

Maes Y Ffynnon,
Penrhosgarnedd,
Bangor,
Gwynedd
LL572DW

Wrexham County Borough Council,
The Guildhall,
Wrexham,
LL11 1AY

ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

15/11/2021

Annwyl Simon Greenland,

**BWRIAD / PROPOSAL: CODI UNED CYNHYRCHU EGG AM DDIM ORGANIC A PHOB
GWAITH CYSYLLTIEDIG. / ERECTION OF AN ORGANIC FREE-RANGE EGG
PRODUCTION UNIT AND ALL ASSOCIATED WORKS.**

**LLEOLIAD / LOCATION: CAE MOR FARM, LLWYN MAWR, PONTFADOG,
LLANGOLLEN**

Thank you for re-consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above with additional information, which we received on 25/10/2021.

We 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. If this information is not provided, we would object to this planning application. Further details are provided below.

We also advise that based on the information submitted to date, the documents identified below should be included in the approved plans and documents condition on the decision notice. Without the inclusion of these documents we would object to this planning application.

Approved plans/documents:

- Stirling, P (2021) Cae Mor, Llangollen. Preliminary Ecological Appraisal. Arbor Vitae).
- Drainage plan (drawing no. RB-MZ555-06).
- Manure Management Plan (Roger Parry & Partners, dated March 2021).
- Method Statement Pollution Prevention Plan (Roger Parry & Partners)
- Ranging Plan (RB-MZ555-09 dated 26/08/2021)

Protected Sites (River SAC catchment)

We note the application site is within the catchment of the River Dee and Bala Lake SAC. As you are aware, on the 21st January 2021, we published an evidence package outlining

phosphate levels for all river SACs across Wales. As part of this package, we issued a [Planning Position Statement](#), in which we advised that any proposed development that might increase the amount of phosphate within a river SAC catchment could lead to damaging effects to the SAC. Therefore, such proposals should be screened through a Habitats Regulations Assessment (HRA), to determine whether they are likely to have a significant effect on the SAC.

- Habitat Regulation Assessment Justification

We note the submission of the Habitat Regulation Assessment Justification (October 2021) by the applicant and we provide the following comments. We note the statements with regards to “there are no toilets proposed as part of the development” and that the “manure from the proposed free-range egg unit will all be exported off farm”. We note and agree that the above will not increase phosphorous levels at the site. However, the justification report has not taken into consideration the ranging area and any input that may arise from the birds utilising this area. Therefore, we advise your Authority to seek a revised HRA justification statement in relation to this aspect from the applicant.

- Ranging Plan

Further to our previous comments on the ranging plan, we note the submission of a revised plan (drawing no. RB-MZ555-09 dated 26/08/2021) and note that the ranging plan has been updated to include a 30m fenced off vegetated buffer strip of watercourses to mitigate run-off.

We advise that the manure management plan must be included in the ‘approved list of plans / documents’ condition within the decision notice should consent for the project be granted.

- Manure Management Plan

We have reviewed the Manure Management Plan (Roger Parry & Partners, dated March 2021) submitted in support of this proposal. We note the manure management plan states “No manure from the poultry units (existing and proposed) will be spread on site as the farm will be using all of its land for ranging areas. All manure will be exported off site by Gamber Logistics Ltd”.

We note the manure management plan includes a contingency plan that manure can be exported to an Anaerobic digester (AD) plant.

It is important that operators take responsibility to ensure the manure or slurry exported is being managed appropriately by others.

We advise that the manure management plan must be included in the ‘approved list of plans / documents’ condition within the decision notice should consent for the project be granted.

- Drainage Plan

The drainage plan (drawing no. RB-MZ555-06) shows the clean and dirty water being drained separately. The dirty water will be drained to an underground tank built to comply with the regulations. We advise that the drainage plan must be included in the 'approved list of plans / documents' condition within the decision notice should consent for the project be granted.

- Pollution Prevention Plan

We note the submission of the Method Statement Pollution Prevention Plan and are satisfied with the level of detail. We advise that the pollution prevention plan must be included in the 'approved list of plans / documents' condition within the decision notice should consent for the project be granted.

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).

