



CYNGOR
Sir Ddinbych
Denbighshire
COUNTY COUNCIL

Heading:
24/2012/1193
Bod Ynys
Rhewl, Ruthin

3

Graham Boase
Head of Planning & Public Protection
Denbighshire County Council
Caledfryn
Smithfield Road
Denbigh
Denbighshire LL16 3RJ

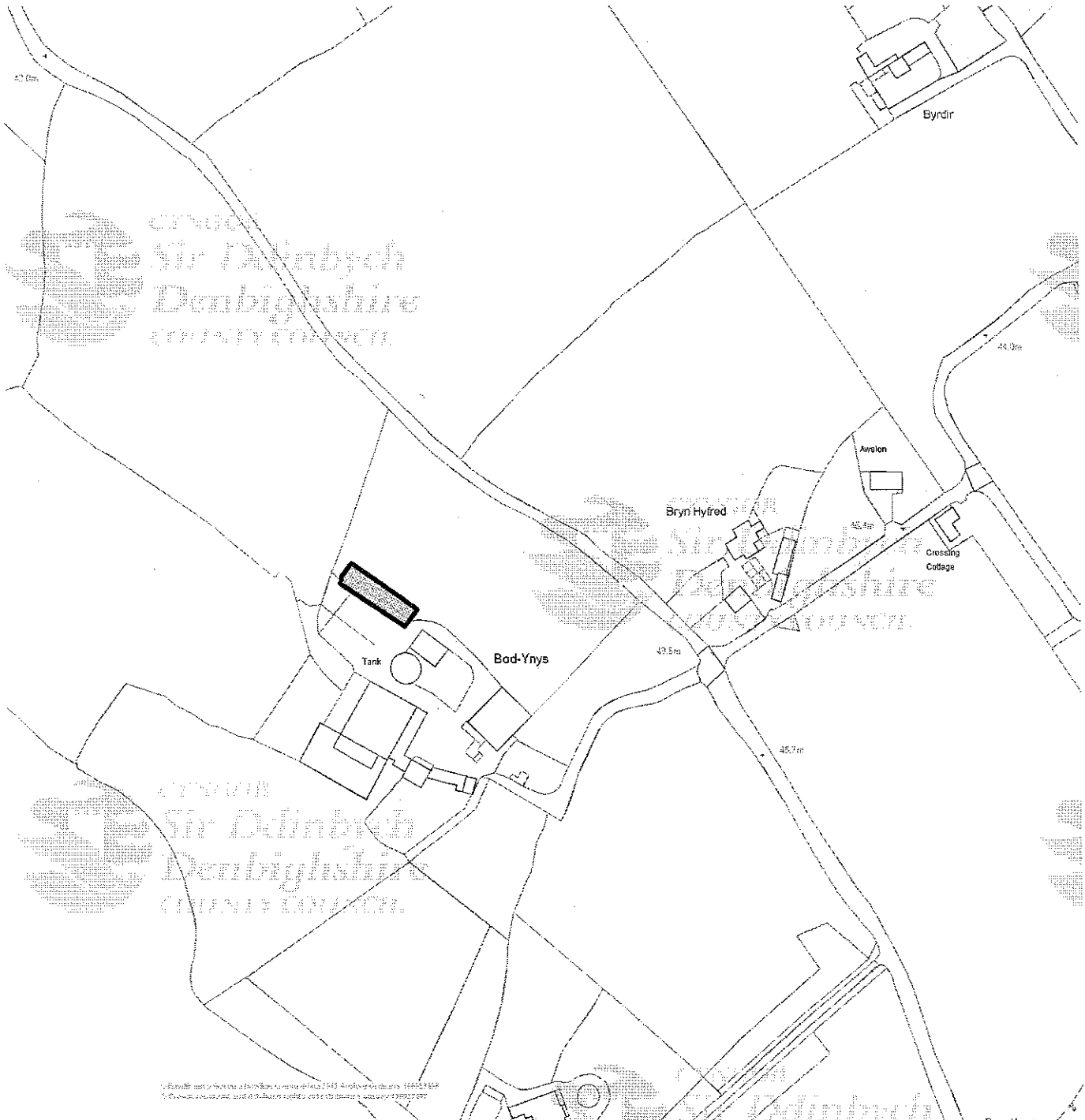
 Application Site



Date 8/11/2012
Centre = 310536 E 361193 N

Scale 1/2500

This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection prior to the meeting.

