Ein cyf/Our ref: CAS-274431-R8D9
Eich cyf/Your ref: P/2024/1593

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dyddiad/Date: 20 February 2025

Annwyl Syr/Madam/Dear Sir/Madam,

BWRIAD/PROPOSAL: ERECTION OF SILAGE CLAMP WALL TO EXISTING SILAGE CLAMP

LLEOLIAD/LOCATION: TORRIAD FARM, BOWLING BANK, WREXHAM, LL13 9RT

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) with additional information about the above, which we received on 14 February 2025.

We continue to have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding protected sites and protected species. If this information is not provided, we would object to this planning application. Further details are provided below.

Protected Sites

Special Area of Conservation (SAC)

We note the application site is within the catchment of the River Dee and Bala Lake SAC. In line with our *Advice to Planning Authorities for Planning Applications Affecting Nutrient Sensitive River Special Areas of Conservation* (28 June 2024), under the Habitats Regulations, Planning Authorities must consider the impact of proposed developments on water quality within SAC river catchments. We refer you in particular to the section of our Advice titled '*What does this mean for agricultural developments?*'

The silage clamp must be designed and built to the standards of The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021.

We note that further details have been provided by the applicant's agent as follows:

- Written confirmation that there would not be an increase in stock as a result of the development

- Details of the capacity of the proposed clamp and that it would be built to BS5502
- Confirmation that a pre-construction notice will be submitted to NRW 14 days before construction starts
- Support post foundation detail
- Farming Connect leaflet in relation to Silage and Slurry storage requirements (which refers to out of date 2010 regulations)
- Undated letter from Kite Consulting referring to farmyard manure

However, the following information as outlined in our previous response (ref: CAS-269502-Y2Z2, dated 10/01/25) has not yet been submitted. We therefore advise that this information is submitted to enable the impact of the development on the SAC to be assessed:

- A scaled block plan of the clamp clearly showing the perimeter drain and how effluent will be channelled into the existing slurry store.

Should you conclude that the proposed development is likely to have a significant effect on the SAC, please consult us on your Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

Site of Special Scientific Interest (SSSI)

NRW consider the proposals have the potential to impact upon the River Dee SSSI. Providing the advice referenced above for the SAC is adequately addressed, NRW consider the features of the SSSI will also be adequately safeguarded.

Protected Species

We have also reviewed the following information which has been submitted in support of the application:

- Preliminary Ecological Appraisal for Torriad Farm by Arbour Vitae dated 02.04.2024
- Amphibian Conservation Strategy for Torriad Farm by Arbour Vitae dated 02.04.2024

The information has identified that great crested newts (GCN) are material to the application site.

The proposal has the potential to kill, injure, disturb GCN, or damage or destroy their breeding sites and resting places at this site. GCN and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended) and Schedule 5 of the Wildlife and Countryside Act 1981. Where GCN are present and a development proposal is likely to contravene the legal protection, they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. A licence may only be authorised if:

i. The development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;
ii. There is no satisfactory alternative; and,
iii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

To avoid developments with planning permission subsequently not being granted a licence, the Local Planning Authority should take Planning Policy Wales and Technical Advice Note 5 into account when considering development proposals where a European Protected Species is present. Please note, for the purposes of providing advice at the planning application stage, our comments are limited to compliance with the third test only.

We consider that the current submission is insufficient for the purposes of demonstrating that the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of GCN.

The submitted reports have been produced for a development adjacent to the application site, whereby the mitigation detailed is specific to that adjacent development site. We therefore advise that additional information (a supplementary report) is submitted outlining the specific mitigation, including biosecurity, for this application site prior to determination, to inform the decision-making process.

The submission must demonstrate that the proposed development would not be likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Other Matters

Our comments above only relate specifically to matters included on our checklist, *Development Planning Advisory Service: Consultation Topics* (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

If you have any queries on the above, please do not hesitate to contact us.

Yn gywir / Yours faithfully,

Sara Thomas
Cynghorydd - Cynllunio Datblygu/Advisor - Development Planning
Cyfoeth Naturiol Cymru/Natural Resources Wales

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Croesewir gohebiaeth yn Gymraeg a byddwn yn ymateb yn Gymraeg, heb i hynny arwain at oedi./Correspondence in Welsh is welcomed, and we will respond in Welsh without it leading to a delay.