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Wrexham County Borough Council,
The Guildhall,
Wrexham,
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ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

28/07/2021

Dear Sir/Madam,

PROPOSAL: ERECTION OF AGRICULTURAL BUILDING

LOCATION: DYBENNI, BERSHAM ROAD, BERSHAM, WREXHAM

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 09/07/2021.

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 flood risk and protected sites. If this information is not provided, we would object to this planning application. Further details are provided below.

Flood Risk

The planning application proposes less vulnerable development (erection of an agricultural building). Our flood risk map confirms that the site is partially located within Zone C2 of the Development Advice Map (DAM) contained in TAN15 and the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Clywedog.

Section 6 of TAN15 requires the Local Planning Authority to determine whether the development at this location is justified. Therefore, we refer you to the tests set out in section 6.2 of TAN15. If you consider the proposal meets the tests set out in criteria (i) to (iii), then the final test (iv) is for the applicant to demonstrate, through the submission of a Flood Consequences Assessment (FCA), that the potential consequences of flooding can be managed to an acceptable level.

We are unable to give you technical advice on the acceptability of flooding consequences, as no FCA has been submitted. Therefore, if the development can be justified, a limited FCA

should be submitted to support the planning application. We can advise you whether the FCA is in accordance with the technical criteria in Appendix 1 of TAN15.

The criteria for the FCA, which should normally be undertaken by a suitably qualified person carrying an appropriate professional indemnity, are given in Section 7 and Appendix 1 of TAN15. The FCA should be proportionate to the development proposed. To help prepare an FCA, we have developed [guidance](#), which contains technical advice and recommendations.

The limited FCA should consider the following; assessment of all flood risk sources, annotation of safe/dry escape routes, effective flood warning, flood emergency plans and procedures, consideration and implementation of mitigation measures such as raising of finished floor levels, flood resistance and flood resilience measures and be able to demonstrate that there is no increase in flooding elsewhere as a result of the proposed development.

We refer the applicant to our [website](#) for further advice and guidance available. Additional guidance including the leaflet “Prepare your Property for flooding” can be found [here](#).

The developer can also access advice and information on protection from flooding from the ODPM publication ‘Preparing for Floods: Interim Guidance for Improving the Flood Resistance of Domestic and Small Business Properties’, which can be found [here](#).

Please inform us, in accordance with paragraph 11.7 of TAN15, if you are minded to grant permission for the application contrary to our advice.

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. As part of this package, we issued a [Planning Position Statement](#), in which we advised that any proposed development that might increase the amount of phosphate (or phosphorus) within a river SAC catchment could lead to damaging effects to the SAC. Therefore, such proposals should be screened through a Habitats Regulations Assessment (HRA), to determine whether they are likely to have a significant effect on the SAC.

The application site is within 60m of the River Clywedog (Lower Dee), a main river which joins the River Dee.

The Planning Justification Statement (ref: 151/DBR/DAS/001 Rev A; Speaks Design Services) provides the following explanation in relation to the proposals:

"The agricultural building will be used to house farm animals, farming equipment, animal feed and bedding.

2. Currently, the applicant owns 2no. pigs. The herd number for the pigs is FF31335. It is proposed that these pigs and any other pigs purchased at a later date, will be housed in the agricultural building.

3.3 It is understood that the applicant is planning to purchase further sheep and goats. The flock number for sheep and goats is 717501.

3.4 The applicant also owns 15no. chickens and 6no. ducks. It is proposed that these animals and any offspring, will be housed in the agricultural building.

3.5 The agricultural building will be used to store feed and bedding for the aforementioned animals.

As it is stated that the building will house livestock, we would advise you to request further information on the detail of the construction of the floor of the building as it will need to be impermeable to effluent. We also advise that further information is submitted on the storage of manure and a drainage plan. Applications need to include a plan of the proposed site that indicates all of the new and existing features that will control pollution from the development, including:

- clean and foul drains (with direction of flow);
- effluent containment (including capacity);
- any constructed soak away;
- french drains; and
- new or existing sustainable drainage including swales, reed beds or ponds.

Any relevant management controls should also be indicated.

In the absence of detailed information relating to the management of any slurry from the development, it is not clear how slurry will be prevented from entering the SAC and whether there is potential to increase the amount of phosphorus within the designated site.

The structure must be designed and built by a suitably qualified engineer to meet the standards set in the Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021 and BS 5502 (Building and Structures for Agriculture Code of Practice for Design, Construction and Loading). If built to these standards the application as submitted is unlikely to increase the amount of phosphorus entering the catchment.

Any slurry must be applied to land in accordance with a suitable manure management plan (MMP) based on an underlying nutrient management plan (NMP). The Code of Good Agricultural Practice (COGAP) has standard formats for the MMP and associated NMP. The MMP needs to include:

- Calculation of total nitrogen and phosphorus produced from the proposed unit and all other sources of nutrient imported or produced on the holding.
- Details of the area of land available to spread dirty water and manures. Calculation of nutrient loading (nitrogen and phosphorus) per hectare of land available for spreading.
- Details of how nutrients will be used by the holding for agricultural benefit.
- Risk map of proposed spreading area indicating sensitive receptors, for example: boreholes, wells, lakes, rivers, other water bodies and adjacent designated sites.

The MMP and associated NMP should be prepared or reviewed by a suitably qualified FACTS (Fertiliser Advisor Certification and Training Scheme) advisor.

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.

Advice for the Developer

Agriculture

The facilities must comply with The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021. Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or groundwater. Please refer to the link below for further information:

<http://naturalresources.wales/guidance-and-advice/business-sectors/farming/good-farming-practice/?lang=en>

Pollution Prevention

During the construction phase you should take any precaution to prevent contamination of surface water drains and local watercourses. Oils and chemicals should be stored in bunded areas and spill kits should be readily available in case of accidental spillages. For further guidance please refer to GPP 5 and PPG 6 at the following link:

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

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