

Philip Forster
Planning Control Department
Wrexham County Borough Council
16 Lord Street
Wrexham
LL11 1LG

Date: 26th July 2016

Dear Mr Forster,

**CONSTRUCTION OF 6 TURKEY REARING SHEDS, UTILITY BUILDINGS, ASSOCIATED
ACCESS ROADS, FENCING, LANDSCAPING AND DRAINAGE WORKS
ADJACENT TO RACKERY COTTAGE, LAND OFF RACKERY LANE, LLAY, LL12 0PB**

Thank you for consulting us on the above application, which we received on the 29th June 2016.

We have significant concerns regarding the application, due to the development's potential effects upon water and air quality, and we recommend that planning permission should only be given if the following requirements can be met. If these requirements are not met, we object to the application:

Requirements

Requirement 1 – Prior to determination of the application, the applicant confirms the maximum number of birds that can be accommodated within the sheds.

Requirement 2 – Prior to determination of the application, the applicants need to confirm the content/composition of the discharge

Requirement 3 - Prior to determination of the application, an annual maintenance plan submitted for the wetland as part of the application

Requirement 4 - Prior to determination of the application, details of the initial nutrient removal are provided as part of the application

Requirement 5 – Prior to determination of the application, the applicants provide the results of a Simple Calculation of Atmospheric Impact Limits (SCAIL) Agriculture ammonia and nitrogen assessment with input and output data.

Requirement 6 - any permission should include a condition which protects the local Great Crested Newt population

Requirement 7 - any permission should include a condition which requires a Biosecurity Risk Assessment

Requirement 8 - any permission should include a condition which requires an Ecological Compliance Audit

These requirements are explained further below:

Environmental Permit

We request that the applicant confirms the maximum number of birds that can be accommodated within the sheds (Requirement 1).

Separate to any planning permission, should the proposal accommodate in excess of 40,000 birds, an Environmental Permit under the Environmental Permitting Regulations 2010 will be required from Natural Resources Wales, unless an exemption applies. The applicant is advised to contact Natural Resources Wales on 0300 065 3000 for further advice and to discuss the issues likely to be raised. The applicant should be aware that a permit may not be granted. Additional guidance on 'Environmental Permitting' can be accessed:

<https://www.gov.uk/environmental-permit-check-if-you-need-one>

If an Environmental Permit for the process of accommodating over 40,000 birds is not required, an Environmental Permit will be required for the trade effluent discharge from the development, and therefore the above advice is also relevant for the effluent discharge to the ground, even if less than 40,000 birds are to be accommodated.

The grant of planning permission does not permit activities that require consent, licence or permit under other legislation. It is the applicant's responsibility to ensure that all relevant authorisations are obtained before any work commences on site.

Water Quality

Foul drainage generated at the site includes wash-down water, which will include high nitrate loading and disinfectant, on a 7-month cycle. It is additionally proposed to discharge contaminated water from staff facilities. All water will be discharged to an underground holding tank, followed by a constructed wetland. The wetland will be built with an 'impermeable clay substrate'.

Under current legislation, hazardous substances must be prevented from entering groundwater and the entry of non-hazardous pollutants limited to ensure that they do not cause pollution. It is not clear from the information provided if the drainage will contain hazardous substances, but the description does include pollutants. Therefore, the applicants need to confirm the content of the discharge (Requirement 2); should it contain hazardous substances then it could be that the drainage proposals will pose an unacceptable risk to the environment.

For information, our policy (GP3: 2013), states that:

- Underground storage of hazardous substances should only occur where evidence is provided of overriding reasons why the activity can take place on unproductive strata and the storage must be underground, for example for reasons of public safety.
- We will object to any underground storage of hazardous substances below the water table.

- For all storage of pollutants underground we expect operators to meet the requirements of Pollution Prevention Guidance Note 27: Above ground oil storage tanks as a minimum standard and have effective management systems in place. Available from the NetRegs website.

The effluent management includes the construction of a wetland for effluent management. The farm will need to develop a maintenance plan for the wetland as it will only operate efficiently with annual maintenance. Also, until the wetland has matured and developed, the nitrate and phosphate reduction capacity of it will be very limited. No details have been included within the plans to address how the wetland will remove the nutrients from the effluent produced from operation start up to the wetlands maturing. We therefore request that an annual maintenance plan for the wetland (Requirement 3), and details of the initial nutrient removal (Requirement 4) are provided as part of the application.

The application notes that when it comes to litter removal e.g. animal bedding, this will be "transported off site". The site is located within a Nitrate Vulnerable Zone (NVZ). To comply with the NVZ regulations, the farm will need to keep accurate records for the quantity of litter removed together with the destination of this litter.

The site is also located in the Dee Water Protection Zone (DPZ). Should the site hold particular types/quantities of chemicals, they may need to register for a DPZ consent. More details are available from the following link:

<https://www.gov.uk/government/publications/consent-for-a-controlled-activity-within-the-river-dee-water-protection-zone>

Should any environmental incident occur at site, report immediately to NRW incident reporting hotline (24 hr) on 0800 80 70 60.

It is proposed that surface water will be discharged to soakaway. We support the use of SUDS for new discharges. Where they are to be used for surface run-off from roads, car parking and public or amenity areas, they should have a suitable series of treatment steps to prevent the pollution of groundwater.

