

Town & Country Planning Intensive Agriculture Working Group

Terms of Reference

Background

1. In 2017, Welsh agriculture accounted for 3.62% of regional employment in Wales and a total gross value added of 0.59% in 2016. These values are both greater than the UK average. Land use is dominated by grassland pasture which accounts for 76% of land use in Wales, 80% of which is Less Favoured Areas (LFA land). This reflects the upland terrain and wet climate of the country. Cattle and sheep grazing accounts for 21% of active farm holdings in Wales. Only a small proportion of holdings are dedicated to crops. Welsh sector output is heavily focused on livestock (49%) and livestock products (36%). 29% of the UK's sheep are within Wales and 11% of the UK's cattle. 60% of Welsh cattle are dairy.
2. Welsh farmers are a central part of rural economies, providing jobs and driving growth in diversified industries such as renewable energy and tourism as well as food production. Wales has the opportunity to ensure the interests of food production, wildlife, landscape, forestry, culture and all the other public benefits rural communities provide continue to complement each other. Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities states the Government's objective is "a sustainable and profitable future for farming families and businesses through the production and processing of farm products while safeguarding the environment, animal health and welfare, adapting to climate change and mitigating its impacts, while contributing to the vitality and prosperity of our rural communities."
3. There are still significant gaps in our knowledge about current farm practices and how these contribute to environmental improvement. We need better data on wider biodiversity delivery, like insects, and more data on the quality of our soils and emissions to air such as ammonia. Planning Policy Wales (PPW) highlights potential issues in relation to rising levels of airbourne pollution through the intensification of agriculture and emphasises the need for this trend to be addressed (Chapter 6). PPW also highlights the role of sustainable agricultural practices in assisting in nature conservation and enhancement to help support the seven goals of the Well-being of Future Generations Act.
4. Farms undertaking intensive animal rearing are expanding in number and size. It is driven by changing market conditions and farm management practice and has the potential to increase given the uncertainties facing the farming section as a result of the UK's exit from the European Union.
5. Public Health Wales, Natural Resources Wales (NRW), Local Authorities and the Welsh Government are individually and collectively receiving enquiries about potential health and environmental impacts arising from intensive farming.

6. Intensive Agriculture can lead to issues relating (but not exclusive) to:
 - Air Pollution / Odour
 - Water Pollution
 - Noise
 - Impacts on Habitats and Species
 - Health
 - Management of cumulative effects
 - Co-ordination of regulatory regimes
7. Agriculture is a dominant source of ammonia emissions which contribute to acidity and nutrient nitrogen. Intensive livestock units can be a significant local source of ammonia. The Welsh Government final supplemental air quality plan states whilst the focus of the plan is to reduce concentrations of nitrogen dioxide around roads exceeding legal limits in Wales, the Welsh Government is also developing a wide range of measures to support our aspirations for clean air, including identifying key pollutants and their effects on public health and the natural environment in Wales, including noise; and creating legally binding targets to reduce emissions of the most damaging pollutants under the National Emissions Ceiling Directive (fine particulate matter, ammonia, nitrogen oxides, sulphur dioxide, non-methane volatile organic compounds) by 2020 and 2030.
8. A number of regulatory regimes apply to intensive agricultural units including environmental permitting controls, biosecurity requirements, the Water Framework Directive, controls over the storage of slurry as well as a number of management measures relating to designations, such as Nitrate Vulnerable Zones. Council environmental health teams are required to investigate statutory nuisance at sites (reactively).
9. Planning applications for intensive agriculture units in Wales are a matter for each local planning authority (LPA) which will determine planning applications in accordance with its Local Development Plan (LDP) unless material considerations indicate otherwise. The planning system has been the subject of criticism for not properly assessing the cumulative effects of poultry developments, however, the LDP provides the opportunity to comprehensively consider in-combination or cumulative effects. When determining applications, LPAs should consider factors such as noise, smells, pollution and health as well as any in-combination or cumulative effects. LPAs need to ensure they have access to sufficient expertise to consider the effects of development.
10. Whilst the work carried out by the group will extend to all methods of intensive agriculture (pig farming, cattle etc.), one example of where issues can arise is where poultry farms with greater than 40,000 birds require an environmental permit issued by NRW and must employ Best Available Techniques (BAT) to control emissions. Existing farms may expand, diversify or increase their flock size above or below the threshold for a permit. There is anecdotal evidence suggesting an increase in sub-permit threshold farms.
11. The Chief Planner wrote to LPAs on 12 June 2018 to advise about the need to exercise particular care when considering planning applications which bring

