

**ADRODDIAD PENNAETH  
CYNLLUNIO, CYFARWYDDIAETH  
YR AMGYLCHEDD**

**REPORT OF THE HEAD OF  
PLANNING, DIRECTORATE OF  
ENVIRONMENT**

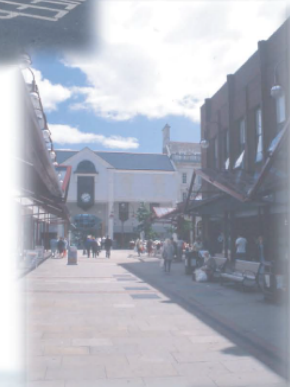
**AR GYFER PWYLLGOR  
CYNLLUNIO CYNGOR SIR  
CAERFYRDDIN**

**TO CARMARTHENSHIRE COUNTY  
COUNCIL'S PLANNING  
COMMITTEE**

**AR 07 MAWRTH 2019  
ON 07 MARCH 2019**

**I'W BENDERFYNU  
FOR DECISION**

*Ardal  
Gorllewin/  
Area West*



**Mewn perthynas â cheisiadau y mae gan y Cyngor ddiddordeb ynddynt un ai fel ymgeisydd/asiant neu fel perchennog tir neu eiddo, atgoffir yr Aelodau fod yna rhaid iddynt anwybyddu'r agwedd hon, gan ystyried ceisiadau o'r fath a phenderfynu yn eu cylch ar sail rhinweddau'r ceisiadau cynllunio yn unig. Ni ddylid ystyried swyddogaeth y Cyngor fel perchennog tir, na materion cysylltiedig, wrth benderfynu ynghylch ceisiadau cynllunio o'r fath.**

**In relation to those applications which are identified as one in which the Council has an interest either as applicant/agent or in terms of land or property ownership, Members are reminded that they must set aside this aspect, and confine their consideration and determination of such applications exclusively to the merits of the planning issues arising. The Council's land owning function, or other interests in the matter, must not be taken into account when determining such planning applications.**

<b>COMMITTEE:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>07 MARCH 2019</b>
<b>REPORT OF:</b>	<b>HEAD OF PLANNING</b>

**INDEX - AREA WEST**

<b>REF.</b>	<b>APPLICATIONS RECOMMENDED FOR APPROVAL</b>	<b>PAGE NOS</b>
<b>W/35345</b>	<b>Application for the construction of an earth banked slurry store and all associated works at land formerly part of Sarnginni/Nantyrhafod, Heol Glantren, Llanybydder, SA40 9SA</b>	<b>71-79</b>

**APPLICATIONS RECOMMENDED FOR APPROVAL**

<b>Application No</b>	<b>W/35345</b>
-----------------------	----------------

<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	APPLICATION FOR THE CONSTRUCTION OF AN EARTH BANKED SLURRY STORE AND ALL ASSOCIATED WORKS AT LAND FORMERLY PART OF SARNGINNI/NANTYRHAFOD, HEOL GLANTREN, LLANYBYDDER, SA40 9SA

<b>Applicant(s)</b>	ARWEL JENKINS, LAND FORMERLY PART OF SARNGINNI, HEOL GLANTREN, LLANYBYDDER, SA40 9SA
<b>Agent</b>	ROGER PARRY & PARTNERS LLP - RICHARD CORBETT, THE ESTATES OFFICE, 20 SALOP ROAD, OSWESTRY, SHROPSHIRE, SY11 2NU
<b>Case Officer</b>	David Roberts
<b>Ward</b>	Llanybydder
<b>Date of validation</b>	30/03/2017

## CONSULTATIONS

**Head of Highways and Transport** - No observations to the proposed development.

**Llanybydder Community Council** – Do not have an objection to this case, as it is considered that this is necessary for the applicant, as long as the applicant totally complies with all the necessary regulations.

**Local Member** – County Councillor Ieuan Davies has not commented on this application to date.

**Natural Resources Wales (NRW)** – Does not object to the proposal, but makes the following comments.

The new slurry pit must be designed to meet the requirements of The Water Resources (Control of Pollution) (Silage, Slurry and Agriculture Fuel Oil) (Wales) ['SSAFO'] Regulations 2010. It is noted that this is a retrospective application and can confirm that NRW Officers have inspected the site and reviewed the submission. NRW are satisfied that the structure is compliant with the conditions of the SAFFO Regulations.

The above comments only relate specifically to matters that are included on the checklist Natural Resources Wales and Planning Consultations (March 2015) which is published on the NRW website. NRW have not considered potential effects on other matters and do not

rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

**Dwr Cymru/Welsh Water (DC/WW)** - In principle there is satisfaction with the details but DC/WW are not the enforcing authority in respect of The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (Wales) Regulations 2010 or the British Standard 1377-2:1990. In light of the above DC/WW respectfully suggest that the Local Planning Authority, in consultation with Natural Resources Wales, satisfies itself that the development complies with the regulations in order to ensure drinking water sources are protected.

