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Wrexham County Borough Council,
The Guildhall,
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northplanning@cyfoethnaturiolcymru.gov.uk

16/02/2023

Dear Sir/Madam,

BWRIAD / PROPOSAL: GOSOD STORFA SLYRI / INSTALLATION OF SLURRY STORE

LLEOLIAD / LOCATION: LAND AT MOSS LANE AROWRY HANMER WHITCHURCH

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 3rd January 2023.

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 pollution of controlled waters and 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 document identified below should be included in the approved plans and documents condition on the decision notice.

Approved Document: Preliminary Ecological Appraisal, Moss Lane, December 2022, Arbor Vitae Environment Ltd

Without the inclusion of this document we would object to this planning application.

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 the 21st January 2021, we published an evidence package outlining phosphorus levels for all river SACs across Wales. In line with our [Planning Advice](#) (July 2022), 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.

The slurry store must be designed and built to the standards of The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021 (the storage requirements for slurry come into force on 1 August 2024). We advise that further details on the lagoon should be sought from the applicant including:

- Confirmation it will be designed and built to the CoAPR standards and BS5502.
- Calculations for the farm slurry production (including dirty water) to include both the existing slurry store and the proposed new store; and clear indications on what is directed to the proposed store.
- Confirmation whether there will be an increase in stock and if there is an increase, details of type and numbers of stock.
- Information on soil permeability – details and results of any tests carried out and confirmation whether a liner will be used in the lagoon.
- Our geographic information system indicates that there is a waterbody within 10 metres of the development. The Water Resources (Control of Pollution) (Silage, Slurry and Agriculture Fuel Oil) (Wales) Regulations 2010 state installations should not be constructed, and slurry must not be stored within 10 metres of any inland freshwater or coastal water. The current proposal does not appear to be compliant, which poses an unacceptable pollution risk to controlled waters. We recommend that the applicant reviews and considers their options regarding this proposal. We advise that confirmation is sought on the location of any waterbodies including watercourses and it is provided on a scaled plan. Should the development be situated within 10 metres of the waterbody, the applicant should consider a revised site layout with the structure in a suitable location.

Special Area of Conservation (SAC), Ramsar & Site of Special Scientific Interest (SSSI)

The application is located within 900m of Llyn Bedydd SSSI; 1.1km of Hanmer Mere SSSI and 1.4km of the Fenn's, Whixhall, Bettisfield, Wem and Cadney Mosses SAC, Ramsar & SSSI.

We have considered the information submitted (Stirling, P., Preliminary Ecological Appraisal, Moss Lane, December 2022, Arbor Vitae Environment Ltd) in support of the above application. Based on the information submitted, we consider that the proposed development is likely to damage the features for which Fenn's, Whixhall, Bettisfield, Wem and Cadney Mosses SSSI is of special interest.

Agricultural units have the potential to impact protected sites through ammonia emissions

Assessment of the air quality impact a proposal may have on the National Site Network and Sites of Special Scientific Interest (SSSI) is required within a screening distance determined by the nature and scale of the development. Our standing advice on this aspect can be found at [Natural Resources Wales / Ammonia assessments](#). The requirement for a screening assessment, rather than detailed modelling assessment initially, is determined by the background level concentrations.

We therefore, advise that an ammonia assessment should be sought from the applicant for the current proposal as it is sited away from the current farm. Further details can be found here: [Natural Resources Wales / Applications that reduce the impact or risk of pollution \(GN 020\)](#)

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).

Ancient woodland

The application site is within 4.2km of Ancient Semi Natural Woodland. Please refer to our Advice to planning authorities considering proposals affecting ancient woodland (published 26 Nov 2021) for further information [Natural Resources Wales / Advice to planning authorities considering proposals affecting ancient woodland](#)

Protected Species

We note that the ecological report submitted in support of the above application (Stirling, P., Preliminary Ecological Appraisal, Moss Lane, December 2022, Arbor Vitae Environment Ltd) has assessed the ponds within the vicinity of the application site as 'poor' in terms of Habitat Suitability Index for Great Crested Newts (*Triturus Cristatus*).

We concur with the assessment of the habitat suitability in respect of Great Crested Newts and also concur with the proposed general avoidance measures contained within Section 6 of the 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.

Whilst the habitat for Great Crested Newts is described as poor, we consider it would be beneficial to relocate the proposed slurry lagoon away from mapped ponds that may have potential to accommodate Great Crested Newts, in addition to complying with the requirements of The Water Resources (Control of Pollution) (Silage, Slurry and Agriculture Fuel Oil) (Wales) Regulations 2010 as detailed above in our Pollution of Controlled Waters advice.

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.

Yn gywir / Yours faithfully

Rachael Burke

Cynghorydd - Cynllunio Datblygu / Advisor - Development Planning
Cyfoeth Naturiol Cymru / Natural Resources Wales