

Matthew Phillips

From: North Planning <NorthPlanning@cyfoethnaturiolcymru.gov.uk>
Sent: 26 July 2024 15:02
To: Matthew Phillips
Subject: RE: P/2021/0077 - Cae Mor Farm, Llwyn Mawr, Pontfadog, Llangollen
NRW:01115094

Good afternoon Matthew,

Thank you for your email and the submission of an updated manure management plan (dated January 2024 version 4) as well as the legal note (dated February 2024) and supplementary legal note (dated March 2024) both by Sioned Davies No5 Chambers.

In relation to the control measures proposed by the applicant to avoid adverse effect on site integrity, we do not consider the information provided in the manure management plan nor in the proposed s106 to be adequate to rule out adverse effect on site integrity. For us to support a conclusion of no adverse effect on site integrity, we would expect the 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.

Control measures relied upon to enable a conclusion of no adverse effect on site integrity would need to be secure with the certainty required by the Habitats Regulations. Conditions and s106 obligations are potential tools which may be used to secure such measures through planning control. It remains a matter for the Competent Authority to determine whether proceeding by way of condition and/or s106 obligation would be appropriate to the case.

We note the discussion on “betterment”. We agree with your approach where you have confirmed likely significant effect and proceeded to Appropriate Assessment where mitigation is considered which is, in this case, the export of chicken manure from site to an anaerobic digestion plant (AD) and spreading to land outside the river Special Area of Conservation (SAC) catchment. We have set out in our [Advice to Planning Authorities for Planning Applications Affecting Nutrient Sensitive River Special Areas of Conservation \(28 June 2024\)](#), that developments will need to be nutrient neutral where they could otherwise increase the amount of phosphorus in a river SAC and water quality targets for phosphorus are already being exceeded, or are failing to meet the targets downstream. This means that developments should be seeking to achieve nutrient neutrality as a minimum or ideally betterment.

We recognise that sheep and cow grazing would be displaced from the ranging area but we are not clear from the application if this ultimately leads to an overall reduction of stock on the holding and hence a reduction in source of manure in the catchment. The ranging area will see an increase in chickens and consequential manure deposition, this manure will remain in situ. We note that manure from the existing poultry buildings is currently spread to land in the locality. The expansion of stock will increase the volume of manure needing disposal.

If the manure, arising from the buildings were to be removed to an AD plant, there is an argument for demonstrating the development would be nutrient neutral or show betterment through the submission of nutrient balance calculations. However, this approach is reliant on having appropriate arrangements in place, as discussed above, that adequately control the fate of manures and resultant digestate and ensure with certainty that this material will be spread to land outside a SAC catchment. This, in our view, remains the material issue.

Kind regards,

Siôn M. Williams

Cynghorydd - Cynllunio Datblygu / Advisor - Development Planning
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----- Original Message -----

From: Matthew.Phillips@wrexham.gov.uk <matthew.phillips@wrexham.gov.uk>;

Received: Thu May 16 2024 14:26:42 GMT+0100 (British Summer Time)

To: Emma Broad <emma.broad@wrexham.gov.uk>; Emma Broad (ecologist)

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Subject: P/2021/0077 - Cae Mor Farm, Llwyn Mawr, Pontfadog, Llangollen NRW:01115094

Rhybudd: Deilliodd yr e-bost hwn o'r tu allan i'r sefydliad. Peidiwch â chlicio dolenni, atodiadau agored nac sganio codau QR oni bai eich bod yn cydnabod yr anfonwr ac yn gwybod bod y cynnwys yn ddiogel.

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Hi Sion and Emma,

Further to your previous consultation responses on the above, the applicant has been deferred twice by committee.

We have had a Manure Management Plan and two legal notes submitted. We have also obtained our own Counsel advice on two occasions. I have attached both of these. The second (the Supplementary Note) was received shortly before we were due to report the application to committee on 5 February.

I would be grateful for your consideration of the MMP and both legal notes, in particular the points made about betterment.

I am not able to share the Council's Legal advice with NRW, however should you consider it beneficial that we meet to discuss before you finalise your respective responses, then I would be happy to facilitate that.

Regards

Matthew Phillips

Pennaeth Gwasanaeth, Cynllunio, Rheoli Datblygu/Head of Service, Planning Development Management
Economi a Chynllunio/Economy and Planning



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