

Brecon and Radnor Branch Campaign for the Protection of Rural Wales

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1/2/21

Objection:

From the Brecon and Radnor Branch of the Campaign for the Protection of Rural Wales

- 1. Powys Procedure & Quality of Information in documents and Officer's report
- 2. Manure Management Plan
- 3. Biodiversity and ammonia assessments
- 4. Historic Environment and Landscape
- **5. Dingle Plant Nursery**
- 6. Rights of Way
- **6. Cumulative Impacts**
- 7. Placemaking and Wellbeing goals
- 8. Climate change
- 9. Summary

Appendix 1. The response from Montgomery Wildlife Trust

Appendix 2. Similar sheds at Ystym Colwyn

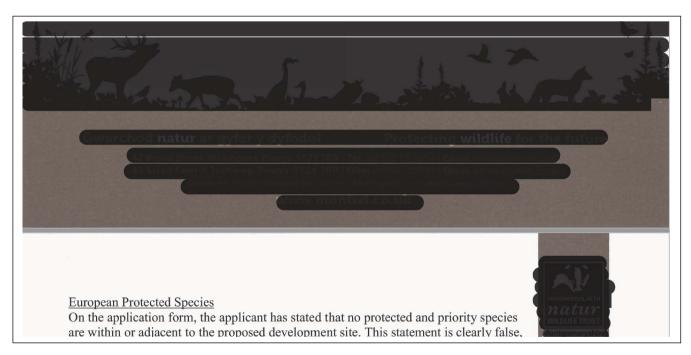
1. <u>Powys Procedure & Quality of Information in documents and Officer's report.</u> procedure

A CADW letter dated 12/8/20 was only forwarded to planning representations on 25/1/21, over 5 months later and just before the publication of the Officer's Report, for addition to the planning website. The second Ecologist's response was uploaded on 26/1/21. These two responses are important to our objection. While it would obviously be helpful for third parties to make early responses, they cannot be certain whether more developer information or further responses from statutory consultees and Powys Officers will be forthcoming until a determination date is announced.

The account of public representations in the Officer's Report does not identify the interests and status of the objectors who include the Montgomery Wildlife Trust, local businesses, the local tourist industry and concerned residents. The bulleted summary of objections and rest of the Officer's Report do not adequately represent the level of local concern for the environment, landscape and local amenity. In fact, this bulleted summary list is identical to the pre-set tick-box list in the Powys on-line 'Make a Comment' form so these are predetermined categories on a template. Its presence does not even indicate whether the responses have been read or simply counted.

The Welshpool Town Council's strong objection is reproduced in the report but not mentioned in the Officer Appraisal.

Unlike surrounding LPAs, Powys does not publish third party representations and, if individuals request them, they are sent clumsily and heavily redacted. The Montgomery Wildlife Trust is the foremost organisation in northern Powys for promotion and protection of local biodiversity. It is shocking that Powys administration seeks to conceal the authorship of the MWT representation from the public and does not mention it in the Officer's Report. We can be sure the representation comes from the MWT because the redaction is so inept that the signature wildlife frieze and redacted text is visible, as in the screenshot below:



2017 EIA (Wales) Regulations.25 says an LPA determining an application must consider the 'environmental information' which is defined in 2. 'This means the environmental statement, including any further information and any other information, any representations made by any consultee and any other representation duly made by any other person about the environmental effects of the development'.

Therefore the MLWT response, our own current response and all other public responses must be considered in the decision making and should be made available to Planning Committee Members voting on the application so that their decision is informed by all the environmental information.

Application documents

As we have stated before: this Agent has clearly learned through experience that there is no need to present clear accurate data relating to the application in question and resorts to generic cut and paste from a stock of previous applications. The volume of sheer repetition is enormous. There are countless basic errors some of which are significant material planning concerns as detailed below (application area, habitat loss, distance from Dingle Nurseries).

There is a document called "Environmental Statement" but this is not an ES complying with the EIA (Wales) 2017 Regulations. The regulations required by Schedule 4 are not fully met.

To take just one example:- we can see no assessment of the volume of earth required for the extensive cut and fill shown in 19_0938_FUL-SECTION_A1-175105 or of any land take required for this or of any assessment of environmental risks. Cut and fill can create problems: residents close to a Powys IPU where construction was started months before Planning permission in 2019 (19/1475/FUL) are disturbed by the expanding fissures appearing in the filled bank (photo October 2019).



