

Petition: P-05-815 Control Rapidly Expanding Intensive Poultry Industry

Y Pwyllgor Deisebau | 5 Mehefin 2018
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Research Briefing:

Petition number: P-05-815

Petition title: Control Rapidly Expanding Intensive Poultry Industry In Wales

Petition text:

We the undersigned call on the Welsh Assembly to urge the Welsh Government to take long-term strategic action to ensure that the poultry product industry is environmentally sustainable through effective delivery of the Environment (Wales) Act, Conservation of Habitats and Species Regulations 2017, the Well-Being of Future Generations Act and the Water Framework Directive (WFD).

Powerful agricultural drivers reinforced by BREXIT are increasing intensive egg & poultry production. The WG is ignoring the devastating environmental consequences for biodiversity, soil and water quality and avian and human disease. The public is vocal about poultry welfare but largely ignorant of the environmental impact of intensive poultry farming units (IPUs). "Free-range" egg units with concentrations of up to 2,500 birds/Ha are a particular risk (NRW report 218: Powys Poultry Pilot Study & INI nitrogen alerts 6/17).

Steep-sided valleys, high rainfall causing heavy nutrient run-off and populations of rare natural species make much of rural Wales wholly unsuitable for the current explosion of IPUs. After a decline from 1990, ammonia emissions have been increasing since 2010 (NAEI 2017 report for DEFRA). Critical loads of ammonia and nitrogen deposition (estimated thresholds for unacceptable damage to plant diversity) are far exceeded at some European & UK protected sites, Local Nature Reserves and Ancient Woodland. Excess phosphates threaten our watercourses (Wye & Usk Foundation 2017).

In failing to act on the evidence, WG, Natural Resources Wales (NRW) and Powys County

Council (PCC) are neglecting the duty to "maintain and enhance biodiversity" (Environment Act Sec 6).

The WG must use its powers to control the industry:

1. Provide proper resources for NRW to do urgent research, regulate and monitor IPUs and give better planning help to Local Planning Authorities (LPAs).
2. Issue planning policy and guidance to LPAs to improve decisions, ensure cumulative impacts are considered and monitor and enforce planning conditions.
3. Make the industry contribute towards the costs of regulation and monitoring and hold it to account for breach of environmental responsibility.
4. Publish transparent public reports on progress.

Background

There are two main aspects to the regulation of poultry units – the planning system (which is the responsibility of the local planning authority) and the environmental permitting system (which is the responsibility of Natural Resources Wales (NRW)). Broadly speaking, new units require planning permission and above certain thresholds also require an Environmental Impact Assessment (EIA). An environmental permit is also required above a certain threshold.

Planning

Planning applications for poultry units must be determined in accordance with the Local Development Plan unless material considerations indicate otherwise.

Local planning authorities must take into account the views of statutory consultees (e.g. NRW) and other bodies (e.g. Public Health Wales and local wildlife trusts) and anyone else, including members of the public, who have a view. It is for local planning authorities to satisfy themselves that they have sufficient information and expert advice available to them to properly determine applications.

With regards to EIA, Part 2 of the [*Town and Country Planning \(Environmental Impact Assessment\) \(Wales\) Regulations 2017*](#) details development proposals and associated thresholds defining where a development proposal constitutes EIA development. These are contained in Schedule 1 and 2 of the Regulations. Schedule 1 lists those developments where EIA is mandatory and Schedule 2 where the development must be screened to determine if it is EIA development.

Schedule 1 states that the threshold for the “intensive rearing of poultry is 85,000 places for broilers or 60,000 for hens”.

While an EIA is not a mandatory requirement for a proposed development, the floor area of many of the proposed buildings exceeds the applicable threshold of 500 square metres and therefore for the purposes of the Regulations is Schedule 2 development, requiring a screening opinion to be issued by the local planning authority. As such the local planning authority then considers the development against the criteria set out in the Regulations and whether it considers that the development constitutes EIA development or not.

More on EIA can be seen in the Research Service's [EIA Research Briefing \(PDF 1.90MB\)](#).

