



CRoW Act 2000: Natural Resources Wales application for permission - Formal Notice

Natural Resources Wales Formal Notice.

Requirements of Section 28I of the Wildlife & Countryside Act 1981 as amended by the Countryside and Rights of Way Act (CRoW) 2000.

Duty in relation to granting any consent, licence or permit for activities likely to damage Sites of Special Scientific Interest (SSSI).

Guide to filling in this form for Natural Resources Wales staff:

To be completed by Permitting Officers for any applications for a permission which the Natural Resources Wales has considered under S28G duties to protect and enhance SSSIs. This applies to all proposed permissions within a SSSI, and to operations outside the SSSI boundary which are likely to damage its special features.

Refer to OI 140_10 'Applying the Countryside and Rights of Way (CRoW) Act 2000 to applications for permits with potential for impact on Sites of Special Scientific Interest (SSSI)', including the flowchart in Appendix 2.

Pink italic text – drafting notes, to be deleted before completion/consultation.

Blue text – examples, to be replaced with permission-specific information.

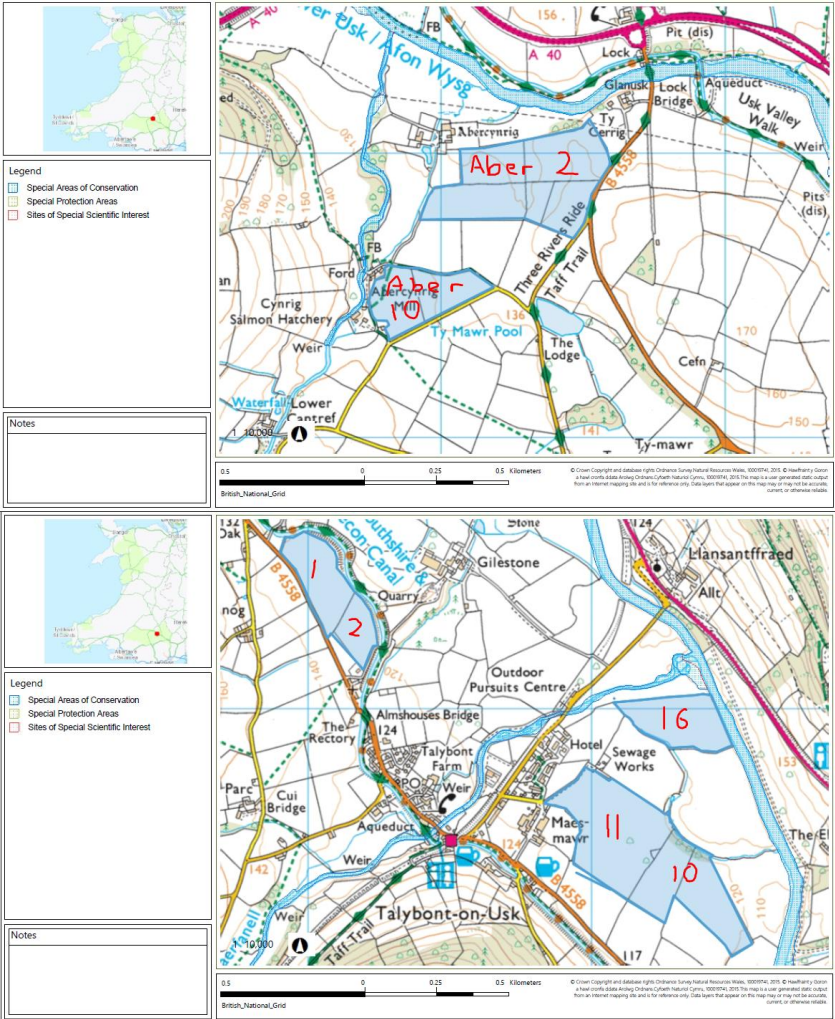
Ensure you have completed all sections.

1. Natural Resources Wales area/region/NPS hub:	Mid
2. Name of SSSI:	River Usk (Upper Usk)/ Afon Wysg (Wysg Uchaf) River Usk (Tributaries)/ Afon Wysg (Isafonydd)
3. Type of permission:	Landspredding deployment under SR2010 No4
4. Date for Natural Resources Wales permit determination:	25/10/2021
5. Predicted 28 day date for response from NRW conservation/ecology (under S28 I(4)):	03/12/2021
6. Natural Resources Wales reference no:	PAN-015421 under EPR/GP3792SK
7. National grid reference:	<p>Farm location: SO 05078 25701</p> <p>Fields:</p> <p>Abercynrig 2 - SO 07297 26904</p> <p>Abercynrig 10: SO 06919 26499</p> <p>1 - SO 11043 23464</p> <p>2 - SO 11169 23269</p> <p>10 - SO 12318 22415</p> <p>11 - SO 12064 22598</p> <p>16 - SO 12325 22953</p> <p>Storage:</p> <p>SO 04988 25616 (updated to new location in request for information dated 01/12/21).</p>

8. Description of proposal:

A landspreading application to spread 10 waste streams across seven fields at or near to Tylebrithos Farm, LD3 8LR, with only field 16 directly bordering the SSSIs (see maps below). Waste are to be spread during targeted periods on grass in spring, after silage cutting and prior to grazing throughout the summer and autumn, and arable fields are to be spread on during early spring. A maximum of 11,725 tonnes over a 46.9ha site intend to be spread.

A maximum of 1250 tonnes of liquid waste will be stored under the deployment at any one time. All waste will be spread in accordance with CoGAP.