The application form wrongly states that the development area is 7200msq.

The total site layout is not properly described in the ES 4.4.

We have found no adequate description of the existing business of the farm with livestock numbers.

2. Manure Management Plan

The amended manure management plan does not include the other livestock on the farm in the spreading calculations. CPRW understands this farm has cattle and sheep although the ES does not explain this. Powys Planning should be aware that all livestock must be included in manure calculations, whether housed or not. This is clearly stated in best practice guidance, in NRW GN 021, which is titled:

<u>Poultry Units: planning permission and environmental assessment - Guidance for applicants, local planning</u> authorities and Natural Resources Wales staff. (our emphasis)

If manure is to be utilised on your holding, a manure management plan is needed to demonstrate that the farm has sufficient land to spread the manures produced by the proposed development alongside the other manure generated on the farm at a rate that is consistent with the Code of Good Agricultural Practice (CoGAP) recommended upper limit of 250kg Nitrogen /ha. This is an upper limit and is not the recommended nutrient requirement for all land. Nutrient planning is needed to show agricultural benefit.

The need to include manure from all livestock is usually incorporated in NRW responses. Although NRW has failed to follow its own guidance in this instance, this does not excuse Powys from following GN 021.

Powys should require details of the livestock on the farm and an amended Manure Management Plan in keeping with current guidance and should also consider whether the spreading rate is consistent with nutrient requirements.

The manure plan is presented without time units (months or years). The farm with the AD is not specified and so capacity and traffic implications cannot be assessed (as required by EIA regulations). The impact of the manure management on the amenity of residents and atmospheric ammonia concentrations impacting on biodiversity have not been properly considered.

The Welsh Government has announced new Water pollution Regulations for Agriculture to begin on 1/4/21 with a requirement to limit manure spreading (all livestock included) on any farm to 170kg nitrogen/Ha of holding. This regulation will be applied from 1/1/2023. Given the large number of IPUs approved in Powys, there will be a county-wide manure disposal problem for existing units and the proposed AD destination may not offer capacity. We note that the MMP is conditioned (proposed C 19) although Powys has advised CPRW that there is no monitoring of MMPs and NRW has advised that MMPs are only incorporated under Environmental Permitting if the spreading is within the "installation" boundary. There is no boundary map in the Permit as submitted with the application documents so we do not know whether this is so.

It is unreasonable to recommend approval of this application with the certainty that the spreading allowance will be reduced by approximately one third, either before or soon after construction, without considering the cumulative impacts of the new regulations on the very many IPUs in Powys. It is questionable planning practice to require a farmer to adhere to a spreading plan which is currently only unenforceable voluntary best-practice. It is plainly unreasonable to condition adherence to a spreading plan which is soon to be illegal for the lifetime of a development. The Appraisal should have regard to future events and wider risks.

The OS 1:25,000map suggests some of the spreading land is steeply sloping and some is at considerable distance from the sheds, close to populations on the outskirts of Welshpool. This will have odour, traffic and biodiversity implications.

Phosphates

Phosphates are not mentioned in the submission, PCC Ecologist response or Officer's Report. NRW's GN021 says (our emphasis):

Applications need to include a manure management plan. The plan needs to include:

- Calculation of total Nitrogen and <u>Phosphate</u> produced from proposed poultry unit and all other sources of nutrient imported or produced on the holding.
- Details of the area of land available to spread dirty water and litter.
- Calculation of nutrient loading (Nitrogen and <u>Phosphate</u>) per hectare of land available for spreading.

Until late 2020 NRW and Powys CC have steadfastly maintained that there was no phosphate failure in the Wye SAC (in Mid and South Powys). NRW has recently issued a review report on all Wye SAC water bodies which states that approximately two thirds are failing phosphate targets. Although the watercourses in the vicinity of Frochas are in the Severn catchment and do not have SAC status, there is no reason to think that phosphate excess and water pollution is any less in the Severn catchment than the Wye catchment immediately to the South. The Water Framework Directive requires watercourses to achieve at least Good status by 2027.

The nearest water monitoring point to inform Water Framework Directive status for this development appears to be: *GB109054049560 Lledan Bk - source to conf R Severn*. 2018 Water Watch Wales mapping for phosphates (already two years old) shows the area of the development is only of Moderate status.

