



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-203734-P0H2
Eich cyf/Your ref: P/2021/0077

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05/06/2023

Annwyl Gwyn Humphreys,

**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.

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.

Protected Sites (Aerial emissions)

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

We have considered 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.

According to the submitted modelling report, the background ammonia concentration (annual mean) in the area around the poultry houses at Cae Mor and the wildlife sites is $1.45 \mu\text{g-NH}_3/\text{m}^3$. (APIS, March 2021). It should be noted that the background ammonia concentration has now been updated on the APIS website and the figure is now $1.72 \mu\text{g-NH}_3/\text{m}^3$.

NH₃/m³. We note the use of ammonia critical level (3 µg-NH₃/m³) for this section of the Afon Dyfrdwy SAC/SSSI has been updated further to our previous comments. We note that the process contribution and background do not exceed the critical level and therefore raise no concerns about the predicted emissions 'alone'.

However, in line with [Guidance Note 20](#) – “If the process contribution and background levels do not exceed the critical level and there are no other sources to consider then normally the application can proceed.” We note the submission of the in-combination assessment (submission date 25/05/2021) 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” [sic]. Due to the time that has elapsed since the in-combination assessment was undertaken, we advise that the assessment should now be revised to include the most up to date information on any other sources of ammonia. We will provide further comment once this assessment has been submitted.

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.

We note the submission of a Habitat Regulation Assessment Justification (October 2021 sent to us on the 24/11/21) and a draft section 106 Town and Country Planning Act 1990 agreement. We have considered these documents, together with the other plans / documents provided with the application and our comments are detailed below:

- Management of Manure & Contaminated Water

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 a letter has been submitted by Gamber Logistics, 22/03/2021, which confirms their willingness to purchase poultry manure from the Cae Mor site and to distribute it for anaerobic digestion (AD) feedstock or fertiliser use.

Whilst the section 106 agreement could be effective in ensuring export of manures from the development site, we are not satisfied that it is capable of exerting sufficient legal control on a third party to prevent the exported manures from being spread within a SAC catchment. We are also not satisfied that the regulatory regimes covering spreading of manures, or

resultant digestate to land, are adequate in preventing discharge of phosphorus to the river environment.

While an AD installation will require an Environmental Permit for its operation, the controls set out in the permit do not extend to the fate of digestate generated at the installation. Where the feed source to the AD installation is solely manure and/or slurry (and potential energy crops grown for this purpose), an Environmental Permit may not be required to spread the resulting digestate to land, providing it is for beneficial use i.e. meeting soil and crop need. The spreading of this digestate should still comply with the statutory requirements of the Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021 (CoAPR) and adhere to the Code of Good Agricultural Practice.

Manures and slurries applied directly to land as fertiliser should also comply with the CoAPR and adhere to the Code of Good Agricultural Practice.

Although the CoAPR were introduced by Welsh Government to prevent or reduce water pollution from agricultural sources, they do not currently contain specific controls for the management of phosphorus, in contrast to nitrogen where limits on the rates and timing of application are detailed. As such, we are not satisfied that the CoAPR currently have adequate controls to protect rivers from the risk of phosphorus loss from land spreading of manures/slurries or agricultural digestate.

We note the manure management plan includes a contingency plan that manure can be exported to an AD plant. We refer you to our comments above regarding the lack of regulatory control over digestate spreading. We would also advise that a further contingency should be outlined if/when export to an AD plant is not possible.

Schedule no.5 of the section 106 agreement includes the following provision *“To export all contaminated wash water produced by the Development to a specialist contractor duly licensed to deal with such material.”* No further information is provided. We are concerned that the disposal of contaminated water could result in an adverse effect on the River Wye SAC. As it is proposed that the disposal of contaminated water is managed by a third party, we are not satisfied that the proposed agreement would be capable of exerting sufficient control over the fate of the contaminated water to avoid an adverse effect on the SAC.

For us to support a conclusion of no adverse effect on site integrity, we would expect an applicant to demonstrate that a robust and enforceable chain of custody was in place for the fate of manures and contaminated water from the site, controlling the location, beneficial use and method of land spreading.

- 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 Water Resources (Control of Pollution) (Silage and Slurry) (Wales) Regulations 2010. We advise that the drainage plan should be amended to reference compliance with the Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021 (CoAPR).

- 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 12/08/2022) 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 note from the design and access statement it is intended to use a paddock system: *“In free range laying systems, good pasture management is essential if the ground is to remain in good condition and the problems of poaching and the build-up of parasitic intestinal worms and coccidian oocysts are to be avoided. The land surrounding the laying house will be divided into a series of temporary paddocks which the birds are allowed to use for periods of up to 6 - 8 weeks each. The length of time that the birds are allowed to use individual paddocks will vary depending on soil type, drainage, grass cover and weather conditions.”*

We advise the ranging plan should be updated to detail the paddock system and further information should be provided regarding ranging area management (including grazing management, soil management and mitigation measures to reduce concentration of birds in hotspots).

- Pollution Prevention Plan

We note the submission of the Method Statement Pollution Prevention Plan (submitted to us on 26/04/2021) and are satisfied with the level of detail.

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.

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.

Should a permit be required, 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