The following nutrients crop types in each field are detailed in the table below:

Field Name	Crop
Abercynrig 2	2 cuts silage (25% dry matter) with aftermath grazing
Abercynrig 10	2 cuts silage (25% dry matter) with aftermath grazing
1	Winter barley
2	Winter barley
10	2 cuts silage (25% dry matter) with aftermath grazing
11	2 cuts silage (25% dry matter) with aftermath grazing
16	2 cuts silage (25% dry matter) with aftermath grazing

<p>9. Is the proposed activity within (wholly or partially) the SSSI boundary?</p>	<p>No. Each field under this deployment has the following distance between it and the SSSI at the closest point: Abercynrig 2 – 35m, with another field between it and a SSSI. Abercynrig 10 – 23m, with another field between it and a SSSI 1 – 600m as the crow flies, 790m following the river 2 – 770m as the crow flies, over 1km following the river 10 – 100m, with another field between it and a SSSI 11 – 175m, with another field between it and a SSSI 16. Adjacent to the river, with a 20m no spread zone along the edge bordering a SSSI.</p>
<p>10. Has there been any pre-application discussion or correspondence with NRW conservation/ecology</p>	<p>NO</p>
<p>11. What aspect(s) of the proposed permission may damage the features which are of special interest for the SSSI?</p> <p>The following ‘Operations Requiring Consent’ (or other activities associated with the permission) that may cause damage) are relevant to the proposed permission.</p> <p>River Usk (Upper Usk)/Afon Wysg (Wysg Uchaf)</p> <p>5. Application of manure, fertilisers and lime except to agriculturally improved permanent grass, forest and all other unimproved riparian habitats. 7. Dumping, spreading, discharging or storage of any materials. 26. Use of vehicles, vessels or craft likely to damage semi-natural habitats or disturb species of interest.</p> <p>River Usk (Tributaries)/ Afon Wysg (Isafonydd)</p> <p>7. Dumping, spreading, discharging or storage of any materials. 26. Use of vehicles, vessels or craft in a manner likely to damage or disturb the features of interest.</p> <p>The following SSSI features and mechanisms of impact have been considered to assess the likelihood of damage:</p> <p>River Usk (Upper Usk)/Afon Wysg (Wysg Uchaf)</p> <ul style="list-style-type: none"> • Vegetation dominated by water crowfoot • Rare mosses and liverworts • Welsh thread-moss (<i>Byrum gemmiparum</i>) • Tiny pocket-moss (<i>Fissidens exiguus</i>) • Spruce’s bristle-moss (<i>Orthotricum sprucei</i>) • Aquatic lichen <i>Endocarpon adscendens</i> • Otters • Atlantic salmon • Twait shad • Sea, brook and river lamprey • Bullhead • Invertebrates associated with exposed river sediments <p>River Usk (Tributaries)/ Afon Wysg (Isafonydd)</p> <ul style="list-style-type: none"> • Otter • Atlantic salmon • Non-migratory fish (bullhead, river lamprey and brook lamprey) • Other habitats essential to the maintenance of the special wildlife interest, including broadleaved semi-natural woodland, dense scrub, marshy grassland, dense bracken, river gravels, marginal vegetation and rock exposures. <p>Potential mechanisms for damage</p> <ul style="list-style-type: none"> • Transfer of nutrients via surface run off to the river, impacting water quality and indirectly potentially affecting health of inhabitants of the river • Aerial spread of particles to the protected sites from the proposed activities 	
<p>12. Decision</p>	

- i) The proposed permission is **not likely to damage** any of the flora, fauna or geological or physiological features which are of special interest.

No spreading will take place within 20m of the protected sites. Field 16 is the only field bordering the SSSI and there is a 20m no spread zone between the field's edge and the river, and the field does not slope into the water so there is a negligible risk of surface run off from the activity. As all waste will be spread in accordance with CoGAP, no waste will be applied to the land if it has been frozen for 12 hours or more in the preceding 24 hours or if the land is waterlogged, frozen or snow covered, as per the permit conditions.

All wastes being spread are either sludge cake or liquid sludge, so dust should not be generated during the activity and as such, no dust from this activity should enter any protected water courses. As only fields 1 and 2 will contain barley, both of which are outside the screening distance for the SACs to be considered, there should be no periods of the spreading year where the waste will be spread on bare soil that could come lead to run off directly into the SAC.

As shown on the [nutrient calculator](#) for this application, all fields being spread on have a greater overall offtake of phosphate than is being added by the spreading, so the overall levels of phosphate in the soils will decrease from their current level within the 12 month period of this deployment. There will be no overall phosphate increase to the land as a result of this application.

Spreading will occur at application rates specific application rates to reduce the risk of run off from excessive spreading. Areas being spread on are not steeply sloping so wastes should not run into the protected areas due to gravity. A site-specific risk assessment has been provided by the operator to take into account any potential issues and provide any mitigation that may be required. All spillages will be reported immediately to Natural Resources Wales as required by SR2010 No4's conditions.

**Natural Resources Wales is minded to:
Issue the permission**

13.Name and job title of Natural Resources Wales officer:	Rhiannon Smith Permitting Officer
14.Date form sent to NRW conservation/ecology	19/11/2021
For Natural Resources Wales use only, once NRW conservation/ecology response received	
15.NRW conservation/ecology comment on assessment:	<i>Please delete as appropriate:</i> ii) NRW conservation/ecology advise the operation can go ahead with conditions I would also suggest a condition for the permit that material is not applied if the weather forecast is for heavy rainfall.
16.Name and job title of NRW conservation/ecology officer:	Ken Perry, Senior Officer, South Powys Environment Team
17.Date of receipt of NRW conservation/ecology response:	23/12/21