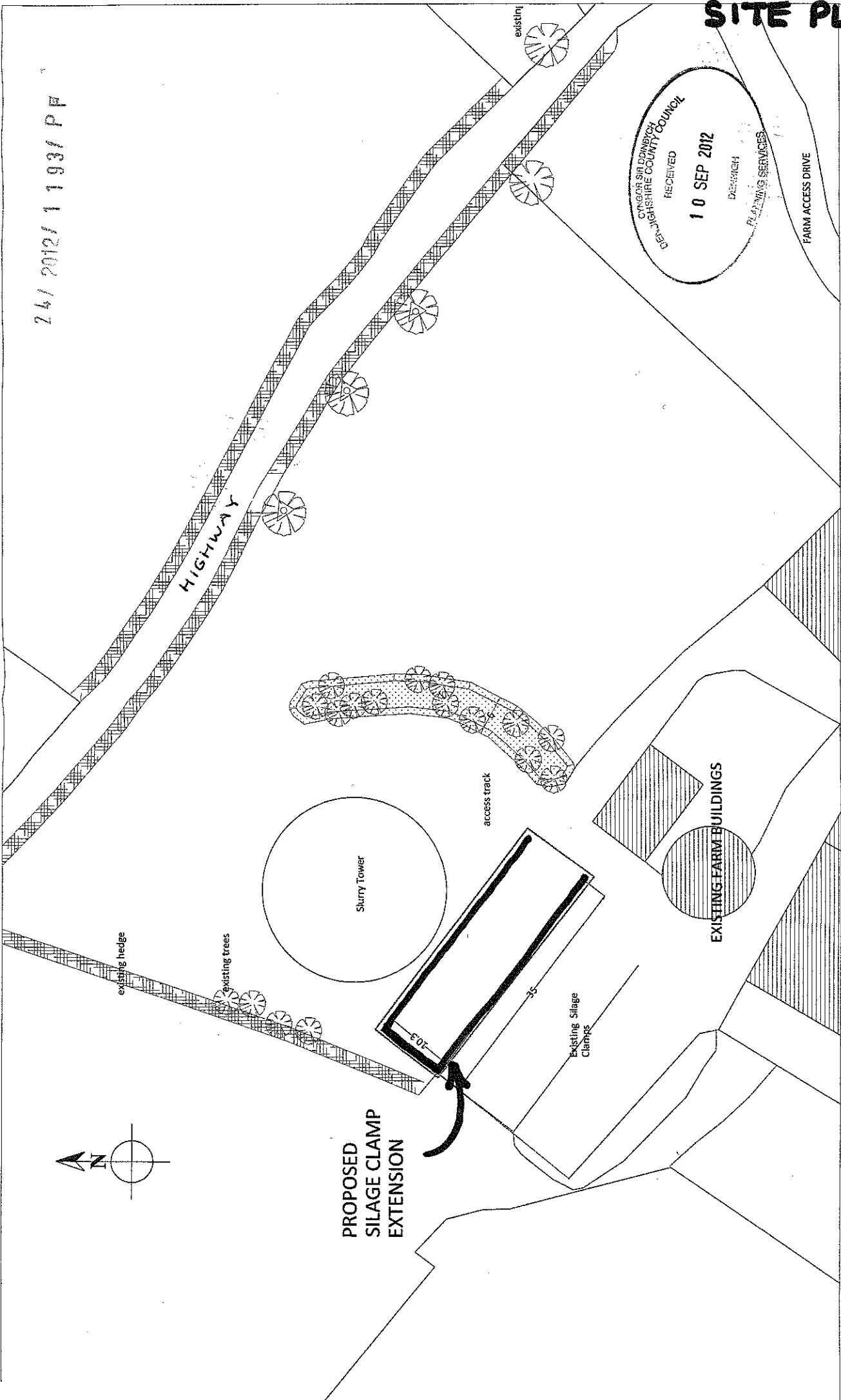


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© Hawffraint y Goron. Mae atgynhrychu heb ganiatâd yn torri hawffraint y Goron a gall hyn arwain at erlyniad neu achos sifil. Cyngor Sir Ddinbych. 100023408. 2011.

SITE PLAN

24/ 2012/ 11931 PF



RECEIVED
10 SEP 2012
DENKOR SIR DONBYCH
DORSETSHIRE COUNTY COUNCIL
DESIGN
PLANNING SERVICES

Proposed Silage Clamp
Extension

Drawing 3 SCALE 1:500 ON A3
DATE 6th September 2012

Proposed Site Plan

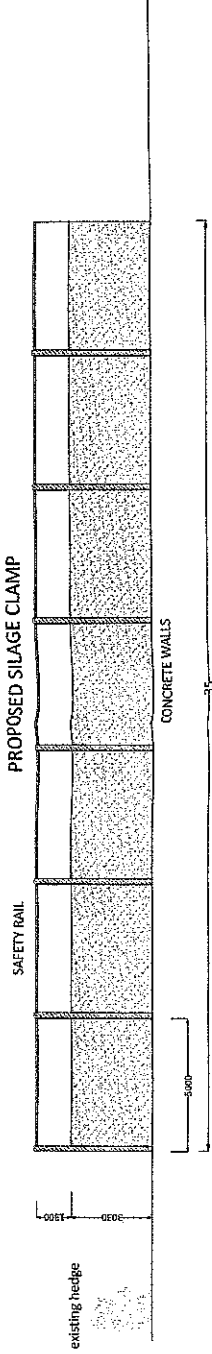
Mr DW Roberts
Bodynys Farm
Rhewl
Ruthin
LL15 1UL



