

Mr David J Rowlands AM  
Chair of Petitions Committee  
National Assembly for Wales  
Cardiff Bay  
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CF99 1NA

By email: [SeneddPetitions@Assembly.Wales](mailto:SeneddPetitions@Assembly.Wales)

17 August 2018

Dear Mr Rowlands

Thank you for your letter of 21 June 2018 about the expanding poultry industry within Wales and its impact on the environment, and please accept our apologies for the delay in response.

Natural Resources Wales (NRW) agrees that the intensification of agriculture along with some farming practice can result in environmental degradation of biodiversity, soil, air and water quality.

It is important to clarify that NRW's role as a regulator in relation to Intensive Poultry Units (IPUs) is through the Environmental Permitting (England and Wales) Regulations 2016 (EPR), and is only for those that have more than 40,000 bird places. The emissions from these units can be tightly regulated through an environmental permit, but those units that are below this threshold are currently outside the environmental regulatory framework. Instead, these small units fall to the Local Planning System where our role is limited to being a statutory consultee within the planning process.

We recognise that the thresholds within the EPR are set through European derived legislation, but there may be an opportunity for Welsh Government (WG) to consider in the future whether these continue to be appropriate, given recent expansion of units and particularly with regard to the proliferation of units below the 40,000 bird places threshold.

Evidence shows that atmospheric releases of ammonia is having an impact on a number of protected sites in Wales. In addition, wastes arising from livestock also pose a significant risk to water quality in Wales. Manures and slurries, where these are directly applied to land,

are currently not sufficiently covered by the environmental regulatory framework or via the planning system. WG may also wish to consider whether there are further opportunities to include improved clarity and protection in legislation to ensure that with proper regulation, control and adherence to good farming practice, any potential environmental impact could be significantly reduced or eliminated.

In response to the specific points raised in the petition letter, we make the following comments:

1. *For WG to provide proper resources for NRW to do urgent research, regulate and monitor IPUs and give better planning help to Local Planning Authorities (LPAs).*

For the IPUs that we are regulate (that have more than 40,000 bird places) there are just under 100 farms in Wales. We are able to recover our costs for our permitting and regulatory work for these units via our Fees and Charges scheme. There are a far larger number of farms that are below this threshold that would be outside of any environmental regulatory cost recovery system.

A previous report by NRW has demonstrated that the smaller unregulated units can pose a greater threat from atmospheric releases than the larger NRW regulated units (NRW Evidence Report no 218: *Powys Poultry Pilot Study: An assessment of cumulative atmospheric releases*). However, our pilot study was based on a very limited geographical area in Powys. To assess whether there is merit in changing the regulatory thresholds in the future to cover units below 40,000 bird places (either through permitting or the application of general binding rules), then firstly WG would need to consider the current impacts that may be occurring across Wales, which have not yet been quantified.

As already indicated, some of the impact of IPUs relates to the application of manure to land at inappropriate times and/or where the land does not have the capacity to absorb the nutrients it contains. This results in nutrients being washed into watercourses during periods of rain and causing pollution. For those units that we regulate, the land-spreading of manure is not currently included in legislation as part of the regulated activity of the IPUs, so we are not able to control it beyond providing advice on good practice. In response to the recent WG Sustainable Management of Natural Resources Consultation, we advocated the development of 'basic measures' to provide us the tools to minimise the impact. A legal requirement to carry out an assessment of land prior to any land-spreading of manure would also help. There would need to be thought prior to any legislative change as to the potential consequence of large amounts of manure without a disposal route, although this could be the impetus for innovation and different ways for dealing with this issue. Therefore, any changes to the current legislation would require detailed evaluation to assess its overall impact, and given appropriate additional resource NRW would be able to contribute to this research. This improved understanding could inform and provide additional support to the Local Planning Authorities.

*2. For WG to issue planning policy and guidance to LPAs to improve decisions, ensure cumulative impacts are considered and monitor and enforce planning conditions.*

In April 2017, after extensive consideration of new evidence, NRW introduced tighter air quality thresholds to support our regulatory role. We have supported this with new guidance (**Guidance Note 20: Assessing the impact of ammonia and nitrogen on designated sites from new and expanding intensive livestock units**), and training for appropriate NRW staff and individuals from some Welsh local authorities.

This guidance is aimed at supporting local authority planners and NRW permitting officers in their assessment of planning and environmental permit applications respectively. The guidance requires that new units are assessed in terms of background and cumulative impacts so that any permissions issued can include appropriate conditions to ensure no adverse environmental consequences result. These new thresholds are also being adopted by some English planning authorities, for example Shropshire.

The development of a strategic approach, with guidance from WG could further help protect human health and the natural environment. NRW would be willing to support WG in producing such guidance to help the industry develop in a sustainable fashion to support agricultural development post Brexit.

*3. WG to make the industry contribute towards the costs of regulation and monitoring and hold it to account for breach of environmental responsibility.*

As already indicated, all operators that require an Environmental Permit pay for the cost of regulation through application fees and annual subsistence fees. We updated our Charging Scheme in 2017 to reflect the costs of regulation of IUPs, significantly increasing the cost of applications and expansions to ensure we have the resources to assess the impact of the proposed development. This ensures that any permit we issue is protective of the environment.

Any non-compliance with permit conditions is investigated, and appropriate corrective actions required from the site. Appropriate enforcement action will also be taken for pollution incidents with costs being recovered from the polluter.

*4. Publish transparent public reports on progress.*

For those installations that require an environmental permit, all inspection records and monitoring submissions are publicly available on request. Our evidence reports are also available, including the Powys Pilot Study referred to above.

Finally, you raise whether NRW could be further empowered to look at the cumulative effects of multiple developments within an area, which might otherwise fall outside of the current regulatory regime. We would like to work with the Local Authorities to look at such cumulative effects to aid in improving future planning decisions, however, we would require additional resources and to recover our costs for this work.

I hope the above information is helpful in your consideration of the petition raised with your Committee.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Madeleine Havard', is written above a solid black horizontal line that serves as a signature separator.

Dr Madeleine Havard  
Cadeirydd Dros Dro  
Acting Chair