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Dyddiad/Date: 26th November 2020

Annwyl/Dear Mr Greenland,

**BWRIAD / PROPOSAL: ADEILAD AMAETHYDDOL AR GYFER GWARTHEG GODRO /
AGRICULTURAL BUILDING FOR DAIRY COWS**

LLEOLIAD / LOCATION: OLD SONTLEY HALL, SONTLEY, WREXHAM, LL13 0YW

Thank you for consulting us on the above application, which we received on the 5th November 2020.

We have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if the following requirements are met. Otherwise, we would object to this planning application:

Requirement 1: Pollution Prevention: Further information is submitted which demonstrates that proposed development will not affect the water environment.

Requirement 2: A Flood Consequences Assessment (FCA) is required to demonstrate the risks and consequences of flooding can be managed to an acceptable level.

Pollution Prevention

Insufficient information has been provided by the applicant to demonstrate that the proposal will not affect the water environment, and protected site named below.

Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or groundwater. Farm-yard manure effluent is classed as slurry – there is no significant detail of how manure or slurry from the proposed shed will be stored/managed.

In view of the above, insufficient detail has been received from the applicant to assess any potential effects from inadequate and polluting manure management arrangements.

Requirement: Pollution Prevention: Further information is submitted which demonstrates that proposed development will not affect the water environment.

We have received basic information on the general location, dimensions, and construction materials, however, to adequately assess the application, further detail is required as follows:

1. A more detailed plan of the proposed shed, showing how its design features will ensure effective manure/slurry management.
2. Confirmation of the proposed location and sufficient capacity of manure/slurry management /storage.
3. Confirmation of where surface water will be discharged to.
4. Confirmation of existing stock numbers and any planned changes in number.

The applicant will also need to demonstrate that they are complying with the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) Regulations 2010 SSAFO Regulations and that the structure is going to be built to the standards as set out in the [CIRIA guidance:](https://www.ciria.org/ItemDetail?iProductCode=C759F&Category=FREEPUBS&WebsiteKey=3f18c87a-d62b-4eca-8ef4-9b09309c1c91)
<https://www.ciria.org/ItemDetail?iProductCode=C759F&Category=FREEPUBS&WebsiteKey=3f18c87a-d62b-4eca-8ef4-9b09309c1c91>

Protected Sites

The site is located 1.3 kilometres upstream of Sontley Marsh Site of Special Scientific Interest, known for its botanical interest.

We have significant concerns that, as within the Pollution Prevention section above, insufficient information has been submitted to demonstrate how likely damage to the Sontley Marsh Site of Special Scientific Interest will be avoided. Planning permission should only be granted if information is provided which demonstrates that the proposed development will not unacceptably damage the features by reason of which the SSSI is of special interest.

Paragraph 6.4.14 of Planning Policy Wales states that proposals must be carefully assessed to ensure that effects on those nature conservation interests which the designation is intended to protect are clearly understood; development should be refused where there are adverse impacts on the features for which a site has been designated.

We consider that the proposed development is likely to damage the features by reason of which the Sontley Marsh SSSI is of special interest. However, as above, the applicant has not provided sufficient information to demonstrate how the proposed development will avoid damaging the special interest features of the SSSI. We require the applicant to provide the information that we have requested within the pollution prevention section above.

In the absence of this information, we cannot rule out adverse impacts on the special interest features of the SSSI from the scheme. We therefore recommend that planning permission should only be granted if information is provided which demonstrates that the proposed development will not damage features for which the SSSI is of special interest.

Should you be minded to grant permission for the above planning application in the absence of this information, we ask that you notify us under the provisions contained in Section 281 of the Wildlife and Countryside Act 1981 (as amended).

Flood Risk

The planning application proposes less vulnerable development (agricultural building). Our Flood Risk Map confirms the site to be within Zone C2 and the <1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outline of the Gefeiliau Brook.

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 limited FCA, that the potential consequences of flooding can be managed to an acceptable level.

Requirement 2: A Flood Consequences Assessment (FCA) is required to demonstrate the risks and 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, the above requirement should be met prior to the determination of the application. We can then advise you whether the FCA is in accordance with the technical criteria in Appendix 1 of TAN15.

