

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
19/0119/FULL 12.02.2019	E R Morris And Partners Mr E R Morris Ty-Canol Farm White Cross Lane Caerphilly CF83 2RL	Undertake engineering works to construct a chicken effluent storage lagoon Ty Canol Farm Mountain Road Abertridwr To Hendredenny Park Hendredenny Caerphilly CF83 2RL

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application site is located approximately 1km to the north west of Hendredenny and 0.5km to the south of Abertridwr.

Site description: The application refers to part of a field parcel forming part of the holdings at Ty Canol Farm. The field is a steeply sloping area of ground to the west of the lane between Hendredenny and Coed y Picca in Abertridwr. The field parcel is unimproved grassland lying within the Mynydd Eglwysilan Special Landscape Area and it has an existing gated access onto the lane at the south east corner. Whilst the nearest communities are over 0.5km away from the site there are isolated dwellings at Hendredenny Uchaf Farm approximately 250m away.

Development: The application seeks full planning consent to undertake engineering works to construct a chicken effluent storage lagoon. It is proposed to carry out a cut and fill exercise in order to create a pond in the sloping ground with a bund on the downside to support the structure and to help to screen the lagoon. The lagoon would then be lined with a clay liner in order to prevent any discharge from it. Given that the farm holds a total of 25,000 hens at any time and every thousand hens creates 25 tonnes of manure a total of 625 tonnes of manure is created annually (1500 cubic metres). As a result of muck spreading restrictions set down by the Council's Public Health and Protection Division this manure cannot be spread during the summer months and as such it has to be stored in a lagoon until it can be spread.

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Dimensions: The lagoon has maximum dimensions of 13.5m by 7.5m with a maximum depth of 5m. The structure (including all earthworks) has overall dimensions of 18m by 24m with a maximum height of the bund of 5m.

Materials:

The lagoon will be constructed using earth won from the site with a clay liner.

Ancillary development, e.g. parking: None.

PLANNING HISTORY 2005 TO PRESENT

16/1044/NOTA - Create an area on the farm land to store silage bales - NYD.

18/0783/FULL - Undertake engineering works to construct an animal effluent storage lagoon - Withdrawn 23.10.18.

POLICY

Local Development Plan: Outside settlement limits and within the Mynydd Eglwysilan Special Landscape Area NH 1.3.

Policies

Local Development Plan:

SP3 (Development in the Southern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), SP8 (Minerals Safeguarding), CW2 (Amenity), CW3 (Design Considerations: Highways), CW4 (Natural Heritage Protection), CW15 (General Locational Constraints), CW19 (Locational Constraints - Rural Development and Diversification).

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National Policy:

Paragraph 5.66 of Planning Policy Wales states:

"Planning authorities should adopt a constructive approach towards agricultural development proposals, especially those which are designed to meet the needs of changing farming practices or are necessary to achieve compliance with new environmental, hygiene or welfare legislation."

Technical Advice Note 6 - Planning for Sustainable Rural Communities provides general advice in respect of livestock units and slurry. Specifically Paragraphs 6.6.2-6.6.4 state:-

6.6.2 The term protected building includes most residential and other permanent buildings such as schools, hospitals and offices that are normally occupied by people. It excludes any building on the same agricultural unit, any farm dwelling or other farm building on another agricultural unit. The 400 metres will usually be measured from the boundary of the land on which the protected building stands, for example, from the end of the garden of a house.

6.6.3 To minimise the potential for future conflict between neighbouring land uses, planning authorities should exercise particular care when considering planning applications for houses or other new protected buildings within 400 metres of established livestock units. It is important also for planning authorities to keep incompatible development away from other polluting or potentially polluting uses.

6.6.4 Regulations set minimum standards for new, substantially reconstructed or enlarged silage, slurry or fuel oil facilities. The Environment Agency is empowered to serve notice requiring action to improve existing installations when it considers that there is a significant risk of pollution. These Regulations form an important part of the Assembly's commitment to reduce agricultural pollution of rivers. Planning authorities are therefore encouraged to consider sympathetically development proposals aimed at meeting the requirements of these Regulations.

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? No.

Was an EIA required? Not Applicable.

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COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The site is within a low risk area.

CONSULTATION

Ecologist - No objection.

Landscape Architect - Raises concern over the visual impact of the structure on the Special Landscape area and suggests that should consent be granted, a condition should be attached requiring the submission of a detailed landscaping scheme.

Transportation Engineering Manager - No objection subject to conditions.

Head Of Public Protection - No objection subject to conditions.

Senior Engineer (Land Drainage) - No objection.

Natural Resources Wales - Raises no objection to the proposal but provides advice to be conveyed to the developer.

ADVERTISEMENT

Extent of advertisement: The application was advertised by means of a site notice and neighbour letters.

Response: One letter of objection was received.

Summary of observations:

- The application form is incorrect. It states that surface water will be disposed of to mains sewers and there are no mains sewers in the area.
- The form also states that there are no watercourses within 20m of the site but there is a watercourse just outside of this distance.
- The Design and Access Statement suggests that the nearest residential properties are further away from the site than is actually the case.
- Any increase in surface water flows as a result of this proposal would have an impact on the properties on the eastern side of the lane.
- Any increase in surface water flows would have an impact on highway safety on the lane.
- Concerns are raised that the lagoon may overflow.
- There is an existing slurry pit to the north of the proposed lagoon. No explanation has been given as to why this is not adequate.