The NRW response (8/6/20) predates the NRW U-turn on SAC phosphate status and the response also <u>fails</u> to follow NRW's own guidelines in assessing the manure management plan in this and other respects. CPRW has received correspondence from NRW Northern Planning Lead explaining that Powys Council as the competent authority is responsible for Planning Permission and can depart from NRW guidance if robust reasoning is given. There is no excuse for Powys to fail to assess a known environmental risk just because the NRW response overlooks it. PCC is independently bound by the WFD (PPW10.section 6, LDP objective 5 & DM2, Biodiversity SPG extensive discussion), and is aware that phosphates in poultry manure pose a serious environmental risk. Powys should not approve further intensive livestock development without assessing this known risk in accordance with EIA (Wales) Regulations 2017, Schedule 4.

3. Biodiversity and ammonia assessments

Montgomery Wildlife Trust response

MWLT has drawn the Council's attention to flaws and omissions in the application and to the risk to important protected species, including:

- the section 7 listed Pearl Bordered Fritillary at risk of extinction: for inclusion in LBAP 2002 see: https://en.powys.gov.uk/article/2553/Local-Biodiversity-Action-Plan:
- the survey date on 16/1/19
- limiting the discussion of ammonia in relation to shed emissions and ignoring those from manure management (CPRW notes that manure management contributes twice as much ammonia as shed emissions)
- 2 Local Wildlife sites and 45 priority species within 1km of the proposal
- failure to extend the assessment to include all the manure-spreading locations
- failure to discuss the impact of the development on ancient woodland, discuss with NRW and look at cumulative impacts with other development
- discrepancy between Environmental Permit and Planning Application with respect to broiler crop cycles.
- the measures to mitigate/offset are insufficient to achieve enhancement
- granting approval would contravene Environment Act duties as well as the Powys LDP and SPG

MWLT concludes

Conclusion

As demonstrated above, this proposed development fails to demonstrate how it protects, positively manages and enhances biodiversity and would unacceptably adversely affect European Protected Species, Section 7 habitats and species, nationally important sites, locally important sites and trees, woodland and hedgerows of significant public amenity, natural or cultural heritage. Further, given the nature of the development and the inadequate pollution prevention plan, it would also likely adversely affect the achievement of the Water Framework Directive's overarching objectives. Should planning application 19/0938/FUL be given approval in its current form, it would be contrary to Powys LDP Policy DM2. Wontgomeryshire Wildlife

Trust therefore objects to this proposal.

We will not repeat these arguments with which we fully agree however we would also like to point out: Powys Biodiversity SPG says of Local Wildlife Sites (LWS): 'In Powys LWS are SINC for which a management agreement has been drawn up between the landowner and the Wildlife Trust or Local Authority. They are a material consideration in the planning process. Along with biological SSSI, SINC are the most important places for wildlife in the county.'

The SPG also mentions the Local Biodiversity Action Plan (LBAP) for Powys and the inclusion of the Wildlife Trusts in this. Unlike other LPAs, Powys does not have an up to date Nature Recovery Plan in spite of the fact that Environment Systems was commissioned to produce a review and forward plan which was published in October 2016. Powys promised then that 'The Powys Nature Recovery Action Plan will be launched later in 2018.' Although GIS data for Powys was published in 2020, there still appears to be no Powys Nature Recovery Action Plan.

Therefore, Powys should be more, rather than less, inclined to respect information and advice from MWLT, who are indisputably better informed and experienced in local biodiversity matters and risks than the Developer's consultants. The sequence and text of documents on the website and failure of the Ecology Officer to mention the Pearl Bordered Fritillary strongly suggest that the Case Officer did not advise the Ecology Officer of MWLT's objection and chose to make an independent (less expert) assessment of its merits, not even deeming it worthy of mention.

Shropshire County Council, has published Interim guidance (2018) on the impacts of ammonia and nitrogen on Natural Assets in liaison with NRW. They have added: Natural Assets (Local Nature Reserves, Local Wildlife Sites, Ancient Woodland (or Plantation Ancient Woodland) or other irreplaceable habitats, priority habitats and priority species)) to the list of sites requiring further screening if they contribute between 1-8% of the critical ammonia level or nitrogen deposition load to these sites. In the event that an incombination assessment shows exceedance of critical level or load, the LPA would require sufficient information on the ecological impacts of the development by an ecological consultant. This would include details on the specific sensitive receptor(s), details of avoidance, mitigation and compensation measures proposed, detailed reasoning as to why the socio-economic benefits out-weigh the quantified residual harm to the sensitive receptor, and submission of written consideration of alternatives, indicating why the chosen project is the least damaging option.

