SELBY RURAL

Chartered Surveyors & Agricultural Valuers

Date: 27 March 2025

PLANNING STATEMENT FOR AN OVERGROUND SLURRY STORE TO COMPLY WITH THE WATER RESOURCES (CONTROL OF AGRICULTURAL POLLUTION) (WALES) REGULATIONS 2021

At:

PORTHYGAN FARM

CROSS LANES

BANGOR-IS-Y-COED

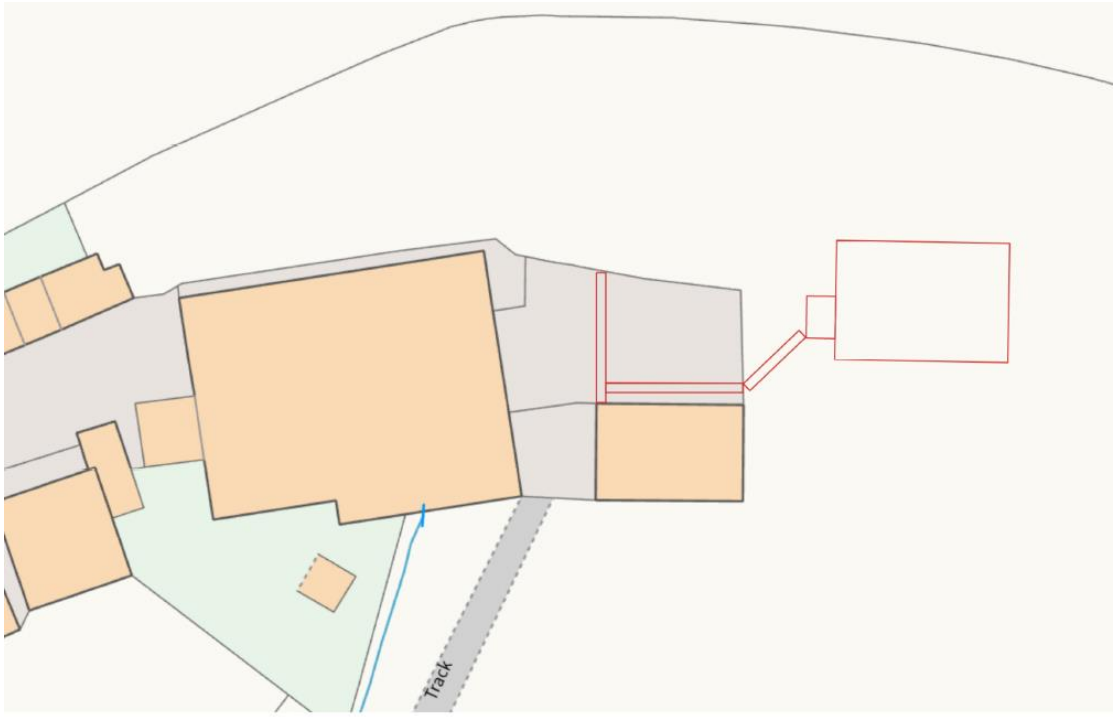
WREXHAM

CLWYD

LL13 0TP

On Behalf of J & B Richards

Ref: Richards-414



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1. INTRODUCTION

Mr Stuart Richards of J & B Richards has instructed Selby Rural to produce this report and apply for full planning permission for an overground slurry store at Porthygan Farm.

The justification and reasoning for this application is explored in full in this report.

1.1. Qualifications and Experts Duty

I, Tom Selby, am a rural Chartered Surveyor and fellow member of the Central Association of Agricultural Valuers and work for the firm Selby Rural. I understand my duties in the preparation of this report and have complied with that duty.

The substance of the instruction I have received and the information I have been provided with are set out within this report and its appendices. I have been involved in farming and country matters all my life and have a degree in Rural Enterprise and Land Management from Harper Adams University College.

I act on behalf of both livestock and arable farmers as well as landowners throughout North Wales, Cheshire and adjoining counties.

