



**BRECON AND RADNOR
BRANCH**

Correspondence to:

Dr Christine Hugh-Jones
secretary@brecon-and-radnor-cprw.wales

21st January 2019

**BRB-CPRW Petition to the Welsh Assembly.
Control Rapidly Expanding Intensive Poultry Industry in Wales**

LESLIE GRIFFITHS RESPONSE to The Petitions Committee dated 13/12/18

At the outset, we would like the Committee to know that BRB-CPRW members live in farming communities and are aware of the crucial role of farming and sympathetic to the predicament of farmer neighbours. We are keen to promote understanding of the relationship between farming and our environment. As evidence of our commitment: in October 2018 BRB-CPRW held a publicly acclaimed seminar day - "Down to Earth" - on the future of Welsh soils. Representatives from Welsh Government, Aberystwyth University Institute of Biological, Environmental and Rural Sciences, Farming Connect, Welsh Woodland Trust, Welsh Wild-life Trusts, and local Nuffield Scholar-farmers all gave their time for free to make presentations and join in public discussions.

We believe that in the current Welsh Government, responsibility for this issue is divided between two ministers: Leslie Griffiths and Julie James.

Leslie Griffiths, Minister for Environment, Energy and Rural Affairs,

Responsibilities: agriculture and the agri-food sector

also:

other rural affairs, biodiversity, the Nature Recovery Plan, Natural Resources Management, oversight of the Environment(Wales) Act and NRW, protection of wild-life in Wales, water and air pollution.

Julie James, Minister for Housing and Local Government,

Responsibilities : all aspects of planning policy

We hope our responses will be directed to both Ministers and we trust Julie James will be briefed on the planning aspects of our petition.

Much of the information we have submitted already is pertinent to Leslie Griffiths' letter of 13/12/18. We note that the Minister has not addressed many issues we raised, including the failure of LPAs to change behaviour as a result of the CPO letter. Among other issues not addressed are:

- The disturbing statistics we presented for Powys
- The urgent need for dedicated research for which NRW does not have resources
- The "planning gap" between internationally and nationally designated assets and everything else in our countryside which comprises the overwhelming majority of our remaining biodiversity
- The fate of Wales' ancient woodland
- The predicament of neighbours. We are not aware of any application being refused to protect neighbouring amenity.

We respond to the letter by paragraph number and will respect the Committee's wish to avoid repetition of information already before it.

Para. 2

We agree LPAs should fully understand environmental impacts when determining planning decisions. Reference to the Chief Planning Officers letter (12/6/18) was also made in the Minister's letter of 3/7/18. We stated that we have seen no evidence that either the spirit or the advice in this welcome letter is being heeded in Powys in IPU planning application outcomes. This situation has still not changed.

In fact, our Powys LPA decisions are becoming less transparent. Planning objections are no longer posted on the Planning Website unless they are from Statutory Consultees and so objections from environmental stakeholder organisations, the informed public which includes scientific experts and close neighbours with knowledge of local conditions do not reach the public domain. For most Powys residents, to view a planning file takes half a day including a two hour return journey, only possible for those who have no day-time job, who also own a car and can drive and afford the fuel. This means that public responses are only seen by the planning officer who decides the vast majority of applications under delegated powers. Planning Committee members are vanishingly unlikely to request and peruse case files and so they will rely on the brief selective summary of issues raised in the Officer's Report in support of the Planning decision. This is not democracy.

Para. 3

While LDPs are important, they are a long-term tool and many, including Powys LDP, were adopted just before the CPO letter. This is precisely why it is so important to pursue other urgent action on the impact of new development on sensitive habitats through regulatory systems and planning decisions

In principle, we welcome the further consideration to how LPAs consider the cumulative impact of new development on sensitive habitats. The Minister says the work will involve "*a range of stakeholders*". We would be interested to know how environmental organisations and rural residents are represented among the stakeholders. Having devoted a great deal of time researching into Intensive Poultry Units in the Planning system in Powys (where they are the most numerous and densely clustered in the whole of Wales), **we would very much welcome using our experience to contribute to this work.**

The Minister repeats the CPO letter in saying LPAs are able exercise their own judgement drawing on NRW guidance and buying in expert advice. We have already pointed out, in detail, that if NRW does not raise an objection within NRW's limited remit, LPAs do not exercise their duties to consider further environmental impacts for which they are responsible under the Environment (Wales) Act.

Para. 4

BRB-CPRW commented extensively on the draft PPW10. While PPW 10, in one part or another, does mention most of the elements which should be considered, we cannot agree that **in practice** this provides "***a strong framework***" for making decisions in the case of intensive poultry units.