It is acknowledged that existing buildings are to be removed and fundamentally the proposed will still constitute low risk, infill development within an established agricultural development. However, the proposed will now be close to the culverted section of an ordinary watercourse at the confluence with the adjacent Gefeiliau Brook. An FCA should confirm that the proposed will not be sited over the existing culvert, which could affect the integrity of the culvert. The applicant should discuss possible land drainage consent requirements with Wrexham drainage team.

The FCA should confirm whether there have been historic flooding and operational incidents associated with the Gefeiliau Brook and the minor tributary. Consideration should be given to any combined flood risk. Whilst any historic flood risk would not be a reason for significant concern, the applicant should confirm that there will be no ground raising, other than the proposed building footprint and that any known overland flow routes will remain unaffected.

Annotated site photos of the location of the proposed in relation to the Gefeiliau Brook would assist all parties in decision making.

If an FCA is not submitted or any subsequent FCA fails to demonstrate that the consequences of flooding can be acceptably managed over the lifetime of the development, then we object to the application. 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.

It is not clear from the proposed layout drawing whether the eastern extent of the proposed will intrude any further into the watercourse corridor. Acknowledging that existing buildings that are closer to the brook will be removed, we would seek that the proposed building will be within the existing upstream building shadow, i.e. maintaining an unobstructed watercourse corridor.

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 Species

We note that there is no information about protected species (Great Crested Newts, bats, otters) with the application, and therefore are assuming that your Authority has screened the application and concluded that there is not a reasonable likelihood of protected species being present.

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 concerning the above, please contact me on the details below.

Advice for the Developer:

Slurry Storage:

Under the terms of The Water Resources (Control of Pollution) (Silage, Slurry and Agriculture Fuel Oil) (Wales) Regulations 2010, there is a legal requirement for the applicants to notify the NRW at least 14 days before the new structure is brought into use. To assist with this notification a WQE3 form is available for completion by the applicants, on the following link: <https://cdn.naturalresources.wales/media/678331/nrw-wqe3.pdf?mode=pad&rnd=131596232100000000>.

Environmental Management:

Any waste excavation material, demolition or building waste generated in the course of the development must be disposed of satisfactorily in accordance with duty of care requirements

under section 34 of the Environmental Protection Act 1990. The waste shall be transported using registered waste carriers to suitably permitted or exempt sites. Transfer notes shall be kept for each load for a minimum of 2 years.

The importing of inert waste onto the site for storage or use in construction, maintenance or improvement works, for example hardcore, soils, must be registered with Natural Resources Wales under The Environmental Permitting (England and Wales) Regulations 2016 and comply with the conditions of the relevant permit. It should be noted that the registration of some exempt activities for the use of waste material for relevant works require a 25-working day consultation period. This is to allow assessment, determination and authorisation prior to commencement of any activity authorised under the relevant permit from The Environmental Permitting (England and Wales) Regulations 2016.

The applicants must minimise discolouration to the watercourse from the construction works. Silty water should be treated, either through the use of settlement lagoons, or tanks, or discharged across a grassed area. For work in river channels the use of coffer dams is recommended, to keep river water out of the working area. River crossings must be kept free from mud or dust deposits. Oil and chemical storage must be kept away from the watercourse, on an impervious base, within a bund, and secured. Absorbents or a suitable spill kit must be kept on site for use in the event of an emergency. NRW should be notified immediately of such an occurrence. The mixing, use and washing of machinery and shuttering of wet concrete and cement must be carefully controlled to minimise the risk of any material entering the watercourse. The applicant is advised to follow the guidance within Guidance for Pollution Prevention 5 "Works and maintenance in or near water":

<http://www.netregs.org.uk/media/1415/gpp-5-works-and-maintenance-in-or-near-water.pdf>

We advise that in addition to planning permission, it is the applicant's responsibility to ensure that they secure all other permits/consents relevant to their development.

Yn gywir / Yours' faithfully,

Mr. GARETH THOMAS

Cynghorydd Cynllunio Datblygiad / Development Planning Adviser

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

