



BRECON AND RADNOR BRANCH

Response for Petitions Committee Meeting 19/11/19

Petition 1305 Expansion of intensive poultry farming in Wales

Attachments:

1. Terms of Reference TCIAWG

2. How Ammonia is killing off the Countryside (Wales case)

Bureau of Investigative Journalism 13/6/19

**[https://www.thebureauinvestigates.com/
stories/2019-06-13/how-ammonia-is-killing-off-the-
countryside](https://www.thebureauinvestigates.com/stories/2019-06-13/how-ammonia-is-killing-off-the-countryside)**

3. Ammonia report for Powys Application 19_1733/Ful.

Llangadfan, Welshpool.

**[https://www.rogerparry.net/images/user/Mills -
Appendix 16 - Ammonia Report.pdf](https://www.rogerparry.net/images/user/Mills - Appendix 16 - Ammonia Report.pdf)**

Dr Christine Hugh-Jones

Secretary: Brecon and Radnor Campaign for the Protection of Rural Wales.

13/6/19

Thank you for forwarding the response from Julie James Minister of Planning dated 28/10/19 for which we are grateful. Minister Julie James thought we had met with the Petitions Committee on 9th of July but the Committee only requested a written response from us.

1. Minutes from last Petitions Committee meeting 2ND JULY 2019

“provide the additional information from the petitioners to:

- *the Minister for Environment, Energy and Rural Affairs and **ask for her response to the proposal to apply the ‘polluter pays’ principle to the costs of regulation, monitoring and breaches; and***
- *the Minister for Housing and Local Government in relation to the petitioners’ comments on the terms of reference for the Town& Country Planning Intensive Agriculture Working Group and await the outcomes of its work. **The Committee also agreed to ask the Minister what consideration she has given to the cumulative impact of planning decision and whether she will consider amending the Planning (Wales) Act 2015 to take this into account”***

We thank Julie James for her current response but note that it only deals with the TCIAWG and not the **cumulative impact** issue. We note there has been no response from the Minister for Environment, Energy and Rural Affairs about **the principle of “polluter pays” contributions to regulation costs**.

2. TCIAWG meetings

The Meetings are held under the Chatham House Rule, however we can report there has been no communication or notification of a third meeting since the second one on 25/9/19. Progress is disappointingly slow compared with the September **Terms of Reference** below.

- *The group will operate virtually or in person on an as needs basis but at least for half a day each month. The group will draw on external expertise as required if it is not available directly from members.*
- *The responsibility for decisions relating to the direction and development of the project rest with the Welsh Government Planning Directorate.*

August 2019 - Initial Meeting

August/ September 2019 – Evidence gathering (where we are Nov. 2019)

September 2019 – Second Meeting

September/ October - Analysis of Evidence

October 2019 - Report on Analysis/ Recommendations Stage – identify what needs to be done.

October 2019 - TAN drafting stage commenced

Winter 2019/20 – Consultation on Draft TAN

Direction rests with Welsh Planning Directorate. Although we are supposedly gathering information about the various agency responsibilities with respect to planning and intensive agriculture, there has been no direction about this and no system to streamline procedure by having participants submit structured information for collation and circulation to be read before the meeting. We anticipate that it will not prove possible to fulfil the terms of reference unless a dedicated work program, with sub-group reporting informs full group meetings.

We further note that the TOR does **not** include “looking at the impacts of intensive agriculture on biodiversity and climate change” as described in the Minister’s response.

In view of the slurry pollution incidents over recent years, we are concerned that there are no planning officers or agents on the committee from areas of Wales where large cattle farms predominate.

The final item in the TCIAWG group role in the Terms of Reference and as described to participants by the Planning Directorate is to support the drafting of a **Technical Advice Note**:

PPW10.1.11 says: “*Planning Policy Wales (PPW) sets out the land use planning policies of the Welsh Government. It is supplemented by a series of Technical Advice Notes (TANs), Welsh Government Circulars, and policy clarification letters, which together with PPW provide the national planning policy framework for Wales.*”

It is unclear at present to what extent a new TAN can set policy (as in the Spatial Policy in TAN 8) or whether it is merely “detailed planning advice” (see <https://gov.wales/technical-advice-notes>.) which guides interpretation of existing policy such as PPW10. It follows that it is not clear how much a new TAN will change planning practices on the ground.

3. “Polluter Pays” and improved regulation.

We do not know what measures will be announced in January by Minister Lesley Griffiths to address agricultural regulation to control pollution, nutrient management, and protection of air and water quality. Nor do we know how these will integrate with the Sustainable Farming and our Land proposals for farm payments for environmental services. The SF&OL consultation draft describes payment schemes as optional which means that large-scale polluters with the most profitable intensive livestock enterprises may not enter the schemes to avoid environmental obligations.

