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

30th May 2018

Dear Mr. Rowlands

## **PETITION TO CONTROL RAPIDLY EXPANDING POULTRY INDUSTRY IN WALES**

We were disappointed not to have had the opportunity to discuss the petition and our reasons for taking this action on 22<sup>nd</sup> May at the handover with any other members of the Petitions Committee and any of our local representatives. We therefore think it is reasonable to set out the evidence at greater length than we had anticipated would be necessary.

### **Background to Our Petition**

BRB-CPRW has collected data on all IPU applications in Powys, including a regularly updated spreadsheet maintained since mid-2015. In response to our FOI in 2016, Powys CC was unable to produce any robust account of the number or distribution of intensive poultry units (IPUs) in Powys. We therefore created an interactive map of Powys IPU applications with planning approval which is publicly available on our website<sup>1</sup>. There are over 300 IPU applications on approx. 190 farms representing approx. 7.5 million birds. Of these approx. 3 million are Free Range Egg (FRE) Layers, though occupying the majority of IPUs. Ceri Davies (NRW) has advised Kirsty Williams AM (Attachment 1) that no data are currently available for distribution of IPUs in parts of Wales other than Powys.

The State of Nature Wales 2016 report shows progressive degradation of our natural environment with intensive agriculture as the main factor. We believe there is now sufficient evidence from NRW and Environmental Organisations to show the Welsh Government that the rapidly expanding intensive poultry industry in Wales poses a significant threat to the Welsh environment and future well-being of Welsh people. Ceri Davies (Attachment 1) has advised Kirsty Williams AM that IPUs are posing potential risks to the environment. She writes that there has been an unprecedented expansion of IPUs in Wales, which is now the largest producer of free range eggs (FRE) in Europe.

David Powell (NRW: Head of Operations Mid Wales) has written to Russel George AM (Attachment 2) that, below the NRW permitting threshold of 40,000 birds, the sector is "largely unregulated for environmental issues". This includes the majority of FRE units. The only piece of Welsh research known to us: NRW Powys Poultry Pilot Study (PPPS) (available 2015, but officially published 2018) showed the ammonia emissions from the smaller unregulated units to pose a greater risk than those from the >40,000 bird units regulated by NRW permit.

In spite of the environmental risks, impacts on Powys communities and evidence from NRW's PPPS, only one out of 112 Powys IPU applications has been refused since mid-2015 (P/2016/0916: Upper Gwestydd). 84 have been approved (one withdrawn and approved on resubmission): the remainder await decision. Applications are still coming forward at a rate of roughly 1/week.

We have got nowhere in our efforts to discuss the environmental risks and inadequacies in the planning process with Powys CC. Powys CC has lacked a CEO until recently and the current Portfolio Holder for planning refuses any

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<sup>1</sup> [http://www.brecon-and-radnor-cprw.wales/?page\\_id=13](http://www.brecon-and-radnor-cprw.wales/?page_id=13)

written communication with the public. In discussions with NRW, we have enthusiastically welcomed the strengthened approach to ammonia and nitrogen pollution NRW GN20 & OGN41, while regretting that this only changes the assessment of impacts on European and National designated sites which make up a small proportion of our natural heritage. We note that, one year after OGN41 was issued, NRW has not yet maintained objection to any individual development.

We assume that much of the above applies to other parts of Wales.

We welcome Minister Leslie Griffiths' comments on our petition but would draw the Petition Committee's attention to our wording: we request that the WG take action to ensure the poultry product industry is environmentally sustainable in keeping with Welsh legislation. Reducing the current large and growing impact is not a sufficient aspiration: the planning and regulatory framework described are not currently preventing ever increasing risks. Therefore the Minister's response does not allay our concerns, nor those of other informed environmental organisations including those taking part in the 2018 Water Wales Conference and Plantlife UK (publication on ammonia and nitrogen risks in Wales due in June 2018).

We question whether the WG has raw data and scientific evidence sufficient to assess the risks of the intensive poultry industry and take appropriate action consistent with its own legislation.

**Who, in the Welsh Government, has an overview on impacts of IPU expansion on our environment and the impacts on rural residents?**

We assume NRW will be consulted about our petition. We would be grateful if details of our petition and any ensuing debate and correspondence could also be made available for comment and provision of further evidence to: **Hannah Blythyn**: Minister for the Environment: responsible for NRW, biodiversity, wildlife protection and water policy<sup>2</sup>

**Sophie Howe**: Future Generations Commissioner for Wales: responsible for making changes needed to meet the WBFGA goals.

Also to:

**Welsh Scientific Advisory Committee** chaired by Professor Julian Sampson

**Professor Peter Halligan**: Chief Scientific Advisor for Wales

**Dr Rob Orford**: Chief Scientific Advisor for Wales (Health): responsible for emerging risks.

We would welcome any opportunity for discussion with these people and all other parties concerned.

