

09/08/2018

Annwyl/Dear Philip Forster,

**TOWN AND COUNTRY PLANNING ACT 1990
DEDDF CYNLLUNIO GWLAD A THREF 1990**

**PROPOSAL: ERECTION OF FOUR AGRICULTURAL BUILDINGS FOR REARING
LIVESTOCK (POULTRY), ANCILLARY BUILDINGS AND PLANT, ASSOCIATED
INFRASTRUCTURE, LANDSCAPING AND ACCESS ARRANGEMENTS
LOCATION: Cinders Farm, Cinders, Ruabon, Wrexham (Major) P/2018/0577**

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which was received on 13/07/2018.

We recommend that that you should only grant planning permission if you attach the conditions listed below. These would address significant concerns that we have identified. Therefore, we would not object provided you attach the conditions to the planning permission.

Condition 1: EPS: The submission of a detailed great crested newt avoidance and mitigation measures to the satisfaction of the LPA.

Condition 2: Biosecurity: No development shall take place until a Biosecurity Risk Assessment has been submitted and approved to the satisfaction of the LPA.

Condition 3: ECA: Submission and implementation of an approved ecological compliance audit (ECA) scheme to the satisfaction of the LPA

Protected Species

The Environmental Statement includes an ecological assessment completed by BSG Ecology (Appendix 10.3 ES Vol.3).

- Great crested newt (GCN)

NRW consider the survey and assessment has been completed to a satisfactory standard

The Pondscape of Wrexham is considered to be of European importance for its populations of great crested newt (GCN). This species and its breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 and they classed as a

material consideration for planning under the provisions of Technical Advice Note 5: Nature Conservation and Planning (TAN5).

The Regulations allow the approval of a scheme that would be likely to result in disturbance or harm to GCN, but only if it satisfies an appropriate Habitats Directive derogation purpose and two tests before a licence can be issued from Natural Resources Wales.

In the case of development, the applicable derogation purpose is:

“Preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature, and beneficial consequences of primary importance for the environment.”

Furthermore, the licence can only be issued by NRW on condition that there is:

“no satisfactory alternative”, and that

“the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range”

Paragraph 6.3.7 of TAN5 states that the local planning authority should not grant planning permission without having satisfied itself that the proposed scheme either would not impact adversely on any GCN on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

Based on both the submitted assessment and spatial location of the proposal, we consider that the development is not likely to be detrimental to the maintenance of the favourable conservation status of the local population of GCN. However, we advise the application includes the following:

Condition 1: EPS: The submission of a detailed great crested newt avoidance and mitigation measures to the satisfaction of the LPA.

The submission of detailed great crested newt avoidance and mitigation measures. We anticipate that appropriate mitigation measures will entail the implementation of Reasonable Avoidance Measures (RAMs), such as the erection of a 1-way amphibian fence, prior to and throughout the duration of construction operations; together with the clearance of individuals from working areas; as well as a scheme to include specific prescription associated with hedgerow removal. Statements should also be in place confirming that works will immediately stop if, in the unlikely event, that one or more individuals are found and may only resume on receipt of the appropriate licence issued by NRW.

This advice applies to the proposal in its present form. If the plans are changed in ways that may affect GCN on this site, you would need a revised ecology report that takes account of such changes. Please consult us again if any updated or revised ecology report concludes that the proposal is more likely to have an adverse impact on the GCN population and/or alters the detail or implementation of mitigation or compensation measures.

- Invasive non-native species

NRW note that no invasive non-native plants have been found.

However, we consider biosecurity to be a material consideration owing to the nature and location of the proposal. In this case, biosecurity issues concern invasive non-native species (INNS) and diseases. The Chytrid fungus, which is known to affect amphibian populations has been recorded at Johnstown.

Condition 2: Biosecurity: No development shall take place until a Biosecurity Risk Assessment has been submitted and approved to the satisfaction of the LPA.