Protected Sites: Air Quality

NRW's current air quality screening criteria consider the impact that a unit may have on any Site of Special Scientific Interest (SSSI) within 5km of the unit and any Special Area of Conservation (SAC) within 10km of a poultry unit. The following protected sites are within these distances:

Llay Bog SSSI – 1.4km
Chwarel Singret SSSI – 1.8km
Midland Meres and Mosses Phase 2 (Wales) Ramsar – 3.8km
Marford Quarry SSSI – 3.9km
Coedwig Ffossil Brymbo Fossil Forrest SSSI – 4.6km
River Dee and Bala Lake SAC – 7km
Deeside and Buckley Newt Sites SAC – 7.8km
Berwyn and South Clwyd Mountain SAC – 8.4km

In order to assess the development's impact upon air quality on the sites, then NRW need to see the results of a Simple Calculation of Atmospheric Impact Limits (SCAIL) Agriculture ammonia and nitrogen assessment with input and output data (Requirement 5). We attach an example of the

SCAIL input data that the applicants will need to complete to run a SCAIL properly. We will require the input and results data. The screening radius is 10km (this will include all SSSI within 5km automatically).

We would have significant concerns if such an assessment was not carried out prior to determining the application.

For any further information on how to carry out such an assessment, the applicants are advised to contact Khalid Aazem, NRW Senior Environmental Impacts Advisor on 0300 065 3337.

Protected Species

The application is supported by an extended Phase 1 habitat survey (Reference: .Fisher, P. (2016). Aviagen Turkeys Ltd. Land at Llay, Wrexham: Extended Phase 1 Habitat Survey Report. Penny Anderson Associates. Unpublished) together with subsequent surveys for bats (Robson, H. (2016). Aviagen Turkeys Ltd. Land at Llay, Wrexham: Bat Survey Report. Penny Anderson Associates. Unpublished); and Great Crested Newts (Fisher, P (2016). Aviagen Turkeys Ltd. Land at Llay, Wrexham: Great Crested Newt Survey Report. Penny Anderson Associates. Unpublished).

Great Crested Newts

The results of surveys commissioned by the applicant confirmed that ponds in the environs of the application site support populations of the great crested newt (*Triturus cristatus*).

In our view, the overall proposal has the potential to cause disturbance to great crested newts and/or loss or damage to their resting places. Great crested newts (GCN) and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended) and they are 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 your Authority should not grant planning permission without having satisfied itself that the proposed scheme either would not impact adversely on any GCNs on

the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

We consider that it is possible that the species utilizes the site for foraging, dispersal or sheltering purposes. In our view, we consider that construction and operational phases of the proposal have the potential to adversely affect GCN.

We therefore consider that further information is required for the purposes of ensuring the appropriate construction and operation of the proposal. Information requirements include clearance of individuals from working areas during construction; and the provision of a dedicated compensatory area together with details of habitat management, surveillance and tenure.

We consider that the development and its subsequent operation is not be likely to be detrimental to the maintenance of the favourable conservation status of the GCN populations provided that any subsequent permission is subject to the imposition of the following planning conditions or obligations (such as a Section 106 Agreement or a unilateral undertaking) (Requirement 6):

1. The submission and implementation of detailed great crested newt avoidance and mitigation measures based on reasonable avoidance measures to the satisfaction of the LPA. This shall include proposals outlined the ecological submission together with details concerning the erection and maintenance of exclusion, drift and barrier fencing; relocation of individuals from working areas and the removal or modification of features that have the potential to cause incidental capture/killing of individuals;
2. The submission and implementation of long term compensatory proposals including management and appropriate tenure;
3. The submission and implementation of long term management, surveillance and wardening proposals; we advise that the surveillance methodologies to accord with the WG/ARC/Cofnod methodology
4. The submission and implementation of measures designed to prevent or reduce the effects of incidental capture/killing of amphibians during the operational phase of the proposals.
5. The prevention of the commencement of development works until your Authority has been provided with confirmation that a licence has been issued by NRW pursuant of Regulation 53 of the Conservation of Habitats and Species Regulations (2010) as amended authorizing the specified development/activity or confirmation that NRW has informed the applicant that a licence is not required.

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.

Please also note that any changes to plans between planning permission and the licence application may affect the outcome of a licence application.

Bats

We agree with the submitted assessment and conclusions in respect of bats.

In our view, the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of any local populations of bat.

We would welcome the implementation of the recommendations in respect of bats.

Biosecurity

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. We therefore advise that any permission includes a condition (Requirement 7) 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.

Ecological Compliance Audit

We advise that any permission also includes a condition that requires the submission and implementation of an approved ecological compliance audit scheme to the satisfaction of the LPA (Requirement 8).

The purpose of the Ecological Compliance Audit is to evidence compliant implementation of all ecological avoidance, mitigation and compensation works within the scheme. The Audit shall also include Key Performance Indicators.

Our comments are provided without prejudice to any decision NRW may make on any application made to it for an Environmental Permit under the Environmental Permit Regulations 2010 (EPR).

Yn gywir / Yours' faithfully,



Mr. GARETH THOMAS

Swydddog Cyswllt Cynllunio / Planning Liaison Officer

Ebost/Email: Gareth.Thomas@cyfoethnaturiolcymru.gov.uk

Deialu uniongyrchol/Direct dial: (0300) 065 3786 **Siaradwr Cymraeg / Welsh Speaker**



Enc: SCAIL input example

cc: Platt White Partnership