1.2. Purpose of Report

The purpose of this report is to fully justify the Planning Application for the construction and erection of an overground slurry store.

The report will continue to show how this application is fully justified and needed within the contents of the Local and National Planning Policy together with the functional need on a farm level, to comply with the necessary regulations of The Water Resources (Control Of Agricultural Pollution) (Wales) Regulations 2021. This is a mandatory requirement.

The regulations require that all farms that produce slurry must have 5 months slurry storage capacity by 1st of August 2024 for the volume of slurry produced from 1st of October to the 1st of March.

The Welsh Government understand that many farmers cannot meet this requirement, and an allowance has been granted on the basis the farmer is embarking on the necessary process to meet the regulations. This planning application is paramount to this process, as to have the required storage facilities

on the farm holding, planning consent for a slurry store is a fundamental requirement for the safeguarding and future of this family farming business.

1.3 **Farming Connect and AgriPlan Cymru Ltd**

The applicants have enlisted the help and guidance of Farming Connect, a Welsh Government funded initiative to provide rural and farm businesses with help and guidance to overcome challenges from new legislative requirements and changes in policy.

Together with this report, the submission includes a *"Technical Report"* for Farm Infrastructure at Porthygan Farm. This report has been produced through the assistance of Farming Connect. The report has provided the much-needed information in relation to the size of the store required, by analysing the total slurry produced on the farm. Advice has also been provided in relation to the design and specification of the slurry store.

A full copy of the report from AgriPlan Cymru can be found in appendix 4.

2. FARM DETAILS

2.1. Business

Porthygan Farm is a 180-acre dairy farm located to the southeast of Wrexham. The location of the fam is shown in the below figure.

The family business has been operating at Porthygan farm for generations, with Mr Stuart Richards now being a further generation of the family, milking at the farm.

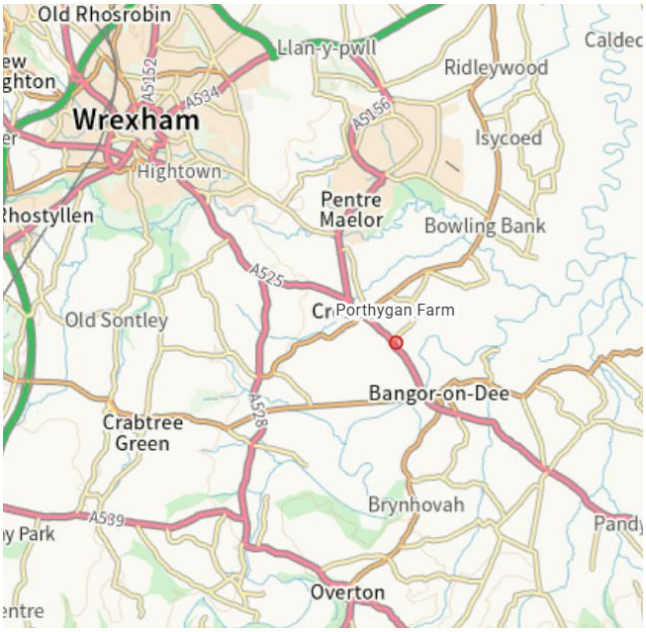


Figure 1: Location of Porthygan Farm

2.2. Land

The Partnership is farming approximately 180 acres (72.85 Ha) which is all farmed as either temporary or permanent grassland. The land is used as a grazing platform for the milking herd, as well as producing the silage fodder needed to feed the animals over the winter months.

2.3. Livestock

The applicants have 90 milking cows. These dairy cows have an average annual milk yield of 7000 litre per head.

2.4. **Milk Contract**

The farm business holds a contract to produce and sell milk to a local cheese producer approximately 7 miles away in Whitchurch, Belton Cheese.

The applicants are proud to hold this milk contract and ensuring they have a secure, long term milk contract is paramount for the success and sustainability of the business.

Included within appendix 5 is a letter from Belton Cheese to the applicant, which supports the justification as to why this slurry store is absolutely necessary for the future of this business. Within this letter, it can be seen that their Farm Liaison Manager, emphasises the risk to the applicants' milk contract, should slurry storage compliance not be met.

