

# Town & Country Planning Intensive Agriculture Working Group

## Draft Terms of Reference

### Background

1. Farms undertaking intensive animal rearing are expanding in number and size. This change is unprecedented. It is driven by changing market conditions and farm management practice and has the potential to increase given the uncertainties facing the farming sector as a result of the UK's exit from the European Union.
2. 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.
3. Intensive Agriculture can lead to issues relating to:
  - Air Pollution / Odour
  - Water Pollution
  - Noise
  - Impacts on Habitats and Species
  - Health
  - Management of cumulative effects
  - Co-ordination of regulatory regimes
4. 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.
5. 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).
6. 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.

7. Planning applications for poultry 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.
8. 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.
9. A separate Health Working Group exists which will support the work of this group by considering the health issues arising from intensive agriculture identified by this group.

### **Role of Working Group/ Purpose Statement**

10. The role of the Group is to:
  - 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.
  - 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

11. 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 responsibility for decisions relating to the direction and development of the project rest with the Welsh Government Planning Directorate.
- Work on health impacts can be delegated to The Intensive Agriculture (Health) Working Group who will be responsible for recommendations on the public health risks of intensive agriculture in Wales and feed these into the work of this group.

## Membership

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

<b>Organisation</b>	<b>Specialist Area Representatives</b>
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
Wildlife Trust	Ecology
FUW	Farm operation / Development economics
NFU	Farm operation / Development economics
Wye and Usk Foundation	Water Environment
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**

13. The chair will be Hywel Butts, Head of Development Management Branch.

14. 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**

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

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