

FAO Philip Forster

30/04/2019

Dear Philip,

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

**BWRIAD / PROPOSAL: CONSTRUCTION OF GENERAL PURPOSE AGRICULTURAL
BUILDING FOR HOUSING LIVESTOCK / FODDER / STORAGE**
LLEOLIAD / LOCATION: Wood View, Fenns Wood, Fenns Bank, Witchurch

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 09/04/2019.

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. We would object if the scheme does not meet these requirements.

Summary of Requirement

Requirement 1: Protected Sites: Further information is submitted to carry out a Habitat Regulation Assessment (HRA) under regulation 63 of the Conservation of Habitats and Species Regulations 2017 prior to the determination of the planning application

Protected Sites

We have concerns that a significant effect from the proposed development on the Fenn's, Whixall, Bettisfield, Wem and Cadney Mosses (Wales) SAC and Midland Meres & Mosses Phase 2 (Wales) Ramsar cannot be ruled out. The application is located within the SAC/ Ramsar.

The following requirements need to be met before allowing the proposed development to proceed. We would object to the planning application if the requirements are not met.

Requirement 1: Protected Sites: Further information is submitted to carry out a Habitat Regulation Assessment (HRA) under regulation 63 of the Conservation of Habitats and Species Regulations 2017 prior to the determination of the planning application

NRW have identified potential impact pathways to features of this site:

The features of the SAC/Ramsar are active raised bog and degraded raised bog. Any pollution on the land where the proposed building is to be located, if on peaty soil or mineral soil (i.e. sand), could permeate into the peat body either if peat is directly on the land in question or to the peat on the adjoining land.

- Pollution Prevention During Construction

Due to the proximity of the site to watercourses, all works at the site must be carried out in accordance with GPP5 and GPP6: 'Works in, near or over watercourses' and 'Working at construction and demolition sites' which are available on the following website: <http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

During the construction phase the developer 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.

- Pollution during the operation of the agricultural building

It is unclear where any drainage will discharge to once construction is complete (including contaminated effluent).

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.

Protected Species

There are records of Great Crested Newts within approximately 100 metres of the site. We note that there is no information about protected species 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.

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 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 to Applicant

Slurry Storage

Any new or substantially enlarged containment system for slurry produced at the farm must comply with the Water Resources (Control of Pollution) (Silage, Slurry and agricultural fuel oil) (Wales) Regulations 2010 and notification to Natural Resources Wales must be made 14 days before the use of such a system.

Nitrate Vulnerable Zone

The site is in a Nitrate Vulnerable Zone and as such any storage or spreading of organic manures from the development must comply with the Nitrate Pollution Prevention Regulations (Wales) 2013.

Groundwater Pollution

We refer the developer to the Environment Agency (2017) 'Approach to groundwater protection' position statements which have been adopted by Natural Resources Wales. In particular the developer should be aware of the position statements in Section G "Discharge of liquid effluents into the ground" and H "Diffuse (rural) sources of pollution"

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 sincerely,

Daniel Davies

Daniel Davies

Cynghorydd Cynllunio Datblygu / Development Planning Advisor

Cyfoeth Naturiol Cymru / Natural Resources Wales