



CYNGOR
Sir Ddinbych
Denbighshire
COUNTY COUNCIL

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Heading:

06/2012/1322
Ty'n y Celyn
Gwyddelwern

2



Application Site

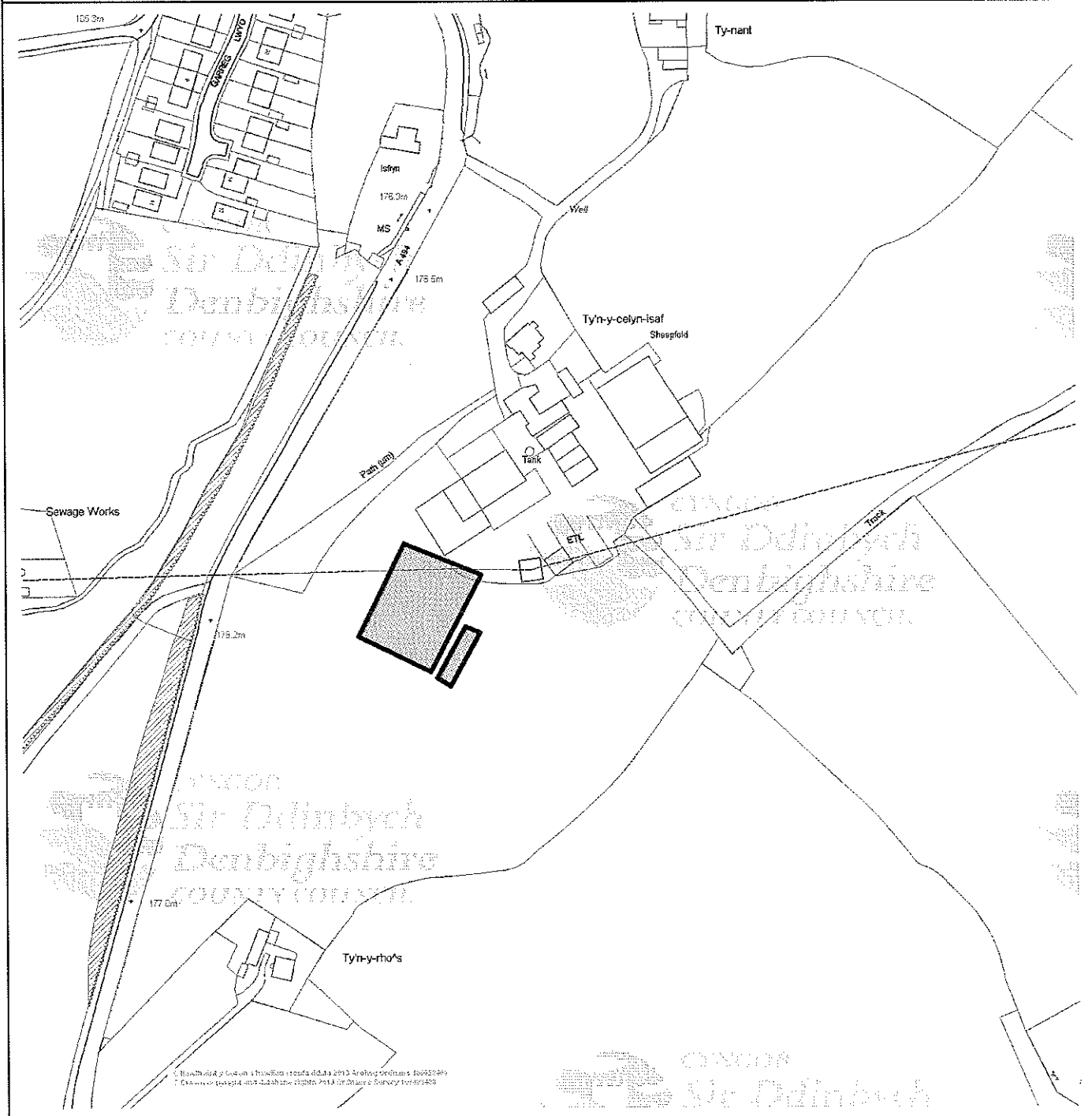


Date 10/1/2013

Scale 1/2500

Centre = 307528 E 345869 N

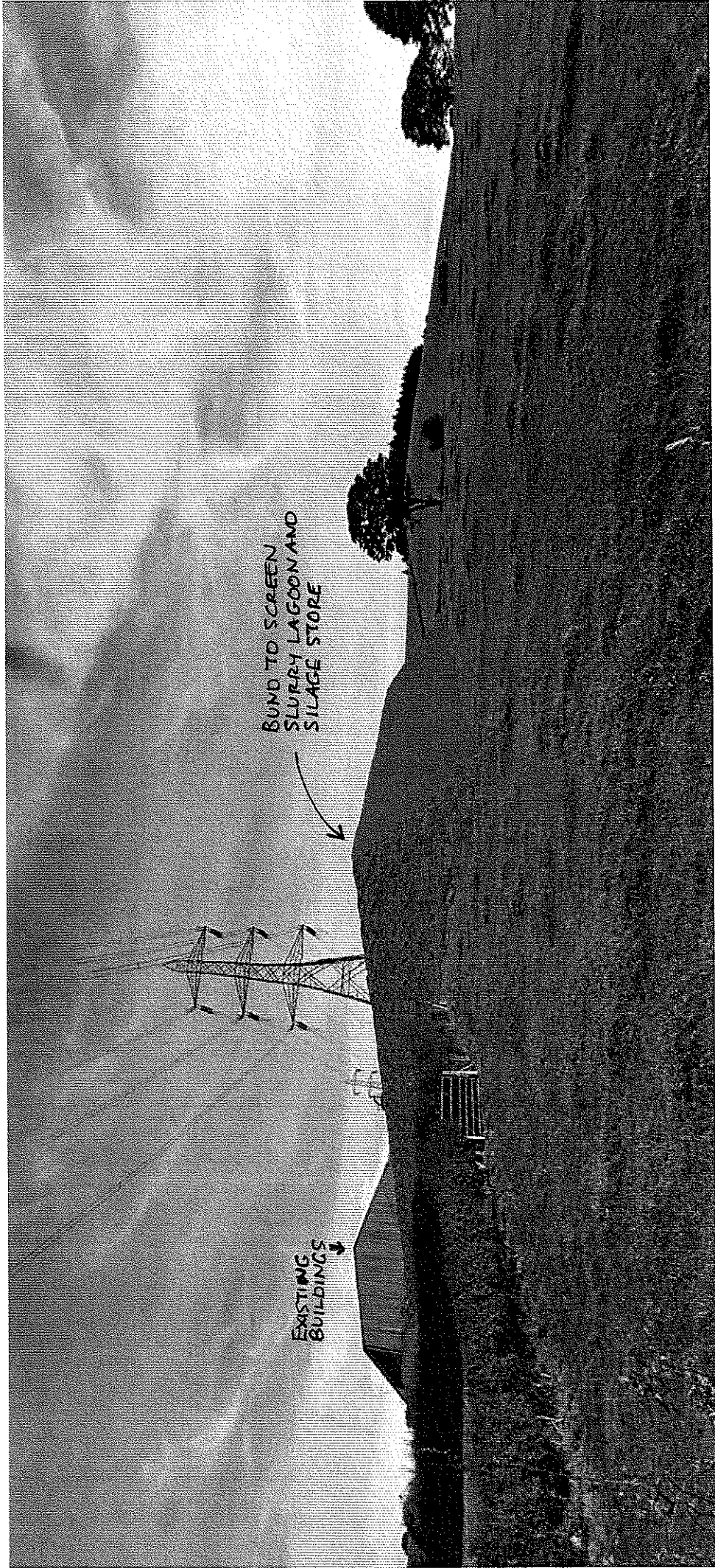
This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection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



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PHOTOMONTAGE

FROM A494 WEST OF
PROPOSED DEVELOPMENT



ITEM NO: 2
WARD NO: Llanfair Dyffryn Clwyd / Gwyddelwern
APPLICATION NO: 06/2012/1322/ PF
PROPOSAL: Proposed Slurry Lagoon & Silage Store

LOCATION: Tyn Y Celyn Gwyddelwern Corwen
APPLICANT: Mr Hywel Roberts D. & H.G. & M.R. Roberts
CONSTRAINTS: Within 67m Of Trunk Road

PUBLICITY UNDERTAKEN: Site Notice - No
 Press Notice - No
 Neighbour letters - Yes

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

- Recommendation to grant / approve – 4 or more objections received

CONSULTATION RESPONSES:

GWYDDELWERN COMMUNITY COUNCIL:
Awaiting response

ENVIRONMENT AGENCY WALES

No objections. The EA have further advised on the need for the development, and on their legislative control over the development, namely The Water Resources (control of Pollution)(Silage, Slurry and Agricultural Fuel Oil) Regulations. They have confirmed that provided the regulations are adhered to, the proposal would reduce the potential for pollution in the future. It is also requested that if planning permission is granted, that the proposal is implemented as soon as possible as there is currently a high risk of pollution occurring again.