4. CPO letters

There has been another very welcome CPO letter on biodiversity since we initiated this campaign, This should reinforce the message of the intensive livestock letter.

CPO(Intensive Livestock Units) 12/6/18. Safeguarding communities and the environment from negative impacts, particularly cumulative impacts, of intensive livestock units, mentioning NRW guidance.

CPO (Biodiversity) 19/10/23 Development should not cause any significant loss of habitats or populations of species, locally or nationally, and must provide a net benefit for biodiversity, through avoidance of loss, management for enhancement or through habitat creation.

Unfortunately, the Biodiversity letter does not mention **ammonia, nitrogen deposition or phosphates** which threaten our land-based and fresh-water ecosystems. No Intensive livestock unit can achieve a net gain in biodiversity without a substantial habitat management plan or habitat creation plan because, even if the contribution to ammonia levels is acceptable according to NRW guidance, it invariably brings the levels at ancient woodlands and other tree habitats (hedgerows, farmland trees, park lands etc.) into (or, more often, further into), the range which is critical for lower plant life. Run-off from spreading the ever increasing quantity of manure/slurry from intensive units is contributing to phosphate pollution of rivers but is not addressed in planning.

We have pointed out repeatedly that NRW ammonia guidance focuses on protecting top-tier nature designations (SACs, SPAs, Ramsar sites and SSSIs) and also includes an extremely low level of protection for ancient woodland. The guidance **allows a single intensive unit** to contribute sufficient ammonia to put lower plants at unacceptable risk to an ancient woodland outside a top-tier designation. It does not address any other habitats or designations.

We know that some in NRW are well aware of the threats. Simon Bareham, **NRW's principal adviser on air quality and biodiversity**, said that the threat agricultural ammonia posed to ecosystems was unprecedented. He described the plight of a Powys site surrounded by poultry farms: *"If we don't do something about it we risk losing some of these internationally important [ecological] communities that we have and have hung onto since the last ice age. In the short term, this poses one of the biggest threats to biodiversity that I've come across in my working career of over 30 years"* (Bureau of Investigative Journalism 6/13/19). <https://www.thebureauinvestigates.com/stories/2019-06-13/how-ammonia-is-killing-off-the-countryside>

We note that, in spite of increasing evidence about the devastating impacts of agricultural emissions, the WG Air Quality website front-page **fails to list Ammonia** as a pollutant: <https://airquality.gov.wales/about-air-quality/pollutants>

We also know that Herefordshire Council, on Environment Agency advice, has halted development in the river Lugg catchment as a result of "the Dutch Case" which ruled that since phosphate measures in top-tier protected river sites were declining, authorities could no longer claim that "river catchment nutrient management plans" were sufficient protection. NRW has not yet replied to our question about their own reaction to this case. They were also notably absent from the latest Wye catchment nutrient management plan meeting on October (ref)

4. Local Planning History

Since the **CPO ILU letter** on cumulative impacts of intensive livestock developments, approval of new units continues in Powys. Cumulative impacts are not being properly considered in Officer's Reports and impacts of pollutants on ecosystems are confined to the limited scope of the NRW guidance, even when existing measurements (ammonia, phosphates) are **already** high enough to pose significant environmental threats. Neither Powys Council nor applicants have proved capable of providing robust in-combination assessments for pollutants or rural living conditions. The ammonia modelling consultancy invariably used by developers is now saying they cannot provide this information because they do not have the evidence about locations and emissions from other units.

Since our last submission, there have been 7 approvals.

19/0508/FUL 4/7/2019 100k BROILERS

P/2017/0980 24/7/2019 34K PULLETS

18/0779/FUL 28/8/2019 37K PULLETS

19/0562/FUL 12/9/2019 100K BROILERS

19/0524/FUL 13/9/2019 16K FRE

18/0129/FUL 11/10/2019 38K PULLETS

18/0499/FUL 6/11/2019 6K FRE

and one refusal: on grounds of flood zone/insufficient information on odour & biodiversity

18/0689 16/7/2019 6K FRE

5. Request to the WG to provide strengthened guidance about ammonia/phosphate impacts on habitats both for "top-tier" tier designations and for "lower tier designations" and other habitats. This should include advice about how LPAs can assess cumulative impacts on biodiversity and reference clear evidence about mitigation and compensation measures.

- **Ask the WG to bring intensive livestock units below the current thresholds into a permitting regime**
- **Ask the WG to reconsider its unsustainable blanket support for intensive livestock farming and to require and fund proper mapping of intensive livestock units across Wales and match this to updated background ammonia/nitrogen levels in order to define areas where a threshold has been reached and no more units are acceptable.**
- **Ask the WG to commit to reducing background levels of ammonia and publish a strategy with targets in order to comply with the Environment (Wales) Act and commitment to address the BIODIVERSITY EMERGENCY it has declared.**