We therefore advise that any future consent includes the imposition of a condition requiring the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

We consider that this assessment must include (i) appropriate measures to control any INNS on site; and (ii) measures or actions that aim to prevent INNS being introduced to the site for the duration of construction and operational phases of the scheme.

- Bats

NRW consider the survey and assessment has been completed to a satisfactory standard

It is NRW's view that the proposal is not likely to be detrimental to the maintenance of the Favourable Conservation Status (FCS) of any local populations of bat

- White-clawed crayfish

NRW consider the assessment to be satisfactory for the purposes of informing the planning decision making process

It is NRW's view that the white-clawed crayfish will not be affected by the proposed scheme

- Dormouse

NRW consider the survey and assessment has been completed to a standard that is satisfactory for the purposes of informing the planning decision making process

It is NRW's view that the proposal is not likely to be detrimental to the maintenance of the FCS of any local populations of dormouse

- Otter

NRW note that no evidence of otter was found within the site,

It is NRW's view that the proposal is not likely to be detrimental to the maintenance of the FCS of the local population of otters

- Water vole

NRW consider the survey and assessment has been completed to a satisfactory standard

It is NRW's view that the water vole is not likely to be affected by the proposed scheme

- Ecological Compliance Audit

The purpose of the Ecological Compliance Audit is to evidence compliant implementation of all ecological avoidance, mitigation and compensation works, either proposed or subject to the provisions of reserved matters conditions. The Audit shall identify Key Performance Indicators (KPI's) that are to be used for the purposes of assessing and evidence compliance.

Condition 3: ECA: Submission and implementation of an approved ecological compliance audit (ECA) scheme to the satisfaction of the LPA

We advise that any future consent includes the imposition of a condition that requires the submission and implementation of an approved ecological compliance audit (ECA) scheme to the satisfaction of the LPA.

Drainage Plan

NRW note the submission of the drainage plan (Appendix 11.1 ES Vol.3), we are generally satisfied with the level of detail.

Manure Management Plan

We note the submission of the manure management plan (Appendix 3.1 of the ES Vol.3) We are generally satisfied with the manure management plan. We note that the plan states the "...plan has been prepared for a proposed total stock of 225,000 broilers although the development is only ever likely to house up to 200,000 birds at any one time."

- Manure Contingency Plan

NRW note and are satisfied with what is outlined in the Manure Contingency plan that has been incorporated into the manure management plan.

Pollution Prevention Plan

We have reviewed the Pollution Prevention Plan (Appendix 11.4 ES Vol.3) submitted in support of the proposal.

Provided the works on site are undertaken in accordance with this plan, the proposal is unlikely to adversely impact the surrounding environment.

Flood Risk

We have reviewed the Flood Consequences Assessment (FCA) (Waterco Limited, w10493-180130-FCA & Drainage Strategy.docx, 30 January 2018) in Appendix 11.1 Volume III of the Environment Statement. We consider that the contents of the FCA are generally commensurate to the scale and nature of the development proposals. We are generally supportive of the proposed flood risk mitigation measures set out in the FCA.

In relation to the management of surface water runoff, we confirm that we have not undertaken a technical review of the surface water management contents of the FCA. We would therefore strongly advise that you consult your Lead Local Flood Authority colleagues are consulted at this so that they have the opportunity to comment on the acceptability of the proposed surface water drainage strategy.

Air Quality

The following sites have been considered:

Special Areas of Conservation (SACs) (within 5km)

Johnston Newts 2km NW

River Dee & Bala Lake (Wales) 3km SE and 3.5km SW

River Dee & Bala Lake (England) 3km SE

Sites of Special Scientific Interest (SSSIs) (within 5km)

Stryt Las A'r Hafod 2km NW

Sontley Marsh 3.6km NNE

Nant y Belan and Prynela Woods 3.4km SW

River Dee 3km SE and 3.5km S

For SSSIs and SACs the majority of the figures from the preliminary modelling were between 1 and 8%, the lower and upper thresholds meaning that detailed modelling was required.

