

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

Date: 25th July 2017

Dear Mr Forster,

**CONSTRUCTION OF ABOVE GROUND STEEL SLURRY TANK WITH CONCRETE BASE
(21.5M DIAMETER, 5.5M HIGH)
NEW FARM, COBBLERS LANE, BURTON, WREXHAM, LL12 0AH**

Thank you for consulting us on the above application, which we received on the 4th July 2017.

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:

Requirement 1 – The slurry tank and associated infrastructure shall be sited at least 10 metres from any watercourse

Water Quality

The proposed plans confirm that the proposed slurry store is to be located within a few metres of a watercourse and as such would be in breach of the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 2010 (SSAFO regulations).

The proposed slurry tank will need to be relocated a minimum of 10 metres from any watercourse. This is to protect and maintain local water quality.

Requirement 1 – The slurry tank and associated infrastructure shall be sited at least 10 metres from any watercourse

Further information on the SSAFO regulations is available here:

<https://www.gov.uk/guidance/storing-silage-slurry-and-agricultural-fuel-oil>

The proposed slurry tank is also to be located within a Nitrate Vulnerable Zone, and a Groundwater Source Protection Zone. The applicant should also ensure that the tank is of suitably capacity to comply with the requirements of being within a Nitrate Vulnerable Zone as confirmed under the SSAFO Regulations (further details can be obtained using the link to the SSAFO Regulations provided above). SSAFO Regulations confirm a 5 winter months' capacity.

Protected Species

We have identified the possibility that great crested newts (GCN) may be present within the vicinity of the application site. Therefore, we recommend that your Authority screens the application to see if there is a reasonable likelihood of GCN being present and the need for a GCN survey in accordance with Technical Advice Note 5: Nature Conservation and Planning (paragraph 6.2.2).

The Great Crested Newt is protected under the provisions of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended). Any development that would contravene the protection afforded to GCN under the Regulations would require a derogation licence from Natural Resources Wales. A licence may only be authorised if:

- i. There is no satisfactory alternative and
- ii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. In addition,
- iii. the development works to be authorised must be for the purposes of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any GCN on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

Please consult us again if the survey finds that GCN are present at the site. In the meantime, we cannot confirm that the proposal would not likely to be detrimental to the maintenance of the favourable conservation status of the local Great Crested Newt population in its natural range.

Environmental Management

The development shall proceed implementing the following pollution prevention measures;

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>

Any waste excavation material 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.

Our comments only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website: (<https://naturalresources.wales/media/5271/150302-natural-resources-wales-and-planning-consultations-final-eng.pdf>). 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. Any site owner/developer 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.

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.

If you have any queries concerning the above, please contact me on the details below.

Yn gywir / Yours' faithfully,



Mr. GARETH THOMAS

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