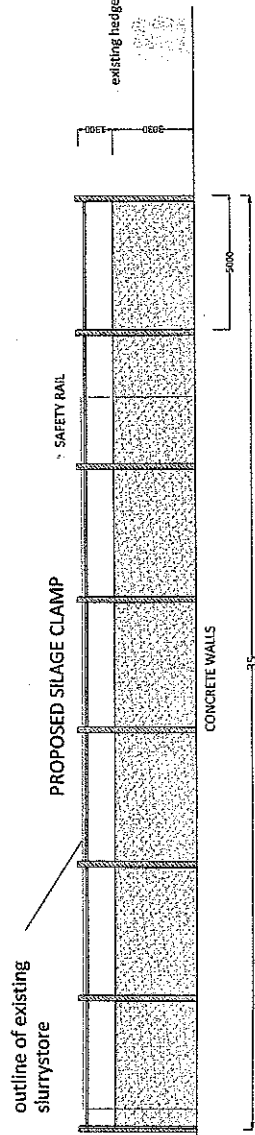
PL AgrConsulting

24/ 2012/ 11931 PF

South West Elevation
(Hidden by existing
clamps)
Scale 1:200

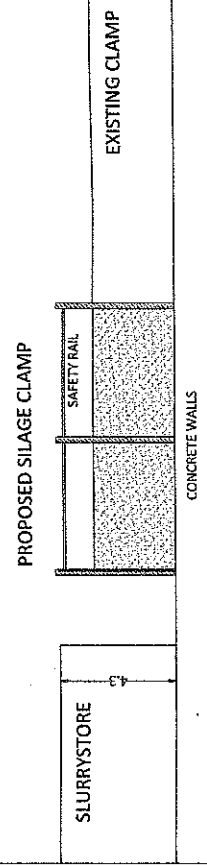


North East Elevation
(Largely hidden by slurrystore)
Scale 1:200

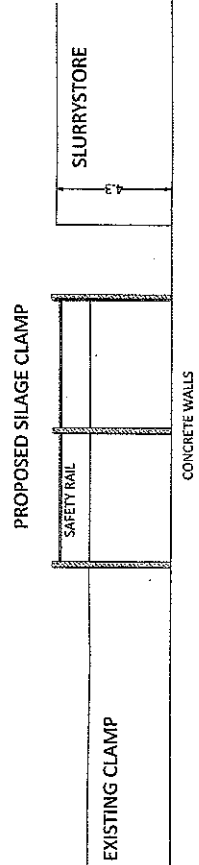


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DENBIGH COUNTY COUNCIL

North West Elevation
Scale 1:200



South East Elevation
Scale 1:200



DETAILS
OF SILAGE
CLAMP

Proposed Silage Clamp
Extension

Drawing 4
SCALE 1:200 ON A3
DATE 6th September 2012

Floorplan & Elevations

Mr DW Roberts
Bodynys Farm
Rhewl
Ruthin
LL15 1UL



AgriConsulting

ITEM NO: 3
WARD NO: Llandyrnog
APPLICATION NO: 24/2012/1193/ PF
PROPOSAL: Erection of silage clamp
LOCATION: Bod Ynys Rhewl Ruthin
APPLICANT: Mr D W Roberts
CONSTRAINTS: C2 Flood Zone
 Nitrate Vulnerable Zone
PUBLICITY UNDERTAKEN: Site Notice - No
 Press Notice - No
 Neighbour letters - Yes

REASON(S) APPLICATION REPORTED TO COMMITTEE:
Scheme of Delegation Part 2

- Referral by Head of Planning / Development Control Manager

CONSULTATION RESPONSES:

LLANYNYS COMMUNITY COUNCIL

None received at time of preparing report

ENVIRONMENT AGENCY

No flood risk objections due to the limited scale and nature of the development. Advice to applicant has been provided in relation to compliance with Silage, Slurry and Agricultural Fuel Oil (Wales) Regulations 2010. This legislation specifies installation requirements for new silage storage such requirements of materials and availability of effluent storage facilities.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

POLLUTION CONTROL OFFICER