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Our following response is structured to follow the ministerial letter (9 paragraphs numbered). We have not commented on Para 8 because animal welfare was only mentioned in relation to disease risk which is addressed in Para 7.

**LG Para 2: A Prosperous, Resilient future Poultry industry? WG Policy: Wales Future Well-Being and Resilient Ecosystems**

Sustainability must be an integrated goal which should include the maintenance of ecosystems, the natural resources (soil and water quality) upon which other agriculture sectors depend, the well-being of Welsh residents and employees and protecting a sustainable tourist industry, so important to Welsh GDP.

Reducing impacts on the environment is imperative. The Environment (Wales) Act 2016 goes further in seeking to '*maintain and enhance the resilience of ecosystems and the benefits they provide*'. The 2016 State of Nature Report<sup>3</sup> paints a bleak picture of dramatic declines in biodiversity and in its analysis of the causes cites the intensification of agriculture as having had the greatest negative impacts: "*The intensification of agriculture* [over the last 40 years]

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<sup>2</sup> <https://gov.wales/about/cabinet/ministers/hannah-blythyn?lang=en>

<sup>3</sup> <https://www.rspb.org.uk/our-work/conservation/projects/state-of-nature-reporting>

has had the biggest impact on wildlife, and this has been overwhelmingly negative.” (See also diagram SoNaRR pp12-13.) The Welsh Government’s ambitions for resilient ecosystems cannot be achieved without addressing the impacts of intensive agriculture.

#### **Minimising Antibiotic Use<sup>4</sup>**

The poultry industry has showcased the very welcome 71% reduction in antibiotic use between 2012 and 2016 under the BPC antibiotic stewardship scheme. However this came after a previous period of steeply increasing use. The identity of particular antibiotics and the impact of their ongoing use in the poultry industry on resistance to organisms involved in human disease is critical. It appears that Fluoroquinolones used in human medicine, and banned for poultry in the US, are still used in poultry drinking water when only a proportion of birds are affected with bacteria (which may be transmitted to consumers and require human AB treatment). We trust Welsh policy is founded on evidence about impacts on soil from manure/fresh droppings from birds treated with ABs and impacts on humans from ingestion of poultry products.

#### **Economic Sustainability of Poultry Industry<sup>5</sup>**

Farmers Weekly 23/5/18 warns that the FRE sector is at risk of “unsustainable growth” with supply outstripping demand. If the availability of Farm Business Grants has played a role in the current surge of applications for Intensive Poultry Units (IPUs), we trust that the potential for market distortion is under review.

#### **Economic Sustainability of other Farming Sectors**

Excessive manure-spreading on soils, contamination of water systems from manure-spreading and run-off from crowded ranges (up to 2,500 birds/Ha) and water extraction from depleted natural sources have an impact on other agricultural sectors. Over dependence on IPUs risks neglect of proper environmental management of other agricultural sectors.

### **LG Para 3: Poultry farms are regulated. Petition asks for NRW to provide resources for NRW to do research, regulate and monitor poultry industry and give better planning help to LPAs. The NRW budget.**

#### **Threshold for NRW Environmental Permitting: 40,000 birds**

**Proportion of sheds in Powys requiring environmental permit and regulation is under 20%:** Environmental permits are only required for IPUs of over 40,000 birds. From CPRW B&R branch data on IPUs in Powys we can see that this means that **over 80% of IPUs in Powys fall outside the NRW permitting regime** and are therefore not subject to environmental regulation. Many Powys IPUs fall just below the permitting threshold, and one application has been made for 39,999 birds (P/2017/0810).

**Smaller unregulated IPUs likely to be greater polluters:** In 2015 NRW published the Powys Pilot Poultry Study<sup>6</sup>, examining ammonia impacts of poultry units. This pilot research demonstrates that smaller IPUs not subject to NRW environmental regulation are greater emitters of airborne pollution than larger regulated IPUs. Environmental impacts of smaller IPUs, including potential for water pollution, are also likely to be less rigorously assessed at determination stage.

**Regulation and monitoring** See section on water quality below.

#### **Research and the NRW Budget**

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<sup>4</sup> <https://www.ruma.org.uk/european-antibiotic-report-links-antibiotic-use-resistance/>  
<https://www.independent.co.uk/life-style/health-and-families/health-news/poultry-farmers-using-more-antibiotics-linked-to-resistant-food-poisoning-bugs-a6859436.html>  
<https://www.sciencedirect.com/science/article/pii/S2405654517302512>

<sup>5</sup> <http://www.fwi.co.uk/business/free-range-egg-sector-risk-unsustainable-growth.htm>

<sup>6</sup> [https://cyfoethnaturiolcymru.sharepoint.com/teams/advice/airg/\\_layouts/15/DocIdRedir.aspx?ID=ADVI-1501371034-6](https://cyfoethnaturiolcymru.sharepoint.com/teams/advice/airg/_layouts/15/DocIdRedir.aspx?ID=ADVI-1501371034-6)

