

Ein cyf/Our ref: CAS-273837-K7D9
Eich cyf/Your ref: P/2024/0217

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Date: 10 February 2025

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) with additional information about the above, which we received on 31 January 2025.

We continue to have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome if a condition regarding groundwater is attached to any planning permission granted and the document identified below is included in the approved plans and documents condition on 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 (Unpublished)

Please note, without the inclusion of this condition and this document, we would object to this planning application. Further details are provided below.

Groundwater / Pollution of Controlled Waters

As stated in our previous response dated 1 May 2024 (our ref: CAS-253928-T7J9), 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"*.

We have reviewed the Proposed Site & Location Plan (Drawing Number 1195-06; G & S Design Ltd.), which consists of only the site location plan with the drainage lines marked in red. Considering the medium-high groundwater vulnerability sensitivity of the location, in order to secure appropriate mitigation measures we advise that the condition set out below should be attached to any planning permission for this development.

Condition: No development or phase of development, shall commence until a drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall:

- include details of the construction materials;
- include details of drainage pipe gradients; and
- ensure the floor of the shed is constructed from impermeable concrete.

The drainage scheme shall be carried out in accordance with the approved details.

Justification: A drainage scheme should be submitted to ensure necessary measures are approved prior to commencement of development or phase of development and implemented to prevent the deterioration of water quality within a sensitive site.

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 (LPA) 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). In line with our [Advice to Planning Authorities for Planning Applications Affecting Nutrient Sensitive River Special Areas of Conservation \(28 June 2024\)](#), under the Habitats Regulations, Planning Authorities must consider the impact of proposed developments on water quality within SAC river catchments.

We note from the information submitted that a new livestock building is to be built, to improve welfare facilities on the holding.

The Design and Access Statement (DAS) by Olivia Starkey states: “5.9...*Torriad Farms Ltd house 340 cattle at Torriad Farm the proposal will not result in the increase of livestock numbers.*” However, the DAS also refers to 200 heifers “*to be brought back to Torriad*”. Following an email from your Authority dated 19 November 2024, we requested additional information (on 29 November and 10 December 2024) to establish if the fluctuation of livestock numbers is any different to current working practices at the farm. We received the following clarification (including an explanation from the Agent) on 31 January 2025:

“...there is no increase in muck, the animals are coming from a bedded (straw) unit at Ty Y Maes, Bowling Bank, Wrexham, LL13 9RT, which is 341 m from the site and will be kept on a beeded (straw) unit as confirmed by the applicant’s agricultural consultant.”

Following this further clarification, we are of the view that the proposals would result in an increase in concentration of stock at the application site but would not constitute a net increase in stock within the SAC catchment.

We refer you to the section of our [Advice](#) titled ‘*What does this mean for agricultural developments?*’. We advise you to take this into account in your determination of whether the development is likely to have a significant effect on the SAC. Should you determine that an Appropriate Assessment is required, the Applicant will then need to submit whatever evidence they deem appropriate (seeking advice from consultants as may be necessary) to demonstrate no adverse effect on site integrity.

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).

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
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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.