This shows that a more proactive LPA attitude towards protecting nature is possible.

NRW advises that Powys is the competent Planning decision-maker and that local nature assets do not come within the NRW Planning remit. Having identified a similar range of assets in the LDP and supported their protection with SPG, Powys has a duty to carefully and fully consider the impacts on these natural assets. Instead, the OR relies on the ecologist, who relies on NRW responses, which do not cover these species or sites.

The background levels/loads at these sites are over double the critical levels/loads, as set out in the NRW response, and will be <u>significantly</u> further increased by the development <u>as set out in the Ammonia Report tables</u>. The Council's duty to protection local nature assets involves more than applying a potentially lethal ammonia threshold.

In addition the <u>Inventory of Ammonia Emissions from UK Agriculture 2017: DEFRA Contract SCF0107 Feb.2019</u> suggests the ammonia released from sheds provides a fraction of the impact, with <u>approximately twice as much ammonia coming from the manure produced.</u>

Habitat Loss

The Arbor Vitae report states that the total terrestrial habitat lost to development is 0.726Ha, of which 0.72Ha is arable land and .006 is native species hedgerow. 1 Ha of broadleaved woodland (but later the report says some of the 1 Ha will be scrub around ponds) will be planted and the total habitat created will be 1.06Ha. The report says 0.06Ha (600msq) will be allocated to 2 new ponds W of the sheds (with an illustrative plan, however these proposed ponds are still only approximately 250m from the western end of the sheds).

Neither the ES or the elevation plans give the dimensions of hardstanding but it can be readily calculated that the rectangle supporting the 3 sheds is 85x135msq which is approximately 1.15Ha and this excludes extensions of hardstanding to the NE (approx.30x20msq) and SE (approx. 20x20msq) and the new track to the road (approx.5x150msq). The total loss is approx.1.32Ha: this does not include any earth disturbed to obtain the cut and filled level for the sheds and track. Instead of the stated 33% net gain, there is a 20% net loss.

OR Appraisal of biodiversity

No reasonable assessment could conclude that planting of trees and in the immediate vicinity of a 3 high-ammonia-emitting sheds could possibly "offset" or "compensate" for the negative impacts on biodiversity. Their growth will be slow with any useful function delayed. The biodiverse sites at risk have established populations of species known to be harmed by ammonia emissions, including rare lichens for which Mid-Wales is renowned. Populations of those species which will be destroyed in existing habitats cannot establish themselves in the new compensatory planting where ammonia levels are too high for their survival.

The Officer's appraisal identifies "The effect of the proposal on nature conservation interests and the environment" as one of the principle matters to be assessed in the planning balance. The OR concludes, all evidence to the contrary, that the proposal "Enhances the biodiversity and aids in moving towards resilience". There is no evidence to support this statement which shows a fundamental misunderstanding of ecology, environmental assessment, and the need to assess risks in the face of climate change.

4. Historic Environment and Landscape

Llanerchydol Hall: Registered Historic Parks and Gardens

The BHO says (our emphasis):

'I note the proximity to MG131 Tan y Clawdd Camp and Llanerchydol Hall Registered Historic Park and Garden, however <u>as Cadw are the consultee in respect of the setting of Scheduled Ancient Monuments and Registered Historic Parks and Gardens</u>, I shall defer consideration of this section to Cadw. For clarity my comments are in respect of the setting of the listed buildings only.'

Cadw says: 'Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), Technical Advice Notes and related guidance and states it is for the LPA to weigh their response against other material considerations'. This confirms that the Cadw responses are a material consideration based on Welsh Government Policy.

Cadw is evidently highly concerned. Their first response (17/9/19) requests re-consultation after further information. Their second response 31/1/20 notes:-

- inadequate documentation,
- clear visibility from the Registered Historic Parks and Gardens
- mitigation tree planting does not prevent this and alters the visual backdrop.
- ammonia emissions might damage the park plant life.
- disturbance of tranquillity and enjoyment by traffic, odours, noise, manure-spreading impacts etc.

Cadw's final response dated 12/8/20, after inadequate documentation was partly addressed, refers back to the previous objections and concludes:

The picturesque qualities of the scenery around Llanerchydol are referred to in the register entry description (attached) and its 'outstandingly picturesque situation' contributes to its reason for registration at grade II*. As we previously stated in our consultation response letters, the introduction of this modern development will, in our view, dilute the surrounding landscape character and 'outstandingly picturesque situation.