The response is based on the information provided in the application. Should the proposal alter during the course of the application process, DC/WW kindly request that they are re-consulted and reserve the right to make new representation.

**Head of Public Health & Protection** – The submitted Chartered Engineer’s Inspection Report of the slurry storage pit, received 31 August 2017 and the Design and Access Statement, received 17 March 2017 satisfies public protection’s concerns in relation to the construction of the slurry store.

**Flood Defence Manager** - No adverse comments to this application.

**Neighbours/Public** – Neighbouring properties were made aware of this application by the erection of a site notice near the entrance to the site. To date 7 letters of objection have been received, including the Heol Glantren Action Group and issues raised are as follows:-

- There is no mention of the application being retrospective.
- There is concern regarding drinking water pollution as a result of the development of the slurry pit.
- Concern is raised regarding stream/river pollution from the development.
- Concern regarding the security of the slurry pit.
- The application is a retrospective application and is disrespectful to planning laws.
- No odour management plan submitted.
- No detail of how the slurry pit is lined.
- No detail regarding how the pit is covered.
- No detail of the cattle bedding for winter use.
- No detail of soil sample required for NRW.
- Detrimental impact of the lagoon on the residential amenity of nearby residents.
- The proposal will be visible from a public location and is harmful to the landscape.

## **RELEVANT PLANNING HISTORY**

The following previous applications have been received on the application site:-

W/33105	Proposed poultry unit for free range eggs Withdrawn	20 September 2016
W/30384	Multi-use agricultural shed Approval	14 August 2014

W/29603	Change of use - agricultural shed to followers/beef/lamb rearing unit Approval	03 April 2014
W/26901	Prior Notification application Approval for agricultural building	16 August 2012

## **APPRAISAL**

### **THE SITE**

This is a retrospective application and the application site is the existing slurry store which is located to the western side of an existing agricultural building used to housing livestock and machinery on agricultural land approximately 1.2 km south of the village of Llanybydder. Dwellings at The Cabin and Lletyrgof Farm, Heol Glantren, Llanybydder are located approximately 118 and 170 metres respectively to the east and a small holding Sarn-gining is located approximately 250 metres to the south. Access to the site can be gained via the Heol Glantren unclassified road that runs along the east of the site. The nutrient storage lagoon subject of this application sits approximately 7.6 metres to the west of the aforementioned existing agricultural building.

### **THE PROPOSAL**

This full planning application is retrospective for an earth bank slurry store constructed for the storage of farm nutrient adjacent to an existing agricultural building, required to cater for the slurry produced by livestock resident at the farm building.

The slurry store measures 24 metres in length, by 12 metres in width and is 3 metres in depth to the foundation with a 1.5 metre high fence around and an existing 7.6 metres wide yard between the lagoon and the existing agricultural building.

There is a post and barbed wire netting security fence on the north west/south east/south west boundary and a concrete panel on the north east side of the slurry lagoon. There are three gates in the side of the fence facing the existing agricultural building which allows manure/slurry to be transferred into the slurry store.

### **PLANNING POLICY**

The application falls to be considered against Policies within the Carmarthenshire Local Development Plan (LDP). The relevant policies are:-

Policy GP1 is a general policy which promotes sustainability and high quality design, and seeks to ensure that development conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment and detailing. The policy also requires, amongst others, that proposals should not have a significant impact upon the amenity of adjacent land uses, properties, residents or the community.

Policy EP1 requires that proposals for development will be permitted where they do not lead to a deterioration of either the water environment and/or the quality of controlled waters. Proposals will, where appropriate, be expected to contribute towards improvements to water quality. Watercourses will be safeguarded through biodiversity/ecological buffer

zones/corridors to protect aspects such as riparian habitats and species; water quality and provide for flood plain capacity. Proposals will be permitted where they do not have an adverse impact on the nature conservation, fisheries, public access or water related recreation use of the rivers in the County. Proposals will wherever possible be required to make efficient use of water resources.

Policy EP2 requires that proposals should wherever possible seek to minimise the impacts of pollution. It will be required to demonstrate proposals do not conflict with air quality strategy, cause deterioration in water quality, ensure that light and noise pollution are minimised and ensure that risks arising from contaminated land are addressed.

Nationally, Technical Advice Note 6 "Planning for Sustainable Rural Communities" (July 2010) provides guidance on the subject of new agricultural development that requires local planning authorities seek to ensure such development is essentially required at that location, sensitively related to existing settlement patterns and landscape features, and is of an appropriate size, scale and design. These principles serve to ensure the proposal is justified, and complements rather than detracts from the site and surroundings in which it is proposed.