NATIONAL GRID

No objections

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Pollution Control Officer:

No objection raised; provided that an odour management plan is followed.

Water Quality Officer:

No objection raised; if correctly constructed and maintained, the lagoon should not cause localised groundwater pollution.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

D & A Roberts, 18 Garreg Lwyd, Gwyddelwern LL21 9EJ
J D & L A Price, 11 Garreg Lwyd, Gwyddelwern
Mrs. B. Burns, 12, Garreg Lwyd, Gwyddelwern
Liz Prys, 14 Garreg Lwyd, Gwyddelwern
Malcom Wynne, Tyn Rhos, Gwyddelwern
Mr. H. Davies, 10, Garreg Lwyd, Gwyddelwern
J. Lewis, 9, Garreg Llwyd, Gwyddelwern
Pat Green (by e-mail)
Mr & Mrs C Johnson, 17 Garreg Lwyd, Gwyddelwern (e-mail)
J. Cole, 25 Garreg Lwyd, Gwyddelwern

Summary of planning based representations in objection:

- Detrimental impact upon residential amenity by way of odour pollution.
- The lagoon could result in a potential hazard to highway safety in heavy rain if it tops out.
- Potential pollution of ground water supplies, nearby water courses and detrimental impact upon public health.
- Detrimental impact upon character of the area.
- Need for facility/scale of development

EXPIRY DATE OF APPLICATION: 5/12/12

REASONS FOR DELAY IN DECISION (where applicable):

- delay in receipt of key consultation response(s)
- additional information required from applicant
- re-consultations / further publicity necessary on amended plans and / or additional information

1. PLANNING ASSESSMENT: THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application proposes the creation of a slurry lagoon and silage store on land adjacent to and south west of the farm Tyn Y Celyn, Gwyddelwern
- 1.1.2 The slurry lagoon would measure 62m by 48m, and would be created by banking the ground level at the south western end up by approximately 6 metres. The silage store would be located adjacent to the proposed slurry lagoon and would measure 14m by 40m (see plans and photomontage at front of report).
- 1.1.3 The proposed slurry lagoon would be gravity fed from the existing open slurry lagoon.

1.2 Description of site and surroundings

- 1.2.1 The site is on an existing farm complex to the south of the village of Gwyddelwern. It is in an elevated position above the A494.
- 1.2.2 The closest residential property to the development is Ty'n y Rhos, which is approximately 130m south of the proposed slurry lagoon. Approximately 180m north of the site is the residential estate, Garreg Llwyd.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is within the Vale of Clwyd Historic Landscape, and is outside of any development boundaries as defined in the Unitary Development Plan.

1.3.2 The site is within the 'buffer zone' of a High Voltage Transmission Overhead Line and associated pylon.

1.4 Relevant planning history

1.4.1 None

1.5 Developments/changes since the original submission

1.5.1 Additional information was submitted in December 2012 containing an Odour Management Plan, calculations of slurry storage requirements, and a photomontage illustrating the likely profile of the bunding around the slurry lagoon and silage store.

1.6 Other relevant background information

1.6.1 None

2. DETAILS OF PLANNING HISTORY:

2.1 06/2008/0181 - Erection of agricultural building for storage of implements and fodder, GRANTED 12/05/2008

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

3.2 GOVERNMENT GUIDANCE

Planning Policy Wales 5 (2012)

Technical Advice Note 6 – Planning for Sustainable Rural Communities

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

4.2 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.

Officers have been advised by the Environment Agency that the current slurry and silage storage at the complex are insufficient and in some respects do not comply with The Water Resources (control of Pollution)(Silage, Slurry and Agricultural Fuel Oil) Regulations. There have been incidents recently where

the deficiencies of the current arrangements have led to pollution of surface waters. The proposal is therefore required in an attempt to prevent such incidents occurring again. Reference is made to Technical Advice Note 6 (paragraph 6.6.4) which encourages Planning Authorities to consider sympathetically development proposals aimed at meeting the requirements of the Environment Agency's regulations.