This statement should be seen in the context of NRW Landmap assessments:

- Visual and Sensory High
- Historic Landscape Outstanding
- Cultural Landscape High

The Appraisal argues that the foremost building obscures the other two but, conveniently for the developer, there are no viewpoints from the higher points on the perimeter of the ZTV, Glyndwr's Way National Trail or from anywhere outside a S/SE quadrant. See:

LV2 19_0938_FUL-LVIA_FIGURE_LV2_CULTURAL_HERITAGE_HERITAGE_ASSETS_MARCH_2019-235605. The locational markers in this figure are given different heights (AGL) which suggests that the ZTV may not have assessed the constructed heights of the sheds/hoppers properly.

The Appraisal also says, 'Additionally, as advised above, ammonia reports were amended to include ancient trees within the park and garden and this information was deemed acceptable to ecology.'

The ammonia levels acceptable to Ecology were applying thresholds allowing the development to contribute another 100% of the critical level on top of the existing background level which is already twice that critical level. This is enough to seriously threaten or extinguish populations of many species of plants. We have already drawn attention to the risk of harm permitted by this threshold. We do not know of any guidance that suggests this approach is appropriate to protect a <u>nationally</u> designated Registered Park and Garden and we consider that this designation merits the protection afforded to SACs, SSSIs etc.

The Officer's Appraisal of landscape and built heritage (and in part the BHO response) essentially relies on the fact that farm buildings are characteristic of rural landscape and that this development is acceptable because it is just one more example of farm building, albeit of different size, with some visual mitigation provided by tree planting.

Cadw, Welshpool Town Council and many members of the public and are concerned about visual impact in a much loved rural area where Powys Castle, Glyndwr's Way National Trail and the Dingle Plant nursery attract many visitors. This development is a massive composite block of over 1 Hectare with 6 feed hoppers and an extensive 5m wide access track which has not been visually assessed. It is a huge visual intrusion, even by Powys IPU standards, and it is located in an Outstanding Historic Landscape which is not characterised by buildings like this. The Appraisal has chosen to override Cadw's concerns about a Registered Park and Gardens with no appropriate attempt to critically assess the evidence and opinion provided by the Developer. Powys does not have a Landscape Officer and no qualified professional landscape opinion has been sought. The dismissal of concerns about ammonia pollution show that this issue has not been properly understood.

5. Dingle Plant Nursery

This is generally regarded as the best general plant nursery in Powys which has its own show garden and benefits from proximity to Powys Castle gardens, among the very best National Trust Gardens in the UK. It provides significant employment and livelihood for a family of three generations. The public responses show how often it is visited and how much it is appreciated but it is not named in the summary of public comments in the OR. The Dingle gardens are a renowned Royal Horticultural Society Partner Garden and are open year round for enjoyment of the planting in its rural setting.

http://www.dinglenurseryandgarden.co.uk/garden.html

The Officer's Appraisal says the Dingle Nursery is west of the development and the only other mention identifies the Nursery as a 'receptor' 'approximately 387m from the proposed poultry unit'. This is misleading as the boundary of the Dingle display gardens, is approximately 270m from the development boundary.



The manure management plan shows a continuous block of spreading between the sheds and Dingle boundary. Matching this plan to the Google map above shows that the whole eastern boundary of the Dingle complex would be affected by manure impacts, with more spreading north of the road.



CPRW finds it extraordinary that the ES and the Officer's Appraisal completely fail to address any of the negative impacts this development could have on an established business of such importance to the tourism

industry and to individuals throughout the whole county and beyond. This nursery is unique in Powys but there are already over 200 IPUs whose cumulative environmental impacts are threatening our biodiversity and rivers.

9. Rights of Way,

CPRW has been advised that Powys Council has received written notification that the applicant does not have ownership over the Right of Way diversion land. There is no indication of this in the Officer's Appraisal. The Appraisal says 'it is Officers' understanding that discussions are ongoing with Countryside Services and that an application to divert the right of way will be made if the planning application is approved'. This matter should have been resolved before determination. Since it has not, the failure to append a Grampian condition means precipitate development is likely to go ahead and extinguish an existing right of way.