The modelling for the Johnstown Newts SAC/Stryt Las A'r Hafod SSSI has been carried out assuming a critical level of $3.0\mu\text{g-NH}_3/\text{m}^3$. The figures at two locations within the SAC exceed the 1% threshold at 1.3 and 1.1%. APIS (Air Pollution Information System) gives the background concentration of ammonia at the SAC as $2.48\mu\text{g-NH}_3/\text{m}^3$ so there is headroom when using the critical level of 3. APIS does not give a critical load for newts. As the conservation objectives for the site are for the newts themselves, and the figures are only just above the 1% threshold we have not requested that the applicant carries out an in-combination assessment for the site in this instance.

The modelling for the River Dee SAC/SSSI has been carried out assuming a critical level of $1.0\mu\text{g-NH}_3/\text{m}^3$ for bankside and $3.0\mu\text{g-NH}_3/\text{m}^3$ for aquatic. The concentrations at the aquatic locations screen out, for the bankside locations however two of the figures are slightly above the 1% threshold at 1.1 and 1.2%. For this particular stretch of the River a critical level of 3 can be assumed as it is considered highly unlikely sensitive species will be found here. Using the higher level, all of the results screen out and potential impacts are considered insignificant.

The figures derived from the detailed modelling for ammonia concentrations at both Sontley Marsh and Nant y Belan and Prynela Woods SSSIs screen out. The figures for nitrogen deposition at Sontley Marsh are 1.0 and 1.4%, so on or slightly over the threshold of 1%. APIS does not give a critical load for the site.

Where process contributions calculated in detailed modelling are between 1 and 8%, an in-combination assessment should normally be carried out. The figures that exceed the threshold at the protected sites, only do so by a small amount. Based on information about the protected sites on potential sites within a 5km radius, there being one proposed poultry farm within 5km of the Johnstown Newt Site, therefore, we have not requested that the applicant carry an in-combination assessment on this occasion

- Combustion process

The screening distance for a combustion process of this size, 0.5 – 2MWth, is 0.2km. There are no designated sites within this screening radius and no air quality assessment is required for impacts on designated sites.

Please do not hesitate to contact us if you require further information or clarification on any of the above.

Our comments above only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website:

<https://naturalresources.wales/media/5271/150302-natural-resources-wales-and-planning-consultations-final-eng.pdf>). We have not considered potential effects on other matters and

do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

Advice for the Developer:

Advice on Poultry Units

Advice on poultry units can be found in NRW's guidance document 'GN021 Poultry Units: planning permission and environmental assessment'.

Permitting – Intensive Farming

We note that the Permitting decision that grants the permit for this proposal.

Environmental Permitting Regulations: 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.

More information can be found on our website:

<https://naturalresources.wales/permits-and-permissions/water-abstraction-and-impoundment/apply-for-a-water-abstraction-or-impoundment-licence/?lang=en>

Environmental Permitting Regulations: discharges

The written consent of NRW or registration for exemption by the developer will be required for any discharge from the site (for example, 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.

More information can be found on our website:

<https://naturalresources.wales/permits-and-permissions/water-discharges/discharges-to-surface-water-and-groundwater/?lang=en>

Silage, Slurry and Agriculture Fuel Oil) (Wales) Regulation 2010

The SSAFO built storage facilities must be built to comply with CIRIA, document C759a.

A WQE3 form must be filled for each SSAFO built structure - The Water Resources (control of pollution) (Silage, Slurry and Agriculture Fuel Oil) (Wales) Regulation 2010 "the SAFFO Wales Regulations" The applicant will need to contact the NRW 14 days before they bring the new SSAFO structure into use. NRW will visit the site and bring a WQE3 form which will assist in the process.

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Yn gywir / Yours sincerely,

Siôn M Williams

Siôn M. Williams

Ymgynghorydd Cynllunio Datblygu / Development Planning Advisor

Cyfoeth Naturiol Cymru / Natural Resources Wales