

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING AND DEVELOPMENT CONTROL COMMITTEE**

DATE: **WEDNESDAY 17TH APRIL 2013**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **FULL APPLICATION - CONSTRUCTION OF A LINED EARTH BANKED SLURRY STORE 25.5M X 20M X 3M ADJACENT TO THE EXISTING SLURRY STORE AT BRYN CELYN FARM, PEN Y FRON ROAD, RHYDYMWYN, MOLD**

APPLICATION NUMBER: **050551**

APPLICANT: **MR & MRS PAUL DAVIES-COOKE**

SITE: **BRYN CELYN FARM, PEN Y FRON ROAD, RHYDYMWYN, MOLD**

APPLICATION VALID DATE: **27/02/2013**

LOCAL MEMBERS: **MS. A. DAVIES-COOKE**

GWERNAFIELD COMMUNITY COUNCIL: **GWERNAFIELD COMMUNITY COUNCIL:**

REASON FOR COMMITTEE: **APPLICANT IS RELATED TO AN ELECTED MEMBER.**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This application seeks planning permission for the construction of a lined earth banked slurry store adjoining an existing slurry store at Bryn Celyn Farm, Pen y Fron Road, Rhydymwyn, Mold, CH7 5HT.

2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION, SUBJECT TO THE FOLLOWING:-

2.01 The application is recommended for approval subject to the following conditions:-

1. Time limit on commencement
2. In accordance with the approved plan
3. Survey of nature and extent of mining activities to be undertaken
4. Details of stock proof fence to be submitted and agreed

3.00 CONSULTATIONS

3.01 Local Member:- Has declared an interest.

Gwernafield Community Council:

No response at time of writing.

Head of Public Protection

No objection in principle, however, the proposed slurry pit is in an area with lead mining history and our records indicate that there appear to be mine shafts in close proximity. Recommend that a condition is attached to any approval. The condition relates to no development shall take place until a survey of the nature and extent of mining activities of the site has been carried out, in order to ascertain the grounds stability for the construction of the slurry pit. If any ground mining activities are found during the site survey a report specifying the measures to be taken to remediate the site to render it suitable for the development shall be submitted and approved. If during the course of development contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination.

Environment Agency

Have no objections to the proposed development in principle. The development must however fully comply with the terms of the water resources (Control of Pollution)(Silage, Slurry and Agricultural Fuel Oils)(Wales) Regulations 2010.

4.00 PUBLICITY

4.01 Site Notice, no response at time of writing.

5.00 SITE HISTORY

5.01 **049077**

Construction of a reinforced mass concrete slurry store.- Permit 21st November 2011

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy GEN1 - General Requirements for Development

Policy GEN 3 - Development in the Open Countryside

Policy D2 - Design

Policy L1 - Landscape Character

7.00 PLANNING APPRAISAL

7.01 Introduction

The application which forms a full planning application is for the construction of a lined earth banked slurry store adjoining the existing slurry store at Bryn Celyn Farm, Pen y Fron Road, Rhydymwyn, Mold, CH7 5HT.

7.02 Proposed Development.

The proposal which forms a full planning application is for the construction of a lined earth banked slurry store adjacent to the existing farm complex at Bryn Farm. An existing 9.1 metre by 27.5 metre slurry store is located on the site and the proposed additional store will be located to the north east of the farm complex and to the north western side of the existing store on the site. The new store is required under to comply with the Nitrate Vulnerable Zone (NVZ) Regulations which aim to stop the pollution of the water courses.

7.03

The proposed slurry store will measure 25.5 metres by 20 metres with a depth of 2.5 metres with an additional 0.5 metre freeboard which will give a total depth of 3 metres. The land in question presently forms part of a field with the land sloping in from west to east, thus the area of land excavated will be used to form the bund area with the side facing down the slope having a height of 2 metres with a 30 degree slope. At the top of the embankments the plans show the provision of a stock proof fence. Given details have not been supplied a condition has been included to request details of the fence. The Environment Agency have been consulted on the application and raise no objections to the proposal. They have noted that the development must however fully comply with the terms of the water resources (Control of Pollution)(Silage, Slurry and Agricultural Fuel Oils)(Wales) Regulations 2010.

7.04

In 2011 under planning reference 049077 planning permission was granted for the construction of a reinforced mass concrete slurry store, in a position similar to that now proposed. The new store is an alternative to that proposed and the principle of the development is acceptable given the site is located on an existing farm complex and the proposal is for the provision of an improved and larger slurry storage area. Such provision is to conform with the Environment Agency requirements for NVZ Regulation.

8.00 CONCLUSION

- 8.01 It is considered that the proposal is acceptable in terms of visual impact and given the Head of Public Protection raises no objection subject to appropriate condition the application be recommended for approval.

In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

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