The Officer's Appraisal says:

'it is considered that sufficient distance is retained between the proposed development and the public rights of way as well as landscaping to those rights of way nearer to the site to ensure that the development would not negatively impact upon any users. The buildings will be seen in the wider landscape with the farm complex of Frochas and Dingle Nursery. The LVIA has also considered viewpoints along the Glyndwr's Way that demonstrates that whilst the development will be visible, it would not have a detrimental impact on users of the rights of way who will see the development between interspersed trees and against a backdrop of fields.'

Public rights of way converge on the very site of the development and network closely around it. This does not qualify as retaining 'sufficient distance'. The very name "Glyndwr's Way" links the trail to the outstanding Historic Landscape. A one Hectare area modular industrial development of uniform colour with hoppers, square corners, extra hardstanding and a 150 x 5m wide access track will hardly blend into a wider rural landscape containing a varied horticultural complex and the much smaller Frochas farm buildings. It will be a disturbing and visually discordant and element. No viewpoints from Glyndwr's way have been provided, nor is any other professional assessment or evidence provided to support the Appraisal conclusion above.

We trust a site visit will be arranged, preferably including a visit to an IPU of comparable size, to help Planning Committee members to appreciate the size of this development in its rural setting.

6. Cumulative Impacts.

The CPO letter of 12/6/18 is cited. The Appraisal does not state which other development has been taken into account or which cumulative impacts have been considered. In the case of ammonia emissions from sheds and manure no cumulative impacts, even from this single development, have been considered.

7. Placemaking and Wellbeing goals

These are topics where it is only too easy to pick and choose between the 77 diverse references to Placemaking and 37 references to the WBFGA in PPW 10 in order to make a case.

After setting out the Key Principles for ensuring 'Right Development in the Right Place', this is precisely what the Officer's Appraisal has done. CPRW considers that PPW 10 2.26 and 3.34 are more relevant selections:

Placemaking in development decisions happens at all levels and involves considerations at a global scale, including climate change, down to the very local level, such as considering the amenity impact on neighbouring properties and people.

The countryside is a dynamic and multi-purpose resource. In line with sustainable development and the national planning principles and in contributing towards placemaking outcomes, it must be conserved and, where possible, enhanced for the sake of its ecological, geological, physiographic, historical, archaeological, cultural and agricultural value and for its landscape and natural resources. The need to conserve these attributes should be balanced against the economic, social and recreational needs of local communities and visitors

It is perverse to claim that a large IPU 'enhances the biodiversity and aids in moving towards resilience' nor does it aid 'sustainable growth'. Operation entails loss of irreplaceable natural resources both in the UK and abroad. 'Placemaking' is not about making a giant IPU. It is about balancing the benefits and harms of allowing such a development in this particular 'Distinctive and Natural Place' in rural Powys.

8. Climate change

The Officer's Appraisal refers to the vital role of the planning system and to ES Ch.6 Air Quality Health and Climate. Ammonia emissions are well known to combine with traffic emissions to form PM 2.5, a major risk for respiratory disease. In Chapter 6, road traffic impacts and particulate matter (PM) are screened out. Ammonia emissions are assessed by matching averaged values to permitted thresholds for shed emissions. These assessments do not show there are no ammonia emissions, traffic emissions or impacts on human health nor do they show that any of these are insignificant. Furthermore, the ammonia emissions from sheds are only a fraction of the total and this site is close to a sizeable population in Welshpool.

The carbon costs of construction and operating the unit are not discussed. The energy consumption in construction, heating the buildings, operating the vents, delivering feed and distributing the product etc. is not calculated. Broilers are not destined for direct local consumption. The feed has a high soya content, imported mostly from the Americas, where production is at the expense of whole-sale destruction of biodiverse habitats. The water requirements are high both for bird drinking water and shed washouts.

The Appraisal repeats the bizarre Parry statement that 'the fossil-origin carbon dioxide emitted from the proposed facility would be offset as a result of avoided emissions from a reduction of transportation via air travel using fossil fuels'. We do not believe broilers are transported by air. The Appraisal concludes that because of (unquantified) solar panels and the mention of the EA (not NRW!) policy that 20% increase in rainfall depth must be catered for (ES 12.5.7) 'it is considered that the submission has considered climate change'. The Officer's Appraisal may have 'considered that the submission has considered' climate change but neither the submission nor the Appraisal have assessed this proposal in relation to climate change.

Summary

We face energy shortages, increasing exceptional rainfall, increasing hot summers and droughts, risks of zoonotic pandemics and a catastrophic biodiversity crisis. The trends are clear to see and backed by scientific evidence. Powys already has an estimated 10,000,000 chicken-places.