The Minister mentions three important, difficult and mutually incompatible issues to balance in the case of intensive poultry units, "*strong rural economies*", "*minimising resource use*" and "*respecting environmental limits*". These are all very general and complex issues.

In terms of the Well-Being of Future Generations Act, the income for the applicant contributes to "*a prosperous Wales*" for a few but a less prosperous Wales for others employed or self-employed in the local tourist industry or those who cannot move away from overwhelming odours and other disturbance because their homes are devalued. The resource and transport environmental costs are considerable but these are not taken into account. Much feedstuff production involves local habitat destruction and import from abroad at huge environmental cost - this is not "*a globally responsible Wales*". The impacts on soils, water, and plant biodiversity (on which the biodiversity of lower organisms, pollinators etc. depends) are preventing "*a resilient Wales*" and allowing the short term needs of present generations to degrade soils, water, air, biodiversity and landscapes for future generations. The loss of amenity for neighbours who suffer from odour, traffic, noise and industrial buildings in the open countryside does not make for "*a Wales of cohesive communities*".

In practice, LPA planning decisions are made about individual applications and so they balance financial benefits to one farming family against the environmental impacts and the amenity and health of neighbours. The benefits to one farming family virtually always wins the day. **LPAs are either not willing or not sufficiently well-informed or not confident enough about Developer's appeals or legal challenge to give sufficient weight to other factors.**

Para. 5 and Para. 8

These say much the same thing. We have provided ample evidence of the uncontrolled expansion of IPUs in our area and we still believe that urgent action is required. We are increasingly hearing the same pleas from other parts of Wales.

The minister says the issue of environmental permits will be kept under review and she is awaiting further evidence but meanwhile she is happy with the current situation

Rural residents, many Mid-wales politicians and all those concerned about the future of Wales' environment are **not** happy. This is reflected in recent questions to the new First Minister in the Welsh Assembly (below).

We want to know what kind of evidence is being collected and who is collecting it in order to determine the most efficient way of improving environmental outcomes. We want to know with what urgency this is being done. While we are waiting, more and more units are being approved and we are seeing some new units of unprecedented size. Irreversible damage is being done to our ecosystems and the quality of rural life. We are asking for the cumulative impacts of ammonia emissions and nitrogen deposition to be fully addressed in the planning system.

Para. 6

We appreciate the challenges of the current economic uncertainties but the shorter term goal of "*a prosperous Wales*" must be balanced by the longer term goal of "*a resilient Wales*". Minister Leslie Griffiths is also responsible for biodiversity, natural resources and the Environment(Wales)Act.

Para 7.

We welcome the Minister's Statement on regulation of Agricultural Pollution (14/11/18) but we have yet to see what measures will be taken. We hope they will be enforceable and effective in dealing with agricultural pollution from intensive livestock units and will secure proper control of excess manure spreading. The Minister will be aware that UK levels of ammonia rose by 3.2% from 2015 – 2016 (further rise since is unknown). Most of this comes from agricultural livestock waste and that this month the UK government has announced new measures to control manuring methods. We would welcome clarification of whether and how this will be carried forward in Wales.

THE WAY FORWARD

We are grateful to the Petitions Committee for considering our petition and eliciting responses from the Minister and NRW. We now ask the petitions committee to consider whether they agree that the Minister's letter addresses the Chair's request:

David J Rowlands AM 09:44:02

160 So, if we move on to possible actions. The committee could write to the Cabinet Secretary for Energy, Planning and Rural Affairs to raise the issues highlighted by NRW and the petitioners and ask: for her response to the suggestion that current requirements for local planning authorities to carry out environmental assessment of applications for units of under 40,000 bird places are insufficient to protect habitats and the environment; whether the Welsh Government intends to reconsider the thresholds in future, as suggested by NRW; for her response to concerns over the capacity and expertise with local planning authorities to adequately carry out environmental assessments required; and in light of the above, whether she considers that there are grounds to curb further expansion of this sector whilst further research is conducted, and controls designed. Are we happy with that or are there any additional—

Mike Hedges AM 09:44:56

161 I just think that, depending on the answers, we still ought to hold the possibility of asking the environment Secretary in to discuss it.

If they agree with us that it does not address the the public concern and urgency of the problem, we request that we put our case to the two Ministers concerned either at a Petitions Committee Meeting or some alternative arrangement.

We also request that the “range of stakeholders” doing the work in 2019 (how LPAs consider the cumulative impact of new development on sensitive habitats) be clarified and that the rural public and environmental NGOs be represented to ensure public accountability. BRB-CPRW would welcome the opportunity to participate (Para 3)

We would also like clarification of welsh plans with respect to the recent UK Government announcements about control of manure management (Para 7)

Appendix

[Questions to the First Minister, 08 January 2019](#)

Planning Applications for Intensive Poultry Units

2. Russell George: Will the First Minister make a statement on the development of guidance to support local authorities in assessing planning applications for intensive poultry units?