**Reduction in Welsh Government grants to NRW since 2013/4:** The Minister states that NRW is the ‘largest Welsh Government Sponsored Body’ i.e. the largest non-departmental public body directly funded by WG. As the amalgam of three substantial legacy bodies, this isn’t a surprise. An uplift in the NRW budget to £180m in the current year is welcome. However, NRW’s budget is made up of Welsh Government grant and NRW’s other income - between £60 and £70 million over the last 4 years. It seems likely that the uplift mentioned has done little to reverse the pattern of steady reduction of total Government grant, which fell from £139 to £111 million between 2013/4 and 2016/7. We hope we are wrong.

**Likely consequences of budget cuts:** In December 2017 Diane McCrea warned Government that NRW would be unable to fulfil the ambitions of recent legislation on existing funds<sup>7</sup>. Concerned environmental NGOs and NRW staff have echoed these warnings and highlighted problems arising from lack of funding<sup>8</sup>. NRW’s remit as statutory consultee has shrunk year on year, leaving more and more of the environmental scrutiny of planning applications to cash-strapped LPAs with inadequate in-house expertise.

**Should a regulatory body be self-funding through commercial activities?** The Government response to NRW’s plea for funds that NRW must look to raising more money itself is problematic. For a body which is the national regulator and environmental watchdog to depend for its bread and butter on commercial activities poses very serious conflicts of interest.

**NRW Responsibilities:** The NRW budget has to fund multiple responsibilities. NRW has not only undergone profound organisational change, and the loss of much scientific expertise, but has done so at a time of rapidly changing legislative framework which imposes substantial extra work on NRW. At the same time it must fulfil the role of the following English agencies:

- Environment Agency e.g. re flood risk management
- Natural England – equivalent role in maintaining and enhancing biodiversity
- DEFRA – equivalent role in regulating agriculture
- Forestry – coping with tree diseases and Welsh woodland policy

All of this is essential work for a healthy environment and achievement of the ambitions of flagship new Welsh legislation.

**NRW has no Scientific Advisory Panel:** NRW Board Meeting 4/9/2013 resolved ‘*To put in place appropriate arrangements to provide independent scientific advice to help ensure the quality of our evidence.*’ This has not happened and we are awaiting a response from the Executive Board about how the research strategy to provide evidence for proactive measures to reverse the decline in biodiversity is planned and authorised. However, the verbal response did not quote any research other than the 2015 Powys Poultry Pilot Study (see above).

**What research might lead to a more sustainable poultry industry?:** Clear examples of research required to inform a more sustainable future poultry industry are the ‘Next Steps’ set out in the Powys Pilot Poultry Study, including a study of cumulative and in combination impacts of ammonia emissions, which we do not believe has ever been carried out. Of equal importance and urgency is production of scientifically founded advice to LPAs on impacts of IPU on human health, together with appropriate guidance. Environmental NGOs feel it is essential that a ‘before and after’ study of impacts on a sensitive site be undertaken.

## **LG Paras 4 & 5: Petition asks WG to issue Planning Policy and guidance to LPAs, ensure cumulative impacts are considered, monitor and enforce planning conditions**

### **LPA misunderstanding of their responsibilities**

**NRW remit in statutory responses is limited:** NRW’s remit in responding to Planning Applications is limited to matters described in their remit document<sup>9</sup> and does not include the potential effects on environmental interests of

<sup>7</sup> <http://www.bbc.co.uk/news/uk-wales-42340157>

<sup>8</sup> For example <http://www.bbc.co.uk/news/uk-wales-39732164>

<sup>9</sup> 150302-natural-resources-wales-and-planning-consultations-final-eng

local importance including local nature reserves, priority habitats etc. NRW may comment on local Ancient Woodland for an EIA development but often it does not. Impacts of IPU's not considered by NRW must be considered by the LPA however, PCC regularly cites NRW's failure to object as blanket evidence of no adverse impact on natural resources.

Also, under the new NRW regulations (GN20 & OGN41), where thresholds for the process contributions of ammonia emissions or nitrogen deposition on designated sites are exceeded, the LPA will have to make an in-combination/cumulative assessment of livestock unit impacts as detailed in Powys application P/2018/0474 (Muslop Farm) website ref. 466651 NRW.

Powys County Council was unable to supply a suitable map of intensive poultry units in response to an FOI request in 2016 and we do not believe that Welsh LPAs will have the basic data or skills to perform these independent in-combination assessments. They are used to relying entirely on applicants' assessments as a basis for their own.

**CADW does not address Landmap categories:** The fact that CADW did not object to P/2015/0131 (Penarth), was cited by the Case Officer as evidence that the impact of this development in a Landmap outstanding historic landscape layer is acceptable.

