of objection:
 - The proposed pond is not a necessity since the applicant has run commercial fishing lakes for 20 years without this pond
 - The proposed pond will pose a threat to the bio security of an adjoining business because of the potential risk of flooding
 - The activities being undertaken at the farm are unauthorised and have been operating illegally in relation to water abstraction and discharge and fish movements
 - Without approval from the Environment Agency in respect of discharge for maintenance the pond would be unfit for purpose
 - The extent of neighbour notification has not been adequate
 - Extended periods of pumping out would cause noise pollution
 - The proposed pond is not suitable for the proposed use
 - The proposed methods for fish breeding do not constitute good practice
 - The proposed pond would have an adverse impact on the openness of the green belt and would interrupt views across the land
 - The capacity of the existing drain is not adequate to deal with the likely drainage rates
11. No letters of support have been received
12. Parish Council – no comments have been received

Consultations

13. **Lancashire County Council (Ecology)** have no objection to the proposal but recommend a precautionary approach to construction and recommend a condition requiring the submission of a method statement detailing measures that will be implemented during construction for the avoidance of impacts on amphibians.
14. **The Environment Agency** have confirmed that they have no comments to make
15. **Director People and Places** has no objection
16. **United Utilities** have no objection to the proposed development.
17. **Lancashire County Council (Highways)** has no objections to the proposed development.

Assessment

Principle of the development

18. The proposed development is located within an area designated as Green Belt within the Chorley Borough Council Local Plan on which guidance is provided in Policy DC1. The Policy states:

'In the Green Belt, as shown on the proposal map, planning permission will not be granted, except in very special circumstances, for the development other than:

 - a) **Agriculture and forestry;**
 - b) **Essential facilities for outdoor sport and outdoor recreation, for cemeteries or other uses of land which preserve the openness of the Green Belt and do not conflict with its purposes;....'**
19. The reason for the proposed breeding pond relates to the applicant's desire to be able to continue to stock his ponds through his own breeding programme and the subsequent

rearing of fry, in addition to facilitating the rearing of fish for longer before they are transferred to the fishing ponds.

20. It is apparent from the continued operations of the fishing ponds at High Heys Farm that the existing setup has provided sufficient facilities to keep the applicant's fishing ponds stocked. However the proposed development will facilitate the expansion of the applicant's business operations in addition to providing a facility to afford a longer period of growth for the applicant's stock prior to being transferred into the fishing ponds. In considering the above, the County Land Agent has advised that the proposed breeding pond is essential to facilitate the proposed expansion of the business.
21. Whilst there may be disadvantages to rearing several varieties of fish within the same pond, due to a reduction in nutritional and disease control, the varying growth rates between the different varieties and additional logistical problems, the proposed method is not unacceptable and indeed the applicant has successfully bred and reared fish for a number of years.
22. In assessing the application, it is also necessary to consider whether the proposal would have any adverse implications on any existing land use or activities undertaken from the unit. Whilst it is clear that the area of land where the pond is to be positioned does form part of a grazed field, the existence of the proposed pond will not have a serious detrimental affect upon the applicant's agricultural or livery enterprise. The remaining acreage available to the applicant would be large enough to support both the existing agricultural and livery enterprise.
23. The applicant will clearly require permission from the relevant authority when discharging into the local watercourse, however this method of emptying the ponds is currently used on site and is considered to be acceptable.
24. The position of the proposed development, being adjacent to the existing breeding pond is the most suitable position from an operational point of view in terms of stocking and maintenance whilst also benefitting from the topography of the land.

Ecology

25. Lancashire County Council has records of great crested newts at between 500-600metres from the application area. The presence of this species in the wider area raises the possibility that newts could be present in suitable ponds in closer proximity to the proposed development and that they could also be present within suitable terrestrial habitats in this area.
26. Natural England guidance suggests that, if ponds in proximity to the application area support breeding great crested newts, the proposals would be likely to result in an offence.
27. It seems likely that most of the 'ponds' in this area will be unsuitable for great crested newts due to the presence of fish. Moreover, as the application area does not support high quality amphibian terrestrial habitat the proposals will not impact on the habitat of the protected species. Significant impacts on a population of great crested newts therefore seems reasonably unlikely.
28. However if great crested newts are active in this area, construction could result in killing or injuring of this species which would be a breach of legislation. It should however be possible to carry out the works with minimal risk to great crested newts, through the implementation of precautionary measures during construction for the avoidance of impacts on great crested newt and indeed other amphibians including common toads, a Species of Principal Importance in England. An appropriate condition is therefore recommended.

Flood Risk

29. The applicant's agent has advised that the existing breeding pond is emptied at most once a year but more often than not, every two years. The outlet is through a 100mm diameter pipe into the adjoining ditch that then feeds into the pond by the farm buildings. This is an old quarry that the Council is advised only fills with water in prolonged heavy downpours. This slowly drains into the ditch running alongside the entrance road to High Heys Farm and then eventually feeds into Syd Brook at Heskin Bridge.
30. The potential risk of flooding has been considered by the Environment Agency who has confirmed that they consider the proposal to be a low-risk application and have raised no objections to the proposal.

Traffic and Transport

31. The application is for a second fish breeding pond to satisfy the applicant's fish breeding needs. The new fish breeding pond will be constructed alongside the existing pond. The two ponds will be set well away from the other leisure fishing ponds and will have negligible impact on vehicle and operational needs on the farm.

Overall Conclusion

32. The proposed development is considered to be acceptable and it is recommended that the application is approved subject to conditions.

Planning Policies

National Planning Policies:

National Planning Policy Framework

Adopted Chorley Borough Local Plan Review

Policies: DC1

Joint Core Strategy

Planning History

The site history of the property is as follows:

- 86/00928/FUL Extension to existing kennel and erection of cattery building. Approved 3 February 1997
- 87/00479/OUT Outline application for erection of dwelling. 29 September 1984
- 90/00027/OUT Outline application for the erection of detached house. Refused 4 September 1990
- 90/01112/FUL Outline application for the erection of detached house. Refused 4 September 1991.
- 01/00218/FUL Two storey side extension, front porch, front and rear dormers and raising of roof ridge. Withdrawn 7 August 2001
- 1/00443/FUL Rebuilding and replacement of 23 kennels. Approved 5 July 2001
- 01/00694/FUL Replacement dwelling. Approved 9 December 2001

- 02/00483/FUL Formation of fishing lake. Approved 16 July 2002
- 03/00172/FUL Formation of fishing lake and car parking area. Approved 16 April 2003
- 12/00031/FUL Retention of car park and access track. Approved 10 May 2012
- 12/00092/FUL Retention of an electrical meter building. Approved 10 May 2012
- 12/00442/AGR Application for prior notification of agricultural building to be used for housing sheep and lambs and for storing farm machinery and a straw or hay crop. Permitted 29 May 2012
- 12/00703/DIS Application to discharge condition 3 (landscaping) on planning permission. Discharged 17 August 2012

**Recommendation: Permit Full Planning Permission
Conditions**

1. The proposed development must be begun not later than three years from the date of this permission.
Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The approved plans are:

Plan Ref.	Received On:	Title:
12/022/P02	2 May 2012	Proposed Location Plan
12/022/P01	2 May 2012	Site Plan & Section

Reason: To define the consent and to ensure all works are carried out in a satisfactory manner.

3. Before the development hereby approved commences, a method statement shall be first submitted to an approved by the Local Planning Authority detailing measures that will be implemented during construction for the avoidance of impacts on amphibians.
Reason: To ensure that there is no adverse impact on amphibians.