Protected Sites (Aerial emissions)

Agricultural units have the potential to impact protected sites through aerial emissions (ammonia and nitrogen deposition). NRW assesses the air quality impact a unit may have on Special Areas of Conservation (SAC), Special Protection Areas (SPA), Ramsar sites and Sites of Special Scientific Interest (SSSIs) within a screening distance of 5km of the unit.

The detailed atmospheric modelling report submitted in support of the proposal ('A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Proposed Free Range Egg Laying Chicken Houses at Cae Mor, near Llwynmawr in Denbighshire.' by AS Modelling & Data Ltd. dated 13th March 2021, table 5a indicates that the poultry unit will exceed the 1% process contribution for Afon Dyfrdwy SAC/SSSI.

The background ammonia concentration (annual mean) in the area around the poultry houses at Cae Mor and the wildlife sites is $1.45 \mu\text{g-NH}_3/\text{m}^3$. The background nitrogen deposition rate to woodland is 33.32 kg-N/ha/y and to short vegetation is 21.98 kg-N/ha/y . (APIS, March 2021).

We note the use of ammonia critical level ($3 \mu\text{g-NH}_3/\text{m}^3$) for this section of the Afon Dyfrdwy SAC/SSSI has been updated further to our previous comments.

We note the submission of the in-combination assessment and note *"a search of Wrexham County Borough Council's website for planning applications since 18th March 2020 found no other developments that would be a source of ammonia that could affect the site"*. In this instance the in-combination assessment can be considered complete.

As there are no other sources to consider, and in line with [Guidance Note 20](#), we are satisfied that the process contribution and background levels do not exceed the critical level (3µg-NH₃/m³) for Afon Dyfrdwy SAC/SSSI.

Protected Species

We note that the ecological appraisal submitted in support of the above application (Stirling, P (2021) Cae Mor, Llangollen. Preliminary Ecological Appraisal. Arbor Vitae) has identified that protected species were not using the application site.

We advise the implementation of recommendations listed in the ecological report. The report must be included in the 'approved list of plans / documents' condition within the decision notice should consent for the project be granted.

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.

Advice for the Developer

- Environmental Permitting Regulations

We note that this proposed 24,000 bird unit will be in addition to the existing 16,000 bird unit on the holding.

Should the number of birds subsequently increase within the holding to over 40,000 birds an Environmental Permit under the Environmental Permitting Regulations 2016 would be required from Natural Resources Wales.

We recommend you submit a Permit application as soon as possible, so that it can inform the decision-making process in planning. Where possible, permit and planning application should be made at the same time to avoid delays

- Advice on poultry units

Advice on poultry units can be found in NRW's guidance documents: [Guidance Note 21: Poultry Units: planning permission and environmental assessment](#) and [Natural Resources Wales / Ammonia assessments](#)

- Abstractions

Applicants intending to supply new units from ground or surface waters are advised to check the abstraction limits and apply for a permit to abstract if required.

<https://naturalresources.wales/apply-for-a-permit/water-abstraction-licences-and-impoundment-licences/?lang=en>

- Discharges

The written consent of NRW or registration for exemption by the developer will be required for any discharge from the site (e.g. foul drainage to a watercourse) and may also be required for certain categories of discharges to land. All necessary NRW consents, or exemptions must be obtained prior to works progressing on site.

<https://naturalresources.wales/apply-for-a-permit/water-discharges/discharges-to-surface-water-and-groundwater/environmental-permitting-for-discharges-to-surface-water-and-groundwater/?lang=en>

- Groundwater

We refer the developer to the Environment Agency (2017) 'Approach to groundwater protection' position statements which have been adopted by Natural Resources Wales. In particular the developer should be aware of the position statements in Section G "Discharge of liquid effluents into the ground" and H "Diffuse (rural) sources of pollution".

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

The facilities must comply with the Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021. Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or groundwater.

Please refer to the link below for further information:

<http://naturalresources.wales/guidance-and-advice/business-sectors/farming/good-farming-practice/?lang=en>

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

Yn gywir,

Siôn M. Williams

Cynghorydd - Cynllunio Datblygu / Advisor - Development Planning

Cyfoeth Naturiol Cymru / Natural Resources Wales