2.5. **Existing Building Infrastructure**

The farm building complex is made up of traditional red brick buildings with two modern portal framed buildings overlooking a central open dirty yard with a slurry store at the lowest point at the rear of the farm.

Careful consideration has been made by AgriPlan Cymru and the applicants to establish the best location for the proposed new store. The location and site plans can be found in the appendices (1 and 2).

3. PROPOSED SITE AND SURROUNDING AREA

3.1. Site Situation

Porthygan Farm is accessed from the main A525 between Whitchurch and Wrexham. It is situated within the county of Wrexham, surrounded by agricultural land. There are a few rural isolated residential properties in the area.

It is proposed that the store will be located as close as possible to the existing farm footprint.

3.2. Site Details

The site where the shed is to be located can be seen on the plans provided. The wider farmed area is also included on the plan submitted with the application.

3.3. Reason for the location of the site

The farm business has applied to the Nutrient Management Investment Scheme (NMIS) for financial support towards a new slurry store. The Expression of Interest for the grant has been accepted and the second stage of the application process is underway.

The farm business has gained advice on how to reduce the volume of slurry produced on the farm and the options for additional slurry storage.

When considering the design specification of a new slurry store, it is important to consider the environmental constraints that might be in place.

4. FLOODING

4.1. Background and Context

As part of this application a "Flood Consequences Assessment" has been prepared by Water Co in March 2025. A full copy of this report has been provided as part of the submissions, in appendix 6.

The purpose of this report is to outline the potential flood risk to the site, the impact of the proposed development on flood risk elsewhere, and the proposed measures which could be incorporated to mitigate the identified flood risk. T

his report has been prepared in accordance with the guidance contained in Planning Policy Wales (PPW) and Technical Advice Note 15 (TAN15): Development and Flood Risk.

4.2 Summary of Findings

The following conclusions have been made in the report, which can be read in full as part of this application:

- **Surface Water:** There are no distinct flow routes in the area which would direct any potential surface water flooding towards the site. There are no records of surface water flooding at or near to the site. It can therefore be concluded that the risk of surface water flooding is very low.
- **Sewer:** The site is located in a rural area and there are no public sewers in the immediate vicinity of the site. The risk of sewer flooding is therefore considered to be very low.
- **Groundwater:** There are no records of groundwater flooding at or near to the site. It can therefore be concluded that the risk of groundwater flooding is low.
- **Artificial Sources:** The risk of flooding from artificial sources is therefore considered to be very low.

It can be concluded that fluvial flooding from the River Dee is the main potential source of flood risk at the site.

4.3 Considerations Made

The slurry lagoon will be a raised structure with a crest level approximately 4.1m above ground levels in the southern extent of the site. Given the raised nature of the structure and that the slurry lagoon will be watertight, floodwater will not reach a sufficient height to enter the lagoon.

A slurry store is required on site to provide a minimum of five months slurry storage capacity in accordance with NRW Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021.

The proposed location of the slurry lagoon has been selected as the most practicable option within the farm. Alternative locations have been assessed however are shown to be unsuitable. The slurry lagoon cannot be placed further north (outside of the flood extent) due to the steeply sloping nature of the ground immediately north of the proposed slurry lagoon location.

The slurry store will be designed to meet the requirements set out in the NRW Silage, Slurry and other livestock manure storage guidance. The slurry store is considered to be justified in this location as it is required within close proximity to the existing livestock buildings.

5. PLANNING POLICY

5.1. This section contains and describes the relevant planning policies commencing first with National Planning Policy Framework, before focussing on local planning policy. The following section then describes the material considerations that are relevant to this application.

5.2. The most recent legislation is in the form of Planning Policy Wales (PPW) which sets out the Welsh Government's land use planning policies. This is supplemented by a series of Technical Advice Notes (TANs).