Environmental Permitting

The Welsh Government has previously provided the Research Service with the following summary:

Larger intensive units with 40,000 or more poultry places are closely regulated by Natural Resources Wales (NRW) under the environmental permitting regime in accordance with the requirements of the Industrial Emissions Directive.

At the heart of the regime are the requirements to apply the Best Available Techniques (BAT) for pollution control and the requirement to prevent any significant pollution.

BAT includes both the technology and the operational techniques necessary to prevent or reduce polluting emissions to air, land and water and impact on the environment as a whole – including noise and odour.

These and other requirements are applied by NRW through environmental permits, which specify a range of conditions in relation to how the units can be operated, such that the environment is protected.

As part of the permitting process, NRW carefully examine potential emissions against established environmental quality. NRW will only issue a permit allowing the unit to operate if they are satisfied that communities and the environment, including any sensitive habitats, will be protected and that no significant pollution will be caused.

Last year NRW issued updated guidance for the assessment of potentially polluting emission from intensive poultry units, for use by local Planning Authorities and in their own environmental permitting process.

In their updated guidance ([Guidance Note 20: Assessing the impact of ammonia and nitrogen on designated sites from new and expanding intensive livestock unit](#)) they set out tighter thresholds in relation to the requirement for operators to undertake detailed assessment of emissions of ammonia and nitrogen, which has enhanced the protection of sensitive habitats through the planning and permitting regimes.

This guidance was initially published October 2017 and [will be] subsequently reviewed [in] December 2018.

Other regulation

Poultry units are also subject to regulation relating to animal and human health disease risk, and animal welfare.

Afonydd Cymru action

Afonydd Cymru is the umbrella body for the six rivers trusts in Wales. In March 2018 it submitted a [complaint to the European Commission concerning agricultural pollution \(PDF 361KB\)](#) in Welsh rivers resulting in an alleged breach of the EU Water Framework Directive. The complaint asserts that the Welsh Government has failed to adequately regulate agricultural activity, including the poultry sector. The European Commission is currently considering the complaint.

Welsh Government action

The Cabinet Secretary for Energy, Planning and Rural Affairs, Lesley Griffiths AM, has provided a detailed letter to the Chair commenting on this petition and responding to the four requests it makes.

The Welsh Government has recently consulted on a revised version of its national planning policy, Planning Policy Wales (12 February – 18 May 2018). The [consultation draft](#) includes a section on the location of polluting development, see paragraphs 5.136 to 5.138.

National Assembly for Wales action

Simon Thomas AM [asked a question to the Cabinet Secretary on this issue](#) in the Assembly on 21 March 2018:

I've recently been in correspondence with you on planning issues around a development that's very significant in the mid and west region at the moment, which is the expansion of poultry units. We've seen a lot of applications coming in for free-range poultry. It's a response to the market; it's a response, partly, to Brexit, I think. It's something about the industry preparing itself for the future. So, there's no problem with that, but the planning rules around these units do seem to be rather rooted in the past, because we haven't dealt with such a large number before. Natural Resources Wales say that they don't make any remarks around planning applications around these units if they are not intensive farming, but, in fact, free-range poultry can be as polluting, or potentially as polluting, as intensive poultry; it's the nature of the way the hens are kept, particularly when they're indoors. So, are you absolutely sure that the current planning regime for free-range and other poultry units is fit for purpose?

The Cabinet Secretary replied:

You're absolutely right in saying that we are seeing an increase in the number of poultry units going through the planning system and are coming to fruition. And I do think it is about farmers diversifying and, certainly, I think Brexit is having an impact on this.

This is an area that I've actually asked for some advice on, because there was one up in north-east Wales, actually—not in my constituency—where I received a significant amount of correspondence, just absolutely pointing out that it can be much more intensive than some types of agriculture. So,

the short answer is 'No, I'm not', but I am looking for some advice around that to make sure that it is fit for purpose, and I'd be very happy to write to the Member once I've had that advice.

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.