livestock units and residential or sensitive environmental areas close together. He reminded LPAs, where necessary, to take into account the cumulative impacts resulting from similar developments nearby. The letter also invited authorities to contribute to work which would look at how cumulative analysis of nitrate and ammonia emissions can be better assessed.

12. The preparation of a new sign-posting TAN for applications involving intensive agriculture is considered to be an important step in helping to improve the quality of planning decisions as well as providing a constructive and supportive way forward for the industry.

Role of Working Group/ Purpose Statement

13. The role of the Group is to:

- identify the various roles and responsibilities of all bodies involved in the permitting processes relevant to intensive agriculture.
- identify the full extent of powers held under planning legislation for agricultural development, with particular focus on intensive agriculture.
- identify the evidence in relation to intensive agriculture required for the preparation of Local Development Plans.
- identify the range of material considerations Local Planning Authorities should be considering when determining planning applications, including suitable assessment methods of typical impacts.
- identify technical advice and scientific evidence in relation to the processes involved in intensive agriculture and their impact which would inform planning processes.
- assess the capacity of Local Planning Authorities to provide internal advice and expertise on intensive agriculture projects (both during plan preparation and development management stages).
- identify and make recommendations on the availability of permanent sources of external advice for Local Planning Authorities in relation to LDP preparation and determination of planning applications.
- Examine challenges of monitoring and enforcement of planning decisions relating to intensive agriculture.
- make recommendations for further research.
- engage with other stakeholders not present on the Working Group, as appropriate.
- support the drafting of guidance (Technical Advice Note) on planning for Intensive Agriculture.

Scope / Limits

14. The Working Group will operate in the following way:

- 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.

Engagement/ Confidentiality

15. Respect other members' views.

16. Email addresses will be shared within the group but kept confidential – not to be used for external correspondence.

Membership

17. The Working Group can invite new Members as the need arises. Initial invitations have been sent to the following:

Organisation	Specialist Area Representatives
CPRW Brecon and Radnor Branch	Landscape / Environment
Country Landowners Association	Development economics
Powys CC	Land use planning
Pembrokeshire CC	Land use planning
Brecon Beacons NP	Land use planning
Public Health Wales	Health
Planning Consultancy	Land use planning
ADAS	Farm operation / Development economics/ Environment
Wildlife Trust	Ecology
AHDB	Farm operation / Development economics
FUW	Farm operation / Development economics
Wales Environment Link	Landscape/ Environment
NFU	Farm operation / Development economics
NRW	Agriculture
NRW	Air quality
NRW	Planning Advice
WG	Environmental Quality and

	Regulation
WG	Agricultural Policy
WG	Air Quality Policy
WG	Agricultural Regulation
WG	Office of Chief Veterinary Officer

Chair and Secretariat

18. The chair will be [.....] Head of Development Management Branch.

19. It is the responsibility of WG to co-ordinate papers and presentation material, agendas and meeting notes for the Working Group meetings. Meeting notes are to be agreed by Marged Wyatt prior to being finalised and circulated to the Working Group.

Timetable

20. The following tasks shall be completed by the group, with a view to producing a draft TAN by the end of 2019:

- August 2019 - Initial Meeting
- August/ September 2019 – Evidence gathering
- 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