### **LPA misunderstanding of Environmental Impact Regulations**

PCC has failed to adhere to EIR regulations: Schedule 1 developments 17. (85,000 places for broilers or 60,000 places for hens) publishing no EIA screening for P/2018/0474 (Muslop Farm 64,000 hens), a negative EIA screening for P/2017/1047 (Gorn 64,000 hens), a positive EIA screening but no Environmental Statement required and a delegated decision made on P/2017/1047 (Ddole Farm 160,000 broilers) in spite of PCC Constitution 19.91 rule that EIA development goes to planning committee.

### **LPA misunderstanding of Environment Wales Act 6. "To seek to maintain and enhance biodiversity"**

P/2017/0325 (Cwmroches) was approved within 70m of a Radnorshire Wildlife Trust ancient woodland reserve, noted for its rare lichens in spite of objection from the Trust Director and other stakeholders. LG says that Authorities **must** take views of WLTs into account but they do not. The expert advice of bodies such as the Woodland Trust, Wye and Usk Foundation (WUF), National Trust and individual environmental experts is ignored and may not even be referred to in the Officer's Report.

Almost two years on, the Environment Wales Act S6 responsibilities appear to have had no impact on the operation of the planning function.

### **Well Being of Future Generations Act**

This legislation is rarely, if ever, cited in IPU decision procedures and the well-being of rural residents has **never** been a reason for refusal of a Powys IPU application, not even in the case of P/2015/0131 (Penarth), where there is an independent property just 65m from a 70m shed and also surrounded by manure-spreading and a chicken range. The property is within the maximum ammonia concentration area (website ref.180200). TAN 6 Para.6.6.3 says authorities should exercise particular care if planning residential housing within 400m of intensive livestock units but livestock units are regularly approved within 400m of existing housing, including when residents operate a tourist business which Powys is "committed to protecting" (LDP 4.2.75) (P/2017/1437: Dol y Garreg)

There is no statutory guidance for set-back from residents and many tranquil country areas have rendered unpleasant and/or unhealthy to be in by smell, dust, traffic, noise from fans etc. Applicants' reports are produced by a very small number of consultants who usually work exclusively for the industry and any expert advice commissioned by residents is given no balancing status. Public Health Wales have not formulated advice on IPU's and public health risks and are not consulted.

### **PPW10 consultation**

Our reply to this consultation should be available to the Petitions Committee. We fear that the proposed structure of PPW10 will prevent both Planning Officers and the public from finding clear policy guidance about how to balance the goals of the WBFGA and halt the decline in biodiversity

### **The Public Role**

All except one of Powys IPU applications since mid-2015 have been approved in spite of many well-reasoned arguments from members of the public and environmental stakeholders. Given the known environmental effects of intensive livestock farming, this strongly suggests that the planning process is heavily biased in favour of approval and that NRW has so far failed to object to the most damaging projects. Sometimes NRW have only become aware of problems via public alerts, for example an inadequate range area of half the required size and protected crayfish in P/2015/0131 (Penarth). There is no prospect of Powys Council being able to make better decisions while their funding situation precludes the employment of a planning ecologist of suitable experience and calibre, or a landscape officer, or the regular commissioning of outside expert advice.

We have explored all avenues for change and, apart from this petition, the only recourse for the public is Judicial Review of a decision which is prohibitively expensive and time-consuming.

### **LG Para 6. Petition asks WG to make industry contribute to costs of regulation, hold it to account for breach of environmental responsibility and WG to publish transparent reports on progress.**

#### **Industry contribution to costs of regulation and 'polluter pays' principle**

**Who pays for water pollution?** The minister has not addressed the point on industry contribution to costs. To give an example, at present approximately 80% of Water Framework Directive compliance costs, e.g. water treatment, are borne by the water industry and so, ultimately, by the consumer; the farming sector, a major contributor to water pollution, contributes 1%<sup>10</sup>.

**Is the poultry industry minimising environmental pollution?** Similarly, while there are measures which can be taken to substantially reduce ammonia emissions from IPUs, at present this is not common practice in Wales. Even simple, low cost measures, such as sealed manure stores, are not usually required. The unquantified cost of the resulting environmental degradation is borne entirely by the public.

**Polluter pays:** The 'polluter pays' principle is important in that it incentivises action to reduce environmental pollution. If additional costs to reduce harmful pollution challenge the financial viability of smaller IPUs, their true 'sustainability' is surely called into question.

#### **Transparent reporting on progress**

There is no reporting on the environmental impacts of IPUs in Wales beyond the Powys Pilot Poultry Study referenced above, which has only recently been published on the NRW website.

No Welsh data is published on any environmental impacts of this rapidly growing and potentially highly polluting industry; the public cannot track progress to address these impacts. For example, the public has no access to information such as regular water sampling data (published by the EA in England), which would demonstrate progress or lack of it in tackling water pollution and achieving Water Framework Directive objectives for water quality.