Addition of silage effluent to slurry may increase the quantity of gas produced. As effluents currently mixed together there should not be an increase in the problem over and above what already exists. The delivery system to the slurry tank has been upgraded to ensure that the slurry enters the tank under the temporary crust so that the release of odour is minimised.

RESPONSE TO PUBLICITY:

Letters of representation received from:

Mrs Cheryl T Williams, Bryn Hyfryd, Rhewl, Ruthin

Mr Cyril Ian Williams, Bryn Hyfryd, Rhewl, Ruthin

Mr Ian D Williams, Bryn Hyfryd, Rhewl, Ruthin

Mr Stephen G Williams, Bryn Hyfryd, Rhewl, Ruthin

Mr Eifion Jones, Erw Eithin Bach, Rhewl, Ruthin

Summary of planning based objections:

Need not established

Residential amenity - odour

Access - increased traffic on inadequate local highway network

Conflict with planning policy and guidance

Environmental impact - compliance with Nitrate Vulnerable Zone legislation

EXPIRY DATE OF APPLICATION: 04/11/2012

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application is for the erection of a silage clamp on land to the north east of the main farm complex at Bod Ynys, Rhewl. The silage clamp would be located between an existing slurry store and existing silage clamps (see site plan at front of report)
- 1.1.2 The dimensions of the clamp as shown on the submitted plans are 35m length, 10.3m in width and 4.3m height (see drawings at front of report).

1.2 Description of site and surroundings

- 1.2.1 The site is on an existing farm complex to the north of the village of Rhewl, Ruthin. The closest residential property to the development is Bryn Hyfryd, which is approximately 130m from the silage clamp, to the east.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is within the Vale of Clwyd Historic Landscape, a designated C2 flood zone and designated Nitrate Vulnerable Zone (NVZ). The site is outside of any development boundaries as defined in the Unitary Development Plan.

