

Ein cyf/Our ref: CAS-253928-T7J9
Eich cyf/Your ref: P/2024/0217

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Date: 01 May 2024

Dear Sir/Madam,

PROPOSAL: Erection of agricultural livestock building

LOCATION: Torriad Farm, Bowling Bank, Wrexham, LL13 9RT

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 17 April 2024.

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 groundwater. 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 document identified below should be included in the approved plans and documents condition on the decision notice. Without the inclusion of this document, we would object to this planning application.

Approved document: Stirling, P. (2024) Erect 2x agricultural shed and extend an existing shed. Torriad Farm, Bowling Bank, Wrexham, LL13 9RT: Amphibian Conservation Strategy. Arbor Vitae. (Unpublished)

Groundwater / Pollution of Controlled Waters

The application site is located above a principal bedrock aquifer. Section 5.8 of the Design and Access Statement prepared by Olivia Starkey Planning and Development, dated March 2024 states: *"In respect of drainage, rainwater and runoff will be collected and recycled. Manure will be stored in the existing waste handling systems"*.

However, insufficient information has been submitted to demonstrate that the drainage infrastructure associated with the development is sealed and would not discharge to ground. We therefore advise that further information should be submitted to include details of the drainage design to enable us to advise appropriately upon the risk to controlled waters.

Any slurry/manure produced should be managed in line with The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021 and [Code of Good Agricultural Practice guidance](#). Any new channels or pipes to an existing slurry storage system must comply with the 2021 Regulations and we should be informed of any substantial changes at least 14 days before construction begins. Further information is available on our website at [Natural Resources Wales / Silage and slurry storage](#).

Protected Species

Great Crested Newts (GCN)

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

- Stirling, P. (2024) Erect 2x agricultural shed and extend an existing shed. Torriad Farm, Bowling Bank, Wrexham, LL13 9RT: Amphibian Conservation strategy. Arbor Vitae. (Unpublished)
- Stirling, P. (2024) Erect 2x agricultural shed and extend an existing shed. Torriad Farm, Bowling Bank, Wrexham, LL13 9RT: Preliminary Ecological Appraisal. Arbor Vitae. (Unpublished)

The information has identified that Great Crested Newts (GCN) are material to the application site.

The Amphibian Conservation Strategy concludes:

“The majority of the work is unlikely to impact GCN given that the habitats to be impacted are sub-optimal for foraging and sheltering. Impacts could arise from the incidental creation of rubble piles from works which could be used by newts on the site and the eventual clearance of such material could then lead to killing or injury. Installation of drainage on site could cause newts to become trapped in ditches or pipework.”

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 the third test “demonstration of no detriment to the maintenance of the favourable conservation status of European protected species”. We advise that before any consent is given, as informed by the provisions of Regulation 9 of the Conservation of Habitats and Species Regulations 2017 (as amended) the LPA satisfy itself as to whether the scheme satisfies the other two tests, namely a relevant Habitats Regulations purpose and whether there is no satisfactory alternative to the proposal.

We consider that the above report provides an adequate basis upon which to consider the potential impacts of the scheme on this species and inform the decision-making process.

We consider that the development is not likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range provided the measures set out in the submitted report are implemented.

Therefore, we advise that the following document is included in the approved list of plans / documents condition within the decision notice:

- Stirling, P. (2024) Erect 2x agricultural shed and extend an existing shed. Torriad Farm, Bowling Bank, Wrexham, LL13 9RT: Amphibian Conservation Strategy. Arbor Vitae. (Unpublished)

Bats

We note that the Preliminary Ecological Appraisal (Stirling, P. 2024. Erect 2x agricultural shed and extend an existing shed. Torriad Farm, Bowling Bank, Wrexham, LL13 9RT: Arbor Vitae) has identified that bats are not present at the application site. Section 6.2 outlines best practice measures with regards to bats and any external lighting proposals. We recommend these measures are appropriately secured in any future consent to the satisfaction of your Authority.

Protected Sites

We note the application site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC). As you are aware, on 21 January 2021, we published an evidence package outlining phosphorus levels for all river SACs across Wales. In line with our [Planning Advice](#) (August 2023), under the Habitats Regulations, Planning Authorities must consider the phosphorus impact of proposed developments on water quality within SAC river catchments. We therefore advise you to consider whether the proposals, as submitted, would increase the volume of foul discharge from the site in planning terms.

We note from the information submitted that a new livestock building is to be built, to improve welfare facilities on the holding. This would constitute an improvement on existing arrangements; it would not result in any change to the volume of foul discharge from the site and therefore there would be no increase in phosphorus contribution. As such, it is not likely to have a significant effect on the River Dee and Bala Lake SAC. All slurry/manure/contaminated water produced should continue to be managed in line with the Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021.

The slurry/manure should be applied to land in accordance with a suitable manure management plan (MMP) based on an underlying nutrient management plan (NMP).

We refer you to our Planning Advice. Provided this guidance is followed and you are able to conclude that the development is not likely to have a significant effect on the SAC, we have no objection to the proposal. However, 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).

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.

Yours faithfully,

Tristan Williams

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.