#### **New NRW Guidance: Guidance Note 020, Quick Guide 9 & Operational Guidance Note 41**

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<sup>10</sup> Dr Nathan Richardson, RSPB, Welsh WWT Water Conference 17/5/2018

As the Minister says, NRW has produced new guidance GN020, which is aimed primarily at NRW staff. NRW has also published QG9<sup>11</sup> which is welcome but – in the absence of mandatory training - has made no discernible difference to the operation of the Powys planning function. NRW has also acted, by publication of OGN41<sup>12</sup> to reduce ammonia thresholds for deposition onto sites with a National or European designation. It is not clear, over a year later, at what point these new thresholds will be adopted by LPAs. P/2017/0325 (Cwmroches) was approved late 2017, despite being located adjacent to a wildlife trust ancient woodland site hosting rare lichens, and despite NRW's statement that under new thresholds the IPU would be refused planning permission<sup>13</sup>.

**New guidance OGN41: Ammonia depositions on sites other than national/international designated sites:** Local wildlife sites, ancient woodlands and the countryside at large do not benefit from reduced ammonia deposition thresholds.

**New guidance OGN41: Ammonia and irreplaceable ancient woodland:** Ancient woodland can be among most biodiverse habitats, hosting rare lichens and mosses, which are particularly vulnerable to damage by ammonia deposition. *Each new IPU can deposit on any ancient woodland 100% of the critical ammonia load which the woodland can (theoretically) bear without damage, even if there are other IPUs in proximity to that same wood contributing further emissions, and even if background nutrient levels at that site already exceed the critical load.*

**New guidance OGN41: In combination ammonia impacts:** There is no requirement to consider in combination impacts with other IPUs at application stage unless an IPU exceeds significance thresholds for depositions. The LPA is expected to undertake this assessment; if Powys is typical, LPAs will not have the data on locations of IPUs to be able to do this work.

#### **Publication of applications for environmental permits**

Permitting information *is* published, but ***no permits are required for over 80% of IPU applications in Powys***. Most free range egg units, carrying a higher pollution risk because of the outdoor ranges and potential for run off, do not require an environmental permit.

#### **LG Para 7 Animal and human health issues are controlled.**

The approval of too many units, too close together and the locating of parent stock units producing hatching eggs within short distances of other IPUs is an increasing biosecurity hazard. The AHAAH says they know of no biosecurity zones to regulate separation of units.

As the density of IPUs increases, fertile egg units are closer and closer to large broiler units and, yet more risky, to FRE units. FRE-IPU hens have access to ranges where wild birds can join them so that these sites become vulnerable to zoonotic infections like avian flu and psittacosis. Since many viral infections are airborne, they may easily spread between nearby units.

Risk of the H5N6 HPA1 has precipitated restrictions on outdoor poultry, only lifted this week (25/1/18 to 25/5/15). In January 2017, Pontyberem, Carms was declared a "protection zone" due to risk of highly pathogenic H5N8 HPA1 and restrictions on outdoor poultry due to risk of the H5N6 HPA1 were only lifted this week (25/1/18 to 25/5/15).

A virulent avian influenza could cause massive poultry mortality rendering the industry unsustainable. It could also decimate wild-bird populations. It could also possibly transfer to humans, in whom treatment options for viral disease are very limited.

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<sup>11</sup> Quick Guide 9: Poultry Units: planning permission and environmental assessment Guidance for applicants, local planning authorities and NRW staff

<sup>12</sup> Operational Guidance Note OGN 41 Assessment of ammonia and nitrogen impacts from livestock units when applying for an Environmental Permit or Planning Permission.

<sup>13</sup> See website doc 4392145 NRW consultee response

## **LG Para 9. Water Strategy for Wales**

### **Environmental Impacts of IPU: impacts go beyond the potential for water pollution**

We address only several of the key environmental impacts of IPU developments, which include:

- Contamination of soil, ground and surface waters from run-off which may include nutrient dense faeces/manure, residues of veterinary medicines, disinfectants and biologically active materials from ranges, verandahs, tracks and roads;
- Soil and water contamination from waste management i.e. storage and spreading of manure;;
- Impacts on water quantity;
- Air quality impacts: ammonia emissions, emissions of toxic poultry dust<sup>14</sup>, odour and noise – all of which have implications for human health – this is currently receiving no attention;
- Impacts on landscape;
- Impacts arising from the introduction of heavy traffic onto minor lanes

This has clear implications for the health and well-being of rural communities and the ability of rurally located businesses, particularly tourism enterprises, to flourish.

### **Water quality and quantity**

**Water Strategy for Wales – where are we now?** The Water Strategy for Wales was published in 2015. Its objectives have not been achieved. Water quality in some catchments has deteriorated since 2015 and pollution issues have reached crisis point.