5.3. At the heart of the PPW is a *'presumption in favour of sustainable development'* which should be seen as a golden thread running through both plan-making and decision-taking. The Local Planning Authority must therefore have regard to the economic, social and environmental effects of any proposed development.

National Planning Policy – TAN6.

5.4. The Policy Framework relating to agricultural buildings is contained within TAN 6 'Planning for Sustainable Rural Communities'. Under 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."*

5.5. The proposed development at Porthygan Farm would be consistent with this policy as the improvement to the on-farm infrastructure will mitigate the pollution risk and ensure compliance with CoAPR. This will prevent run-off into watercourses, safeguarding water quality and ecosystems.

5.6. The slurry store will enable better nutrient management to improve soil quality and reduce the need for inorganic fertilisers. The new store will meet all current legislative requirements set out in the CoAPR 2021.

Local Planning Policy – Wrexham Unitary Development Plan

Policy EC13 – Surface Water Run-Off

5.7. The proposed new slurry store will align with this policy by enabling the effective containment of slurry during the closed period. This will mitigate the need to spread when there is risk of surface water run-off, preventing potential contamination of local watercourses. This ensures environmental protection, safeguarding water quality and supporting sustainable agricultural practices.

Policy EC3 – Agricultural Buildings

5.8. New agricultural buildings are permitted unless the development has a detrimental impact on the environment or surrounding landscape. The proposed development at Porthygan Farm is an immediate extension to the existing farm buildings and infrastructure.

Policy EC4 – Hedgerows, Trees and Woodland

5.9. The development will not adversely impact any hedgerows or trees on the site.

EC6 – Biodiversity Conservation

5.10. The new slurry store will not disrupt natural habitats. The proposed site is currently used by the intensive agricultural operations and therefore no negative impact on habits, shelter or resources for wildlife are anticipated. Careful management and storage of slurry will mitigate potential runoff and subsequent pollution, ensuring protection of nearby ecosystems.

Policy GDP1 – Development Objectives

5.11. Under GDP1, development should make a positive contribution to the appearance of the locality and be of appropriate scale, design and layout. Development should take account of personal and community safety. In addition, make the best use of design techniques, siting and orientation to conserve energy and water resources.

5.12. The development is in accordance with GDP1 for the following reasons:

- ➢ The new slurry store will be in keeping with the existing farming operations at New Farm, the proposed development will benefit the farming business by ensuring compliance with CoAPR and promote sustainability for future generations.
- ➢ The proposal will not affect surrounding properties or public/private spaces.
- ➢ The proposal will be sited adjacent to the existing farm complex and on an area already used as part of the farming enterprise.
- ➢ The proposal will be accessed via an existing established access.

5.13. Policy GDP1 also seeks to ensure the safety and amenity of the public and safeguard the environment from adverse effects on water pollution. In particular, this development seeks to enhance the management of slurry and in turn reduce the potential of surface water run-off.

5.14. The land is already used for intensive agriculture and therefore it is not anticipated that there will be any adverse ecological or biodiversity impacts.

5.15. Authorising this development would help to future proof the farm business to enable the applicant's family to continue farming.

Other Legislation

5.16. The new store will provide sufficient storage capacity to store all slurry and dirty water from 1st October – 1st March, to comply with the non-spreading period from 15th Oct – 15th Jan. Both of these are required within the CoAPR. The store provides the regulatory 5 months storage required.

5.17. The construction will be carried out in order to meet the required storage capacity of slurry storage system and will need to be in place by 1st August 2024 as required by the CoAPR.

5.18. The new slurry store will allow all slurry to be stored throughout the winter closed period and be spread to the land only when the land and weather conditions are suitable, allowing the maximum benefit to be achieved from the nutrients. Nutrients will only be applied to the land when the land requires the application.

5.19. The farm will adhere to recommendations of nutrient application, provided in the farm's nutrient management plan ensuring nitrogen application from the slurries produced is carried out in accordance with the regulations and does not exceed maximum N loading (170kg/h) unless a licenced derogation to 250kg/h is received.