Questions have also been raised in relation to the need for a slurry tank of the size that has been constructed. Officers' understanding is that there is a requirement for the farm to have the capacity to store approximately 4 months of slurry in order to comply with the relevant regulations; and that with current stock numbers the new lagoon needs to hold 5,500m³. As a statutory consultee, the Environment Agency has not disputed these calculations.

It is noted that the slurry store as built exceeds the capacity deemed sufficient. However, Officers consider that a surplus storage of 125m³ would not seem excessive. It is also respectfully suggested that the additional capacity provided by the store as built may provide a level of flexibility in relation to fluctuations/increases in stock numbers, that may avoid the need for additional installations to be provided, and less regular emptying. It is therefore considered that proposals are reasonably required to meet the needs of the farm enterprise and comply with the requirements of criteria i) of Policy EMP 13.

4.2.2 Impact on visual amenity

The general requirement to assess landscape and visual impact of agricultural development are set out in criteria iii) and iv) of Policy EMP 13 and Policy GEN 6.

The proposed lagoon and store are located on the south-western edge of the existing complex, directly adjacent to existing open silage clamp. The proposal would involve levelling the site by moving earth from the northern edge of the site to the southern, and creating a 6m high bank. This would be allowed to grass over. Alternative sites have been considered to help reduce the visual impact of the proposal, however, submitted information states that the present siting has been chosen in response to topographical and operational constraints. A photomontage has been submitted showing how the proposals may appear when viewed from the A494. The silage store would be constructed adjacent to the slurry lagoon. It would be made of pre cast concrete panels, approximately 2m high. The south eastern elevation of the silage store would largely be sunk into the ground.

The surrounding landscape is characterised by a sloping topography, and pasture land. To the rear of the site is the extensive existing farm complex. When viewed in this context, the development is not considered likely to have an unacceptable impact in relation to landscape and visual amenity and complies with the requirements of EMP 13 and GEN 6.

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 occupiers of nearby properties have raised concerns on the potential impact of the proposed development in relation to odour, given the proximity

of the development to residential properties, and have referred to DEFRA guidance on siting. The Environment Agency and the Public Protection Officers of Denbighshire County Council however, raise no concerns over health impacts of slurry storage. It is understood the proposed development is necessary to comply with Environment Agency regulations. Public Protection Officers have confirmed that the ability to store greater amounts of slurry would actually improve the situation in relation to smells, as issues of odour release from slurry are greatest when stored slurry is being distributed as fertiliser. Increased storage capacity would mean that emptying of the stored slurry would occur less often and therefore reduce exposure to the odour.

In acknowledging the concerns in relation to odour, Officers respectfully suggest due consideration has to be given to the fact that the proposal relates to development adjacent to a long established working farm. The Public Protection Officers also consider the slurry store may actually bring about a reduction in the frequency of release of odour, since it would reduce the number of times necessary to move material. In Officers' view, the development would not seem likely to result in significant additional potential for smells, sufficient to merit refusal of permission.

4.3 Other matters raised

The site is located in close proximity to a National Grid High Voltage Transmission Overhead line. National Grid apply separate legislation to proposals and Officers are of the opinion that it is the responsibility of the applicant to ensure that the development complies with the technical and statutory requirements relating to safety clearances in connection with the overhead lines. It is suggested that this is brought to the applicant's attention by way of a suitably worded advisory note.

5. SUMMARY AND CONCLUSIONS:

5.1 Many of the concerns raised by residents relate to the potential impact of the proposal on their amenity. Whilst this is a material consideration that has been addressed above, members are further advised that many of the potential impacts of such proposals are controlled through separate legislative controls.

5.2 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.
2. Prior to the commencement of development, full details of the final levels and profile of the bunding shall be submitted to and approved in writing by the Local Planning Authority and the development shall only proceed in accordance with those approved details. –
3. The slurry tank shall only be operated strictly in accordance with the submitted Odour Management Plan, dated 14th December 2012. –.

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.
2. In the interest of visual amenity
3. In the interest of residential amenity

NOTES TO APPLICANT:

You are reminded of the requirement for the development to be constructed in accordance with The Water Resources (control of Pollution)(Silage, Slurry and Agricultural Fuel Oil) Regulations. For further information on this requirement, please contact the Environment Agency.

The site is crossed by a High Voltage Transmission Overhead Line. You are advised to discuss the development with National Grid to ensure that statutory safety clearances will be maintained and that there would be no conflict with any Deed of Easement/Wayleave Agreement. The grant of planning permission does not convey any consent to carry out development which may be in conflict with the requirements of legislation outside its control.