**EU complaint about Welsh Government failures:** On 12/3/2018 Afonydd Cymru formally complained to the EU about the Government's failures against the Water Framework Directive (WFD) to address agricultural pollution<sup>15</sup>, having previously made an urgent appeal<sup>16</sup> in conjunction with other environmental NGOs, to Government to act to tackle agricultural pollution. We are grateful that the Minister has acknowledged the need to address agricultural pollution<sup>17</sup>.

**Is Wales managing water sustainably? WWT Welsh Water Conference 17/5/2018:** In his opening address Prof. Steve Ormerod, Cardiff University, stated: *'freshwater ecosystems are degrading faster than any other ecosystems'*. Nathalie Hall, NRW, confirmed that *Wales is still not managing water resources sustainably*. , 2016 State of Natural Resources Report confirms this with specific mentions of *increases* in diffuse nutrient pollution from agriculture.

**Agricultural pollution and deterioration in water quality:** At the same conference, Nathan Richardson (RSPB) evidenced the poor state of Welsh waters. Presentation<sup>18</sup> Slide 3 maps Welsh catchments which have deteriorated in quality between 2015 and 2017 despite the WFD **'no deterioration'** clause. Slide 6 shows that agriculture is the dominant source of nutrient and sediment pollution in Wales. Slide 7 – soil degradation costs £1.2bn p.a. and ammonia emissions £456m p.a. (England and Wales).

Self-regulation by the farming industry has not addressed the problem of diffuse agricultural pollution.

**WUF Position Statement on Free Range Poultry 2016:** NGOs have been highlighting water quality issues for years. In 2016, the WUF published the Position Statement on Free Range Poultry 2016<sup>19</sup>, setting out impacts of pollution on development in Herefordshire and some recommendations for planners and regulators to minimise water pollution risks. These recommendations have not been taken up by NRW, or local or central government. Also included is the

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<sup>14</sup> A substance hazardous to human health according to the Health and Safety Executive <http://www.hse.gov.uk/pubns/web40.pdf>

<sup>15</sup> <http://afonyddcymru.org/wp-content/uploads/2018/03/Director-General-Env-March-2018.pdf>

<sup>16</sup> <http://afonyddcymru.org/wp-content/uploads/2018/03/Letter-to-Cab-Sec-Lesley-Griffiths-Agricultural-Pollution-March-9th.pdf>

<sup>17</sup> <http://afonyddcymru.org/wp-content/uploads/2018/03/Letter-from-Lesley-GriffithsMar-18.pdf>

<sup>18</sup> <https://event.wwtonline.co.uk/wales/speaker-presentations/>

<sup>19</sup> [http://pstatic.powys.gov.uk/fileadmin/TranslatedDocs/Planning/ldp/LDP\\_Examination/Exan\\_Docs/ED032.11-6235\\_2.6\\_WUF\\_Position\\_Statement\\_on\\_Free\\_Range\\_Poultry\\_2016.pdf](http://pstatic.powys.gov.uk/fileadmin/TranslatedDocs/Planning/ldp/LDP_Examination/Exan_Docs/ED032.11-6235_2.6_WUF_Position_Statement_on_Free_Range_Poultry_2016.pdf)



EU Advocate General's advice of 2014 that member states are required to refuse to authorize a project if it could cause a deterioration in status of a waterbody<sup>20</sup>.

**Progress? WUF critique June 2017 of Welsh Government 'light touch regulation':** WUF reported in June 2017<sup>21</sup> that algal blooms had been observed in the upper reaches of the Wye and:

*"However, a combination of light touch regulation of poor farming practices by Welsh Government and its agencies along with an 'explosion' in the number of poultry units in Powys has meant an increase in P levels in the upper Wye catchment.*

*Each poultry unit has been contested by Radnorshire Wildlife Trust, whose chief executive, Julian Jones has been extremely active. WUF has also been active in promoting best practice and investigation has revealed that although there are controls on units over a certain size, many, if not most, are built just below that size. Worse still, there seems to be little done to ensure that planning conditions are adhered to or they are operated correctly. A recent FOI request reveals that Powys Council has taken no consideration of the cumulative effects of the many units in the planning process, which is somewhat contradictory to the requirements of the Directives."*

**Downstream pollution issues – Herefordshire County Council and CPRE:** Downstream authorities are also concerned about Welsh failures to reduce pollution - see Herefordshire Council's Audit and Governance Committee minutes of 26/1/2016<sup>22</sup>: *"The point was made that although Herefordshire was taking this matter seriously and were working on a nutrient management plan, the plan's benefit was reduced if the Welsh authorities upstream are not addressing the issue"*. Herefordshire CPRE<sup>23</sup> have commissioned their own analysis of data on phosphate levels in the Upper Wye and Lugg catchment and confirm that in autumn 2017 only 5 out of 49 water sampling points were within maximum thresholds, as compared to 11 in 2015.