5.20. Currently, the slurry is spread on a regular basis throughout the winter due to insufficient storage capacity. The slurry will be emptied at the end of the winter closed period in accordance with legislation.

The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021.

5.21. The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021, herein referred to as 'CoAPR' include several provisions aimed to prevent and reduce water pollution, including ensuring storage facilities are designed and constructed to prevent leaks and the capacity of storage facilities must be sufficient to hold slurry produced during periods when land application is not possible due to weather or soil conditions.

5.22. This means that farms must have sufficient storage capacity to hold at least five months' worth of slurry production. Additional capacity may be required in areas with high rainfall or on farms with high livestock density.

5.23. The CoAPR will be enforced by Natural Resources Wales and penalties including fines can be issued for non-compliance.

5.24. The slurry should be applied to land in accordance with a suitable manure management plan (MMP) based on an underlying nutrient management plan (NMP). The Code of Good Agricultural Practice (COGAP) has standard formats for the MMP and associated NMP.

6. DESIGN & ACCESS STATEMENT

The following statement will endeavour to present information with regards to the proposed new slurry store at Porthygan Farm.

5.1 Proposed Type and Size of Slurry Store

The advice obtained from AgriPlan has been relied upon by the applicants, as sound, unbiased and reasoned advice. Agriplan has been instructed by Farming Connect and therefore are in an expert position to provide the necessary reasoning and proposals for a new slurry store.

To comply with CoAPR the design specification of the new slurry store must hold the volume of slurry produced over a 5 month winter period plus an allowance for freeboard and the rain that will fall onto the surface of the slurry store if it remains open.

At Porthygan Farm the volume of slurry to be stored is 810 m3 plus an allowance of 300 mm freeboard and 388 mm of rain that will fall onto the surface of the slurry store over a 5 month winter period.

As a guide based on current farm practices, an above ground rectangular slurry store bring 4.1m high (minus the 300mm free board i.e 3.8m high), 18m long and 12.36 m wide = 845m3 and will provide sufficient slurry storage capacity to meet the 5 month storage requirement of CoAPR.

If the open dirty yard is reduced to 221 m2 by placing a transfer channel across the yard the storage capacity of the slurry store is reduced.

The above ground slurry store will require a reception pit. The slurry will either be collected in the transfer channel and stored in the reception pit or pushed directly into the reception pit. The slurry will be pumped from the reception pit into the above ground slurry store.

6.1.1. **Physical Context**

The proposed slurry store is linked with the existing services and facilities and farm infrastructure, adjacent to the existing farmstead.

The site is currently an unproductive area of land and therefore will not impact the productivity of the farmland.

6.1.2. **Social Context**

The development will have minimum effect on people within the locality owing to its rural location. The store will be green in colour and will blend with the existing farm building environment.

6.1.3. **Economic Context**

Welsh farmers have the duty to be compliant with the new slurry storage regulations. In order for the business to continue and remain sustainable for the future, a secure slurry store which meets the requirements must be constructed and operated at Porthygan Farm.