1.4 Relevant planning history

- 1.4.1 Retrospective planning permission for the retention of an above ground slurry store was granted conditional permission by Planning Committee on 20 June 2012. Permission was also granted partly in retrospect for the erection of extensions to 2no. agricultural buildings by Planning Committee on 21 March 2012.

1.5 Developments/changes since the original submission

- 1.5.1 None

1.6 Other relevant background information

- 1.6.1 The farm is under the ownership of Denbighshire County Council.
- 1.6.2 This application is presented to Planning Committee following deferral at the discretion of the Development Control Manager.
- 1.6.3 Reports have been received in relation to the proposed works having commenced. Following site inspection it is considered that the proposed development has not been subject of a formal commencement. Earth has been removed from the proposed site of the silage clamp, in association with the creation of a bund to screen the existing slurry store. This is not considered to constitute a formal commencement and the application does therefore not need to be amended to being partially in retrospect. The extent of level changes related to the works are not sufficient to constitute an engineering operation and therefore no further action is required.

2. DETAILS OF PLANNING HISTORY:

- 2.1 24/2001/0675 - Erection of cattle shed and extensions to existing agricultural buildings GRANTED under delegated powers 17/08/2001
- 2.2 24/2008/0977 - Erection of cubicle building extension for dairy cattle GRANTED under delegated powers 23/10/2008
- 2.3 24/2010/1373 - Construction of a circular slurry store GRANTED under delegated powers 06/12/2010
- 2.4 24/2012/0086 - Erection of agricultural shed extension GRANTED at Planning Committee 21/03/2012
- 2.5 24/2012/0127 - Retention of a circular slurry store - amended details GRANTED at Planning Committee 20/06/2012

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

- 3.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
 - Policy GEN 3 - Development Outside Development Boundaries
 - Policy GEN 6 - Development Control Requirements
 - Policy EMP 13 - Agricultural Development

Policy CON 12 - Historic Landscapes, parks and gardens
Policy ENP 6 - Flooding

3.2 GOVERNMENT GUIDANCE

Planning Policy Wales (February 2011)

4. MAIN PLANNING CONSIDERATIONS:

4.1 The main land use planning issues are considered to be:

- 4.1.1 Principle
- 4.1.2 Visual and landscape impact
- 4.1.3 Residential amenity
- 4.1.4 Flood risk
- 4.1.5 Access/highway issues

4.2 In relation to the main planning considerations:

4.2.1 Principle

Policy GEN 3 allows for certain types of development outside development boundaries. Criterion vi) permits agricultural development providing there is no unacceptable impact on the social natural and built environment. EMP 13 relates specifically to agricultural development, and the aim of this policy is to ensure agricultural development has no unacceptable impact on the environment. Proposals must comply with four tests relating to; i) the need for the development, ii) the use of alternative existing buildings, iii) the impact of development on the character and appearance of the countryside and iv) the siting relating well to the existing complex.

Supporting information states that the additional silage storage is required to assist in maintaining the productivity of the farm. The applicant has advised that the erection of a new silage clamp will facilitate the improvement of existing silage storage and improve the handling of silage on the farm in the long term. There are objections to the proposals based on the need for the silage clamp.

Officers do not consider it unreasonable to require additional storage facilities for silage in order to assist with the functioning of the farm business. It is therefore considered, with respect to the objections, the clamp is reasonably required to meet the needs of the farm enterprise and comply with the requirements of criteria i) of Policy EMP 13.

In relation to the availability of alternative redundant buildings, no other suitable buildings exist on the site that could meet the need for additional silage storage. Therefore it is considered that the proposals comply with the requirement to preferentially re-use redundant buildings, and is in accord with the requirements of criteria ii) of Policy EMP 13.