**Bacterial problems in drinking water in Brecon Beacons mega catchment (Cardiff supply):** Welsh Water report that bacterial issues associated with excess soil nutrients have affected groundwater quality even within the Brecon Beacons National Park (which supplies most of Cardiff's water requirements). There is clearly potential for impacts from intensive agriculture on soils and drinking water, and on private water supplies at properties close to IPUs.

**NRW Funding, need for water quality compliance regulation and monitoring:** Again at the WWT conference, Jerry Langford (Woodland Trust) emphasised the *need, if good water quality is to be achieved, for NRW to be resourced and enabled to provide catchment level governance, regulation, advice and independent audit*<sup>24</sup>. It was pointed out that while Scotland operates 'General Binding Rules', effective in controlling diffuse agricultural pollution, and England has new rules for water management, Wales has no compliance requirements, despite deteriorating water quality and the ongoing expansion of intensive agriculture across Wales.

**Abstraction and sustainability:** In rural areas many households are dependent on adequate quality and quantity of off mains water supplies. A 16,000 layer shed will use 1.168 – 1.92 million litres in a year, excluding shed cleaning<sup>25</sup>. Roughly calculated – IPUs applied for to date may require up to 600 million litres of water a year. This is a real and growing stress on mains and off mains supplies, at a time when the Climate Change Committee's projections<sup>26</sup> advises *'More action needed to reduce pollution and over-abstraction and improve the ecological condition of water bodies. Ensure decisions on use of water allow for necessary environmental flows and take account of climate change.'*

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<sup>20</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62013CC0461>

<sup>21</sup> <http://mailer.wyeuskfoundation.org/display?e=f2293965da1a6bc6540bb7389b56e9f0>

<sup>22</sup> <http://councillors.herefordshire.gov.uk/documents/g5517/Printed%20minutes%20Tuesday%2026-Jan-2016%2010.00%20Audit%20and%20governance%20committee.pdf?T=1>

<sup>23</sup> <https://www.cpreherefordshire.org.uk/assets/Documents/newsletter/45683cd566/HCPRE-Herefordshire-Highlights-April-2018.pdf>

<sup>24</sup> See also similar advice from Wales Environment Link April 2018 [http://www.waleslink.org/sites/default/files/restoring\\_our\\_freshwaters\\_-\\_pollution\\_final\\_30\\_april.pdf](http://www.waleslink.org/sites/default/files/restoring_our_freshwaters_-_pollution_final_30_april.pdf)

<sup>25</sup> From EC 'Best Available Techniques (BAT) Reference Document for the Intensive Rearing of Poultry or Pigs' ([http://eippcb.jrc.ec.europa.eu/reference/BREF/IRPP\\_Final\\_Draft\\_082015\\_bw.pdf](http://eippcb.jrc.ec.europa.eu/reference/BREF/IRPP_Final_Draft_082015_bw.pdf))

<sup>26</sup> <https://www.theccc.org.uk/wp-content/uploads/2016/07/UK-CCRA-2017-Wales-National-Summary.pdf>

Welsh Water 2050<sup>27</sup> anticipates drier summers, more extreme weather events, and a greater demand from England to make up shortages across the border is also anticipated. The sustainability of unchecked expansion of a water-hungry industry is very questionable.

### **Air quality: ammonia emissions, particulates and poultry dust**

**2016 Air quality consultation:** Welsh Government's 2016 consultation 'Local air quality and noise management in Wales' failed to recognise rural air quality issues, as does the Welsh Government's Air Quality Fund<sup>28</sup>. By contrast, the UK Government<sup>29</sup> has recognised the need for curbs on agricultural emissions of ammonia. It is not news that livestock are emitters of ammonia and particulates - see the APIS website<sup>30</sup>. There are implications for both environmental and human health.

**Wales – nutrient impacts on sensitive sites:** JNCC data<sup>31</sup> on the acidification and eutrophication of sensitive sites (January 2016) indicates that ***in 2012 74.4% of sensitive sites in Wales exceeded critical loads for acidification, while 90.3 exceeded critical loads for eutrophication.*** Emissions from intensive farming are impacting on sensitive sites where biodiversity is already compromised by excess nutrients.

**Rural air pollution – need for more action:** There's a clear, urgent need to address rural air pollution. NRW scientists have introduced revised ammonia thresholds for designated sites. We would like to see these achievements consolidated by training for planners, who are not consistently operating new thresholds, extended to protect non-designated sites, and ensure real protection of biodiversity across rural Wales.

**Impacts of ammonia deposition:** Plantlife's report<sup>32</sup> 'We need to talk about nitrogen' states '*atmospheric nitrogen deposition fails to gain either the political attention or the practical action that is urgently required to protect and restore the UK's most sensitive wildlife habitats*' and simple steps which might reduce environmental damage, e.g. tree belts, are not employed. Impacts include loss of species richness, habitat degradation and changes in soil chemistry.