### **THIRD PARTY REPRESENTATIONS**

Following formal consultation 7 objectors sent in a number of letters, making reference to the following concerns:-

#### **There is concern regarding drinking water pollution as a result of the development of the slurry store**

DC/WW have conveyed that in principle there is satisfaction with the details but DC/WW are not the enforcing authority in respect of The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (Wales) Regulations 2010 or the British Standard 1377-2:1990. In light of the above DC/WW respectfully suggest that the Local Planning Authority, in consultation with Natural Resources Wales, satisfies itself that the development complies with the regulations in order to ensure drinking water sources are protected, and NRW officers have inspected the site and reviewed the submission and are satisfied that the structure is compliant with the conditions of the SAFFO Regulations.

#### **Concern is raised regarding stream/river pollution from the development**

The slurry store must be designed to meet the requirements of The Water Resources (Control of Pollution) (Silage, Slurry and Agriculture Fuel Oil) (Wales) ['SSAFO'] Regulations 2010. This is a retrospective application and NRW can confirm that NRW Officers have inspected the site and reviewed the submission. NRW are satisfied that the structure is compliant with the conditions of the SAFFO Regulations. It now remains that the applicant/landowner manages the business in accordance with specific farm management regulations.

#### **Concern regarding the security of the slurry store**

The slurry store is sited at the western side of an existing agricultural building, approximately 73 metres from the public highway and is to be surrounded by a 1.5 metres high security fence.



## **The application is a retrospective application and is disrespectful to planning laws**

This is respectfully acknowledged and the Local Planning Authority (LPA) does not condone the submission of retrospective planning applications but the LPA is legally required to determine such an application.

## **No odour management plan submitted and cover for the slurry pit**

Concerns regarding odour have been received, and it is acknowledged that with the slurry store there would potentially be an increased smell with a possible adverse impact on human health. It is however considered that the odour emitting from the slurry store would not be over and above that which is existing at the farm building. The slurry store is sited to the west of an existing agricultural building that houses livestock and following the responses received from the public protection consultations and consideration of the siting of the proposed slurry store to the western side of the agricultural building, the slurry store should not result in odours that would have a significant impact on neighbouring properties.

However, it acknowledge that some odours may arise on occasions, but the level of odour generated should be low, which from a nuisance perspective would be acceptable given the rural nature of the locality.

## **No detail of how the slurry store is lined**

The slurry store is constructed of concrete shuttering with soil embankments and fencing around.

## **No detail regarding how the store is covered**

The slurry store will not be covered and will be open to the elements.

## **No detail of the cattle bedding for winter use**

The means of providing cattle bedding is not a consideration for this slurry store application and would have been a matter for consideration in the application for the existing agricultural building.

## **No detail of soil sample required for NRW**

NRW have not requested any detail regarding soil sampling for the consideration of this application.

## **Detrimental impact of the lagoon on the residential amenity of nearby residents**

The slurry store is sited to the west of an existing agricultural building that houses livestock and following the responses received from the public protection consultations and consideration of the siting of the proposed slurry store to the western side of the agricultural building, the slurry store should not result in odours that would have a significant impact on neighbouring properties. The slurry store is sufficient distance from the nearest dwelling, The Cabin, for there to be no adverse impact.

However, it acknowledges that some odours may arise on occasions, but the level of odour generated should be low, which from a nuisance perspective would be acceptable given the rural nature of the locality.

### **The proposal will be visible from a public location and is harmful to the landscape**

The slurry store is sited in close proximity to the existing agricultural building and for the majority is sited below ground. It will not result in any significant harm to the landscape quality of the area.

Members will be aware that the development will need to comply with all Environmental Health legislation, particularly that of statutory nuisance under the Environmental Protection Act 1990 and that the Public Health Services have statutory powers to deal with nuisance should any complaints be received at a future date in relation to the slurry spreading.

### **CONCLUSION**

The main matter for consideration is whether or not the slurry store which is deemed justifiable on the basis that it is required for the livestock kept at the farm building, has a harmful effect on the nearest residential properties. The slurry store as constructed is considered appropriate and justifiable in its scale proportionate to the needs of the farm unit.

It is recognised that requirements under the Control of Pollution Regulations for additional slurry storage have to be met, and the application has conveyed that the location is the most suitable for both practical and environmental reasons. Slurry stores ensure slurry can be stored safely until conditions are right for spreading, and can help reduce the impact on neighbouring properties by controlling the number of times spreading occurs, as well as ensuring spreading takes place at appropriate times. Given the information provided, Public Health Services have confirmed that they do not have any adverse comments to make on the application.