4.2.2 Impact on visual amenity

The site lies within the Vale of Clwyd Historic Landscape. Policy CON 12 requires that development does not unacceptably harm the character of a historic landscape. The general requirement to assess landscape and visual impact of agricultural development are set out in criteria iii) and iv) of Policy EMP 13.

The proposed silage pit is located between an existing slurry store and existing silage clamps. The existing slurry store is approximately the same height as the proposed silage clamp and will partially screen the proposed development from public vantage points. The proposed development would be further screened by a bund associated with the slurry store.

It is considered that the scale, design and location of the proposed silage clamp mean that the impact on the wider landscape will be minimal. It is therefore considered that the development would not have an unacceptable impact in relation to landscape and visual amenity and complies with the requirements of Policy CON 12 and EMP 13.

4.2.3 Residential amenity

Policy GEN 6 v) sets a requirement to ensure new development does not unacceptably affect the amenities of local residents, by virtue of noise, activity, fumes, etc.

The occupier of an adjoining property has raised concerns on the potential impact of the proposed development in relation to the disposal of silage effluent, and additional odour nuisance being

caused due to silage effluent being combined with slurry. The existing slurry store is already being used to store silage effluent from existing clamps. For Members information, the Silage, Slurry and Agricultural Fuel Oil (Wales) Regulations 2010 provides the statutory basis for the disposal of silage effluent. The Environment Agency are the controlling body in relation to these regulations and must be notified prior to new silage storage being brought into use. As the responsible authority for these regulations the Environment Agency are required to assess whether the arrangements are acceptable and have separate powers to control development should this be necessary.

Pollution Control Officers have confirmed that the addition of silage effluent may increase the quantity of gas produced, however as the effluents are currently mixed together there should not be an increase in odour over and above current levels. Pollution Control Officers also confirm that the delivery system of the existing slurry tank has been upgraded to ensure that slurry enters the tank under a temporary crust which minimises odour release.

Having regard to the existing arrangements for storage of silage effluent, measures to reduce odour nuisance already in place and statutory safeguards relating to silage effluent, Officers consider that the proposals would not be cause an odour nuisance sufficient to merit refusal of this application.

4.2.4 Flood risk

Policy ENP 6 requires that development does not result in an unacceptable risk from flooding.

The Environment Agency have raised no objection in relation to flood risk based on the limited scale and nature of the development.

Provided that the applicant is advised to install flood proofing measures it is considered the proposals are acceptable in relation to flood risk.

4.2.5 Access/highway issues

The main Unitary Plan policies relevant to assessment of highway impact are TRA 6 and TRA 9. TRA 6 permits new development provided there is no unacceptable impact on the safe and free flow of traffic and the capacity of and traffic conditions on the surrounding road network are satisfactory. TRA 9 requires adequate provision within a site for parking and servicing.

Concerns have been raised in relation to the suitability of the local highway network to serve the proposed development. The proposed development involves the upgrading of existing facilities at an existing farm complex. Proposals would not affect existing parking and turning facilities within the site.

The concerns in relation to the suitability of the local highway network are noted. However it is considered that the proposed development is unlikely to have a significant impact in relation to traffic generation. It is therefore considered that the proposals are acceptable in relation to highway/access issues.

4.2.6 Other matters raised

Concerns have also been raised in relation to the details of the proposed development failing to demonstrate compliance with relevant Nitrate Vulnerable Zone legislation. In relation to this it is advised that the relevant statutory safeguards are in place and are enforced by the Environment Agency. On this basis, and in line with national guidance, it is not appropriate or necessary for the Council to duplicate control over development that exists elsewhere.

5. SUMMARY AND CONCLUSIONS:

5.1 The development is considered to comply with the relevant policy tests and is therefore recommended for grant

RECOMMENDATION: GRANT - subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

The reason(s) for the condition(s) is(are):-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

NOTES TO APPLICANT:

You are advised that development must be undertaken in accordance with separate legislation administered by the Environment Agency. Please see attached copy of advisory notes for further information and contact details.