**NRW's State of Natural Resources Report 2016:** Ch. 6 SoNaRR:

*"Diversification of agriculture, such as increased production of both poultry meat and eggs, is resulting in atmospheric pollution impacts which include emissions from manure through spreading and storage practices. Dense clusters of poultry developments in East Wales and Anglesey are leading to local air quality problems. Individually, many of these developments fall below the size threshold for limits on emissions, but when clustered in geographic areas their combined effects have a potential impact on resilience, particularly of sensitive ecosystems, and contribute to the amount of particulate matter that could affect well-being."*

### **Impacts on soil and the requirements for adequate size and suitable location of outdoor ranges**

**Requirement to consider outdoor range as part of IPU:** Powys planners do not consider outdoor ranges, despite clear advice contained in response to P/2014/0877 by Neil Hemming, Chief Planner, Planning Directorate, Ministry for Natural Resources that livestock units should be considered to include both indoor and outdoor areas dedicated to the livestock.

**Why is this important?** Regulations require a minimum size of outdoor range for free range birds, now 2500 per Ha, formerly 1000. Unless the regulation size range is provided, suitably maintained, and rotated the land on which birds forage is liable to become '**poultry sick**' i.e. contaminated by a build-up of parasites and disease carrying

<sup>27</sup> <https://www.dwrcymru.com/en/Company-Information/Business-Planning/Welsh-Water-2050.aspx>

<sup>28</sup> <https://gov.wales/newsroom/environmentandcountryside/2018/180424-20m-air-quality-fund-among-new-measures-to-improve-air-quality-in-wales/?lang=en>

<sup>29</sup> <https://www.gov.uk/government/publications/air-quality-explaining-air-pollution/air-quality-explaining-air-pollution-at-a-glance>

<sup>30</sup> <http://www.apis.ac.uk/starters-guide-air-pollution-and-pollution-sources>

<sup>31</sup> [http://jncc.defra.gov.uk/pdf/AirPollutionBulletin\\_No8\\_2017.pdf](http://jncc.defra.gov.uk/pdf/AirPollutionBulletin_No8_2017.pdf)

<sup>32</sup>

[http://www.plantlife.org.uk/application/files/4214/9086/6241/Workshop\\_Report\\_We\\_need\\_to\\_talk\\_about\\_Nitrogen\\_Plantlife\\_BES\\_January\\_2017\\_FINAL.pdf](http://www.plantlife.org.uk/application/files/4214/9086/6241/Workshop_Report_We_need_to_talk_about_Nitrogen_Plantlife_BES_January_2017_FINAL.pdf)

organisms<sup>33</sup>. The long term impacts for soil health are unknown, but in the short term there are clear risks to poultry health.

**WUF run off risks advice disregarded:** WUF advice regarding use of Scimap technology (showing water flows across terrain) to inform planners regarding drainage issues and the suitability of proposed range sites has necessarily been disregarded, since in the majority of cases ranges receive minimal or no attention during determination, and range maps, if provided at all rarely indicate contours.

**Number of birds on range - topography and other considerations:** The same document '*Laying hens - code of recommendations for the welfare of livestock*'<sup>22</sup> also requires that range density be determined after consideration of soil type, drainage and the availability of rotation. This is not happening; by contrast we see no attention paid to ranges and application *P/2017/0640 was approved under delegated powers in full knowledge that the applicant had insufficient landholding to provide a range of adequate size for the number of birds.*

**Role of the Animal and Plant Health Agency:** The Animal and Plant Health Agency have confirmed that they can play no role in determination of applications and their remit does not extend to commenting on environmental suitability of ranges.

**Our evidence suggests that parts of Wales are “saturated” with IPU development. The legislation and guidance in place has not been effective in preventing approval for new units which are too close to each other, to sites valuable for biodiversity, to water resources and to residents. Regulation is patchy and does not cover the range of risks. We have no evidence of a research program to assess long term environmental impacts of IPUs or of an integrated approach to the long-term risks. There is a poor understanding of division of responsibilities between organisations and many issues fall into the gaps. We are asking for the WG to support an Industry which is genuinely sustainable and to ensure better regulation and location of IPUs. This will require a change in attitude of LPAs in line with their legal duties. Where a high standard of environmental protection and preservation of residential amenity cannot be achieved IPUs should be refused.**

Yours sincerely,

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Campaign for the Protection of Rural Wales Registered charity number 239899

Attachments:

Attachment 1 NRW 2018 03 02 NRW response to Kirsty Williams AM

Attachment 2 NRW 2018 05 16 response to R George AM

Attachment 3 CPRW Brecon& Radnor List of IPU applications in Powys since 2015

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<sup>33</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/69367/pb7274-laying-hens-020717.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/69367/pb7274-laying-hens-020717.pdf) p19