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SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area?
None.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

Is this development Community Infrastructure Levy liable? No.

ANALYSIS

Policies:

This application has been considered in accordance with national planning policy and guidance, local plan policy and guidance. The main point to consider in the determination of this application is the visual impact of the proposal and whether this is outweighed by the benefits of the proposal.

The application site is located within the Mynydd Eglwysilan Special Landscape Area and on that basis the Council's Landscape Architect has raised concerns about the effect of the lagoon on the landscape character of the area. The site is located within a sensitive area with a distinctive landscape form and the Landscape Architect argues that the proposed structure would harm this character if it is not properly designed with adequate landscaping.

However, that impact has to be balanced against the need for the lagoon in order to deal with the effluent issues at this farm. As stated above, this farm holds 25,000 hens at any time on a 13 month rota. Over that period the hens create a total of 625 tones of effluent that cannot be spread on the fields during the summer months, and as such a storage facility is required. Because of the particular characteristics of chicken effluent it is prone to causing a fly issue and this has been dealt with as an amenity issue for the residents of Hendredenny in the past.

Paragraph 6.6.3 of Technical Advice Note 6 advises that care should be taken when considering applications for new dwellings within 400m of an existing livestock unit. It is considered that the same care should be given to applications to site slurry and livestock facilities in such close proximity to existing properties. In this instance the proposed lagoon would be sufficiently far away from the neighbouring properties that there would be no detrimental impact on their amenity.

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Further, subject to the imposition of a condition requiring the submission of a detailed landscape scheme, the visual impact of the proposal is outweighed by the need for the structure and for it to be sited in this location.

Policy SP8 of the Local Development Plan seeks to safeguard reserves of coal, sand and gravel and hard rock and to maintain a minimum 10 year supply. Whilst this proposal is located in an area where there are such resources, it is not considered that this proposal would prevent them from being worked. Deep mining or excavation would not have an impact on the structure itself and the structure is not sufficiently permanent in nature to prevent any surface working. In that regard it is not considered that the proposal is contrary to Policy SP8.

Comments from Consultees:

- The comments of the Council's Landscape Architect are addressed above. No other objections were raised.

Comments from public:

The comments of the public are addressed as follows:-

- It is agreed that there are no mains sewers in the area but this is not considered to be fatal to the determination of this application.
- As there are no watercourses within 20m of the site the question has been answered correctly.
- It is acknowledged that the Design and Access Statement submitted with the application gives incorrect details with regard to the distance from the development to the nearest dwellings. However, the Local planning Authority is able to disregard this information in its determination of any application. It is considered that the actual distances to the nearest residential properties is adequate to mitigate any impacts from the development to an acceptable level.
- There is no evidence to suggest that there would be any increased surface water flows from this development. The lagoon has to be designed for a maximum capacity plus expected rainfall and it will be lined with clay such that effluent should not leach out and into the water table of the surrounding land. In that regard it is not considered that the proposal would lead to any surface water drainage issues.

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- As above there is no evidence that there would be any increased surface water flows. Any existing surface water drainage issues associated with this land are not material to the determination of this application.
- This is addressed above.
- The applicant has stated that there are concerns with regard to the integrity of the existing lagoon and as such there is more likelihood of environmental impacts from that structure. That structure is also unauthorised in planning terms and would need to be removed in due course.

Other material considerations: None.

In conclusion, it is considered that the benefits of the proposal outweigh the harm to the landscape character of the area and any such harm can be mitigated by suitable landscaping and as such the proposal is acceptable in planning terms.

The duty to improve the economic, social, environmental and cultural well-being of Wales, has been considered in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. In reaching the recommendation below, the ways of working set out at section 5 of that Act have been taken into account, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) The development shall be carried out in accordance with the following approved plans and documents: MJA/ERM/0219/01.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) The first 10m of the access track from the public highway shall be completed in materials as approved by the Local Planning Authority to ensure that loose stones or mud etc. are not carried onto the public highway.
REASON: In the interests of highway safety and in order to ensure compliance with Policy CW3 of the Caerphilly County Local Development Plan up to 2021.

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- 04) Prior to the commencement of the development a detailed scheme depicting the landscaping of the lagoon shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be carried out in the first planting and/or seeding season following the commencement of the development. Any landscape features which within a period of 5 years from the completion of the development die or are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
REASON: In the interests of the visual amenity of the area in accordance with policies CW2 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 05) Prior to the commencement of the development an Operation and Management Plan for the lagoon shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the method of filling and emptying the lagoon together with measures for monitoring its permeability and structural integrity together with measures for the control of public health nuisance. The lagoon shall thereafter be operated in accordance with the approved details.
REASON: In order to retain control over the operation of the lagoon in the interests of Public Health and in order to ensure compliance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 06) The lagoon hereby approved shall only be used for the storage of chicken effluent and no other effluent or other organic matter shall be permitted to be stored or disposed of in the lagoon without the prior written approval of the Local Planning Authority.
REASON: In order to retain control over the operation of the lagoon in the interests of Public Health and in order to ensure compliance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.

Advisory Note(s)

Please find attached advice from Natural Resources Wales.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority.