The First Minister: I thank the Member for that question. 'Planning Policy Wales', technical advice notes and the development management manual, all provide guidance and support in the assessment of such planning applications. A working group, including Powys County Council, is meeting to develop any necessary specific guidance in relation to intensive poultry units.

Russell George: Can I thank you for your answer, First Minister, and wish you a happy new year and every success in your new role? I did raise this with the previous Cabinet Secretary for planning, in regard to IPUs, and I had an answer that was entirely satisfactory, because the then Cabinet Secretary confirmed to me that the chief planning officer would write to all local planning authorities offering that guidance, and I was pleased with that. Can I now suggest that Welsh Government officials, Natural Resources Wales and officials from the Welsh Local Government Association and local planning authorities do convene a meeting together, to discuss how this new guidance is implemented in practice, because there are overlapping factors, such as air pollution, water pollution and manure management plans? When I've spoken to NRW, they have certainly said that they would welcome such a meeting as well. Is this something that you would consider?

The First Minister: I thank the Member for that supplementary question and for his introductory remarks. I've seen the letter that was sent as a result of his previous discussion with my colleague Lesley Griffiths. And he will have seen that, in that letter, it ends by inviting interested parties to come forward to take part in the more detailed work, to see whether specific guidance is necessary in relation to intensive poultry units. I'm pleased to be able to tell him that two groups have been established as a result. The first, an intensive agriculture health working group, has already met, and that involves Public Health Wales and NRW, together with the Welsh Government. That will inform the work of a second group, which will look at the overall approach of planning authorities in dealing with the sorts of matters that Russell George has identified in terms of nitrate pollution, odorous emissions and the cumulative impact of those things. That second group will meet with the intention of publishing a new guidance note in these matters by the end of this calendar year.

Llyr Gruffydd: I'm pleased to hear what the First Minister has said. Of course, there is an economic question here too, because, although there are planning and environmental implications, what we have seen is an explosion in the number of units of this kind that have developed across Wales. We may not be far off the point where we are over-producing. And while it is right that we encourage farmers to diversify, we must ensure that any growth that we see in the sector is sustainable growth. So, may I ask what assessment the Government has made of the sustainability of this substantial and sudden growth in this sector, and what is your intention in terms of encouraging farmers to diversify in directions that bring the most benefits to the rural economy but also benefits that will continue for many years to come?

The First Minister: May I thank Llyr Gruffydd for the question? Of course, I acknowledge the fact that we have seen a growth in the number of people working in this field. And it is an important part of the rural economy. Currently, what I have seen is that those people working in the field are succeeding, and that is why we've seen many more

people submitting planning applications. The Government's challenge, and the challenge for local authorities, is to strike a balance between the economy, and those people working in this field, and local people. That is why we have established a new group, to be clear that we can protect local people when this type of employment is introduced and also that we protect the economy and the jobs created in this field.

Joyce Watson: A number of constituents from Powys have written to me raising concerns regarding the number of poultry units that have been granted planning permission in recent years. And I do think, and I am pleased to hear, that it's time that we did look at assessing the overall impact of poultry farming and how it affects the environment and also the local communities. First Minister, I'm pleased to hear that the Welsh Government is considering developing a comprehensive plan and guidance for local authorities that are charged with the issuing of these licences. I would like them to take account of the accumulative impact on the local community and the environment, as well as the welfare of the animals that are being raised in these intensive units. So, what we need really here is a comprehensive package that covers each and every single element. In my opinion, we can't go on as we are and things really have to change. We have seen the poisoning of rivers as a consequence of some of these having planning permission and all the spill-off going into those rivers. So, I look forward to the report and I look forward also to the changes that it will bring about.

The First Minister: Well, I thank Joyce Watson for that question. She will know that, as a result of the concerns that she and other Members have raised here in recent times about the growing number of applications and granted applications for development in the poultry sector, action has already been taken to make sure, for example, that larger intensive units are closely regulated by Natural Resources Wales in accordance with the requirements of the industrial emissions directive. 'Planning Policy Wales', which was published by Lesley Griffiths in December, drew particular attention to the need for local authorities to, as Joyce Watson suggested, make sure that the cumulative impact of such developments—cumulative in the sense that they create a number of different environmental challenges, but cumulative in the sense that a growing number of them close by has an additional impact on local communities—is taken into account. But, as Joyce Watson says, there is a series of strands of regulation that need to be drawn together here not simply in the environmental field, but in animal welfare as well, and that's why the result of a chief planner's letter to local authorities and others is the work that I set out in answer to Russell George's original supplementary question.

(end)