

24/07/2019

Er sylw / For the attention of Philip Forster

Dear Philip,

**BWRIAD / PROPOSAL: CONSTRUCTION OF NEW MILKING PARLOUR,
SLURRY STORAGE LAGOON AND SILAGE PAD**

**LLEOLIAD / LOCATION: Merehead Dairy Unit, Big Arowry, Bettisfield,
Witchurch**

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 05/09/2019.

We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme can meet the following requirements and you attach the conditions listed below. Otherwise, we would object to this planning application.

Requirement 1: Detailed Modelling assessment which demonstrates emissions are unlikely to adversely affect protected sites

Requirement 2: Environmental Management: Additional information is required prior to determination in the form of clarification with regards to the proposed lagoon capacity, and the soil test results and permeability / porosity to ensure that the material complies with relevant construction standards.

Condition 2: No development, with the potential to impact on invasive species, shall commence until a site wide Biosecurity Risk Assessment has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall include measures to control, remove or for the long-term management of invasive species both during construction and operation.

We recommend you should only grant planning permission if you include the following document within the condition identifying approved plans and documents on the decision notice:

- Ecological Appraisal, Merehead Farm, July 2019

Protected Sites and Aerial Emissions

We have concerns that a significant effect from the proposed development on the sites outlined below.

The following requirement needs to be met before allowing the proposed development to proceed. We would object to the planning application if the requirement is not met.

Requirement 1: Detailed Modelling assessment is submitted which demonstrates emissions are unlikely to adversely affect protected sites.

Intensive agricultural units have the potential to impact protected sites through aerial emissions (ammonia and nitrogen deposition). NRW assesses the air quality impact a unit may have on European sites and Sites of Special Scientific Interest (SSSIs) within a screening distance of 5km of the unit.

We note there are 6 sites within 5km to the agricultural unit.

Meres & Mosses Phase 2 (Wales) Ramsar 145 m

Hanmer Mere SSSI 145 m

Llyn Bedydd SSSI 1.8 km

Fenn's, Whixall, Bettisfield, Wem and Cadney Mosses (Wales) SAC 2.9 km

Fenn's, Whixall, Bettisfield, Wem and Cadney Mosses (England) SAC 4.1 km

Fenn's, Whixall, Bettisfield, Wem And Cadney Mosses SSSI 2.9 km

As the unit is within 250m to a protected site, as noted in Step 1 of GN020 this needs to proceed to Step 3 and detailed modelling will be required.

As such, to assess the aerial emissions (ammonia and nitrogen deposition) from this proposal against the potential effects on the protected sites in the vicinity of the proposal site, detailed air quality modelling assessments will be required.

Advice can be found in NRW's guidance documents: [Guidance Note 20: Assessing the impact of ammonia and nitrogen on designated sites from new and expanding intensive livestock units.](#)

Should you also conclude that the proposed development is likely to have a significant effect on the European site, we look forward to being consulted on your appropriate assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

Environmental Management

Further detail is required regarding the proposed slurry lagoon in order to adequately assess the application. There appears to be a discrepancy in the figures given for the storage capacity of the proposed lagoon. The plans are annotated to show the

capacity is 5200m³, whereas the design and access statement and storage calculations in figure 5 give the lagoon capacity as 6000m³.

We note the lagoon is proposed to be earth lined so we require soil test results including clay content and permeability / porosity to ensure that the material complies with relevant construction standards.

This information is required to assess whether the farm will be compliant with Water Resources (Control of Pollution) Silage, Slurry and Agricultural Fuel Oil (Wales) Regulations 2010 (SSAFO) and proposed new regulations.

Requirement 2: Environmental Management: Additional information is required prior to determination in the form of clarification with regards to the proposed lagoon capacity, and the soil test results and permeability / porosity to ensure that the material complies with relevant construction standards.

Further information on the requirement is contained within Welsh Government's SSAFO Guidance Notes for Farmers. This can be viewed at <https://gov.wales/sites/default/files/publications/2017-11/storing-silage-and-slurry.pdf>

CIRIA guidance of 2018 is available via the address below:
<https://www.ciria.org/ItemDetail?iProductCode=C759F&Category=FREEPUBS&Web siteKey=3f18c87a-d62b-4eca-8ef4-9b09309c1c9>

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.

Condition 2: No development, with the potential to impact on invasive species, shall commence until a site wide Biosecurity Risk Assessment has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall include measures to control, remove or for the long-term management of invasive species both during construction and operation.

This condition is required to ensure that an approved Biosecurity Risk Assessment is implemented to secure measures to control the spread and effective management of any invasive non-native species at the site.

Protected Species

We note the Ecological Appraisal, Merehead Farm, July 2019, has considered the potential impact of the development on bats and Great Crested Newts (GCN). We consider that the development is not likely to be detrimental to the maintenance of the population of the species' concerned at a favourable conservation status in its natural range. However, we note the Reasonable Avoidance Measures (RAMs) outlined in the Ecological Appraisal, Merehead Farm, July 2019, with regards to bats and GCN. We recommend you should only grant planning permission if you include

the following document within the condition identifying approved plans and documents on the decision notice:

- Ecological Appraisal, Merehead Farm, July 2019

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

Our comments above only relate specifically to matters that are listed in our 'Consultation Topics' document (September 2018) which is published on our website: (<https://cdn.naturalresources.wales/media/686847/dpas-consultation-topics-august-2018-eng.pdf?mode=pad&rnd=131819256840000000>). 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:

Agricultural Development

Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or groundwater.

The applicant is also advised to refer to the link below:

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

There are new Agricultural Pollution Regulations due in 2020 which will lay down new government policy regarding agriculture and which will require your consideration. The Regulations will apply to all holdings from 1 January 2020, with transitional periods for some elements to allow farmers time to adapt and ensure compliance. The regulations will replicate good practice measures focussed on good nutrient management. Further information on what will need to be done and by when will be provided by Welsh Government in the near future.

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.

Waste produced during construction

Waste produced during the construction phase of your development must be dealt with appropriately and be in line with all relevant waste legislation including Duty of Care Regulations and Hazardous Waste Regulations. As part of your waste duty of care you must classify the waste produced:

- before it is collected, disposed of or recovered
- to identify the controls that apply to the movement of the waste
- to complete waste documents and records
- to identify suitably authorised waste management options
- to prevent harm to people and the environment.

Any waste removed from site will be subject to waste management controls. The links below provide information on how to classify waste and register as a waste carrier or hazardous waste producer:

<https://naturalresources.wales/permits-and-permissions/waste/?lang=en>

<https://naturalresources.wales/permits-and-permissions/waste/waste-permits/?lang=en>

Further guidance can be found on the GOV website here:

<https://www.gov.uk/managing-your-waste-an-overview/duty-of-care>

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 faithfully,

Daniel Davies

Daniel Davies

Cynghorydd, Cynllunio Datblygu / Advisor, Development Planning

Cyfoeth Naturiol Cymru / Natural Resources Wales