6.2. **Design and Access**

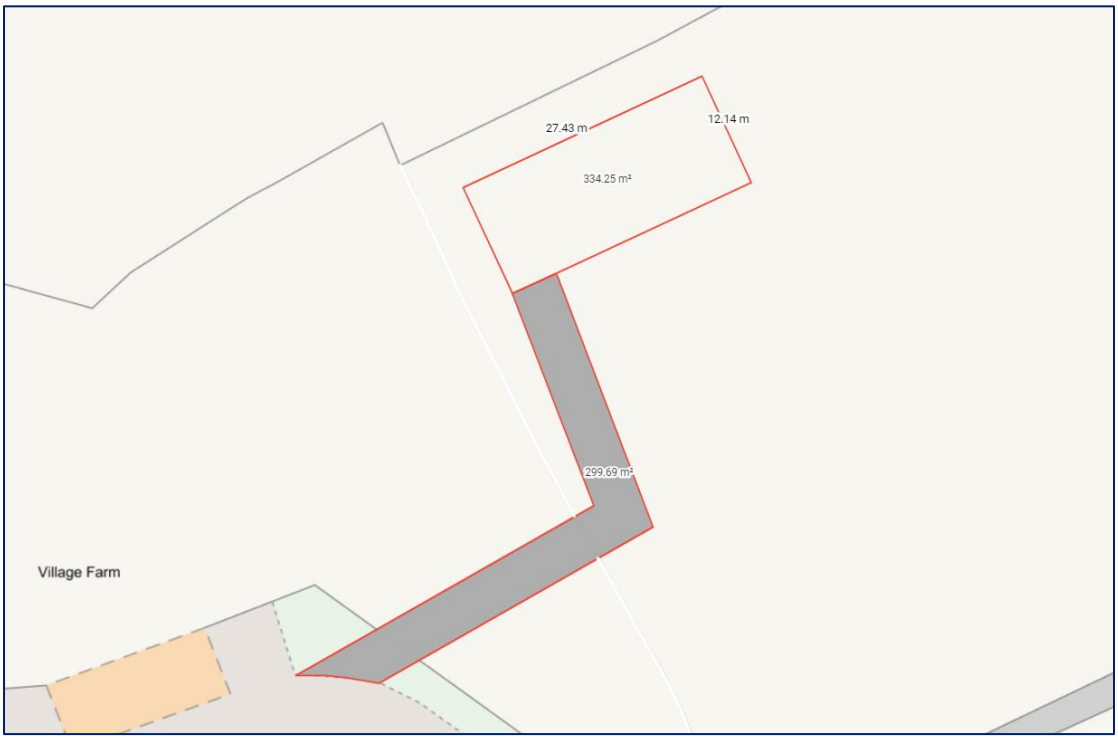
6.2.1. **Proposed Slurry Store**

Above ground concrete panelled slurry laggoon, with the folllwnig dimensions, also shown in the figure overleaf.

Height: 4.1 metres

Length: 18.00 metres

Width: 12.36 metres



6.2.2. **Site Situation**

The proposed slurry store will sit just outside the farm buildings.

6.2.3. **Design**

The design of the proposed building has taken into account the advice received from Agriplan and the most suitable storage facility for this case has been selected.

6.2.4. **Access**

The existing farmyard access will be utilised.

6.2.5. **Scale**

The size and scale of the building is considered to be compatible with the needs of a farming enterprise of this size. This can easily be demonstrated from the evidence and commentary in the Agriplan report.

7. SUMMARY AND CONCLUSIONS

Selby Rural have been instructed by the applicants J & B Richards to provide the detailed support in relation to the agricultural need for the slurry store. This is to comply with The Water Resources (Control Of Agricultural Pollution) (Wales) Regulations 2021 and also to enable the business to continue in a sustainable and viable way. This is evidenced by the requirement enforced on them by their milk buyer Belton Cheese.

The National and Local Planning Policy has been examined and the emphasis on the sustainability of agriculture and the rural economy.

It is requested that the Local Planning Authority takes into account the need for this farm business, as with all dairy farms to adapt to a change in the market conditions, the need to ensure that they are compliant with all regulations and ensure that the systems used on the farm are viable for future generations to come.

J & B Richards is the owner / occupier of Porthygan Farm and on which the application for the overground slurry store stands.

J & B Richards are committed to improving their business sustainability for the future generations and the proposed slurry store is a necessity to comply with the Regulations. The business employs a number of full-time staff and contractors and in turn, this will also ensure the long term sustainability of the business and their ability to provide employment to local people.

Natural Resources Wales (NRW) will be informed of the works to regulatory compliant structures, in the prescribed period of 14 days prior to the commencement of works. This will be done via a “prior notification form”

In order to ensure the business remains sustainable and during time of high input costs and volatile market prices, the applicants have sourced a grant from the Welsh Government to contribute towards the costs of this new slurry store. It is a requirement of the NMIS grant, that evidence of planning consent is provided from the Local Planning Authority to receive the grant aid.