The Authority's Planning ecologist has conveyed that as a competent authority under the Habitats Regulations we have to consider the impacts of development on the features for which the SAC is designated and where necessary undertake a Test of Likely Significant Effect. It is considered the development proposed within this application will not likely impact on the SAC habitat or species features. The development will be designed to meet SSAFO Regulations as detailed in the application. Although the application site is potentially hydrologically connected to the SAC, the development is not considered to pose a significant pollution risk, it is therefore considered not likely that the development will cause any adverse effects including sediment transfer and deposition, turbidity, noise, visual presence, physical disturbance, contamination and nutrient transfer. The development will not change the coherence of the site or the Natura 2000 network. There will be no reduction in the area of habitat within the SAC. There will be no direct or indirect change to the physical quality of the environment (including the hydrology) of the habitats within the site. There is unlikely to be any ongoing disturbance to species or habitats for which the site is notified or changes in species composition or population size of any feature. Therefore on this occasion a full TLSE has not been undertaken.

Much of the issues concerning this application have been considered as part of the discussion in response to the objections received on this application; furthermore, those concerns have also been subject to much deliberation with the appropriate consultees, none of which have come back with any adverse comments. The authority is satisfied therefore

that whilst there may be a minimal impact on the amenity of nearby residents, the extent of that impact will not be as severe or adverse as to warrant refusal of this application.

It is considered that there is a justifiable need for the farm slurry pit on the basis of the livestock kept at the farm building and the slurry store as constructed does not have an adverse impact on the environment and the character or appearance of the surrounding landscape. The slurry store with the existing agricultural building does not represent a conspicuous form of development and integrates well with the site.

In light of the above appraisal, the development accords with the relevant policies as contained in the Local Development Plan, and as such it is put forward with a favourable recommendation.

## **RECOMMENDATION – APPROVAL**

### **CONDITIONS**

- 1 Notwithstanding the time limit given to implement planning permissions as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended) this permission, being a retrospective permission as prescribed by Section 73A of the Act, shall have been deemed to have been implemented on 8th February 2019.
- 2 The above approved development relates to the following plans and documents and works should be carried out in accordance with them unless amended by any conditions below:-
  - 1:2500 scale location plan, received 17 March 2017;
  - 1:500 scale Site Plan, received 15 March 2017;
  - 1:100 scale Floor Plan (003), received 02 August 2018;
  - 1:50 scale Section through Lagoon (004), received 02 August 2018.
- 3 No manure spreading shall take place within a 10 metre wide buffer zone measured from any nearby water course bank top for the whole extent of the site (banked off is defined at the point at which the bank meets normal land levels). The buffer zone shall be without structure, hardstanding, footpath, fences or overhanging development.

### **REASONS**

- 1 To comply with Section 73 A of the Town and Country Planning Act (as amended).
- 2 In the interest of visual amenity.
- 3 In the interest of pollution prevention.

### **REASONS FOR DECISION**

The decision to grant planning permission has been taken in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise.

- The proposed development adheres to the requirements of policy GP1 of the Carmarthenshire Local Development Plan which ensures that proposed development promotes sustainability and high quality design, and seeks to ensure that development conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment and detailing. The development proposal should also not have a significant impact on the amenity of adjacent land uses and properties
- The proposed development adheres to the requirements of policy EP1 of the Carmarthenshire Local Development Plan which ensures that proposals for development will be permitted where they do not lead to a deterioration of either the water environment and/or the quality of controlled waters. Proposals will, where appropriate, be expected to contribute towards improvements to water quality. Watercourses will be safeguarded through biodiversity/ecological buffer zones/corridors to protect aspects such as riparian habitats and species; water quality and provide for flood plain capacity. Proposals will be permitted where they do not have an adverse impact on the nature conservation, fisheries, public access or water related recreation use of the rivers in the County. Proposals will wherever possible be required to make efficient use of water resources.
- The proposed development adheres to the requirements of policy EP2 of the Carmarthenshire Local Development Plan which ensures that proposals should wherever possible seek to minimise the impacts of pollution. It will be required to demonstrate proposals do not conflict with air quality strategy, cause deterioration in water quality, ensure that light and noise pollution are minimised and ensure that risks arising from contaminated land are addressed.

## NOTES

- 1 Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any Conditions which the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers') responsibility to ensure that the terms of all Conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any Conditions which require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any other Conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

- 2 Comments and guidance received from consultees relating to this application, including any other permissions or consents required, is available on the Authority's website ([www.carmarthenshire.gov.uk](http://www.carmarthenshire.gov.uk)).
- 3 It should be noted that the proposed development should be adequately controlled with regard to other emissions or deposits so that the development does not at any time constitute a statutory nuisance as defined by Section 79 of the Environmental Protection Act 1990.
- 4 The storage and spreading of manure will be undertaken in accordance with the DEFRA Code of Good Agricultural Practice for the Protection of Air, Water and Soil.