Amongst a variety of other factors, this proposal will:

- result in a significant net loss in habitats and biodiversity
- have a negative impact an outstanding Historic Landscape
- have a negative impact on Llanerchydol Hall Grade II Registered Park and Garden
- impair the enjoyment of Glyndwr's National Trail
- have a negative impact on Dingle Nursery horticultural business and tourist attraction

The recommendation for approval:

- does not properly consider third party representations and local amenity
- ignores the representation from Montgomery Wildlife Trust
- does not make a proper assessment of all likely environmental impacts
- is inconsistent with Cadw's assessment of a major historic asset
- does not consider phosphate impacts on water quality and WFD targets
- accepts a flawed manure management plan which will be outdated in January 2023
- does not assess the development in relations to carbon costs and climate change

We urge Planning Committee Members to vote against approval.

Appendix 1. The response from Montgomery Wildlife Trust Appendix 2. Photo of Similar sheds at Ystym Colwyn

screen shots of PDF as received by CPRW on request for all third party responses to this application.

Tamsin Law Planning Services Powys County Council Neuadd Maldwyn Severn Road Welshpool Powys SY21 7AS





Dear Ms Law,

Planning Application 19/0938/FUL | Erection of a broiler installation and silos, formation of a vehicular access and associated works | Frochas Farm Frochas Welshpool Powys SY21 9JD

With reference to the above planning application, Montgomeryshire Wildlife Trust objects to this proposal.

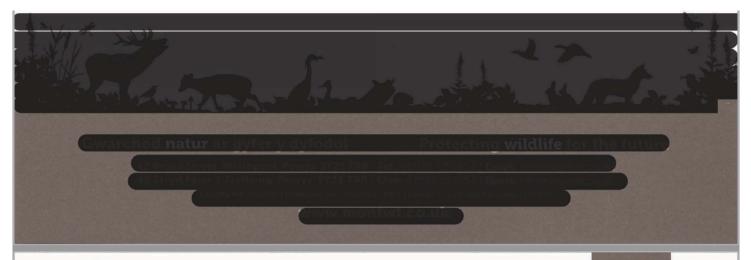
Priority species

The proposed development footprint is within 600m of Y Frochas Common, one of just eleven sites in the whole of Wales supporting the rare Pearl Bordered Fritillary butterfly, *Boloria euphrosyne*, a Section 7 species. Y Frochas forms part of a nationally important population of this butterfly, comprising five sites in the Welshpool area, the only remaining metapopulation of its kind left in the whole of Wales. The site supporting the largest single population is less than 2km away. These sites also support the Small Pearl-bordered Fritillary, *Boloria selene*, another Section 7 species.

The larval stage (caterpillar) of the Pearl Bordered Fritillary feeds on violets, primarily *Viola riviniana*. This plant has been shown by multiple scientific studies, to be sensitive to Nitrogen deposition. Anything which affects the caterpillar's foodplant, will affect the survival of the butterfly. Indeed, one study showed that nitrogen enrichment from agricultural fertilizer increases the mortality of six common Lepidoptera species, including the Small Heath (another Section 7 species).

The Ammonia report only assesses the potential air pollution from the proposed sheds, ignoring that generated by the proposed manure spreading operations. The Manure Management Plan shows the applicant's intention to spread manure on their land immediately adjacent to Y Frochas, bringing the source of Nitrogen deposition much closer than the Ammonia assessment suggests.

Montgomeryshire Wildlife Trust is very concerned about the potential negative impacts of this development on this nationally important Pearl Bordered Fritillary population. Any increase in Nitrogen levels in the local area is likely to cause a decrease in *Viola riviniana* plants and could therefore cause the local extinction of this priority species. This would be contrary to LDP Policy DM2, as well as Section 7 of the Environment (Wales) Act 2016.



European Protected Species

On the application form, the applicant has stated that no protected and priority species are within or adjacent to the proposed development site. This statement is clearly false, as demonstrated by the applicants own supporting documents. Also, the Aderyn



Planning Viewer highlights records of 45 priority species within 1km of the proposed development. The Preliminary Ecological Assessment provided by Arbor Vitae provides insufficient information for the Local Authority to assess the impact of the development; the survey was carried out during the winter, on 16th January 2019 and only considers the construction footprint and not the whole area affected, including the proposed manuring area.

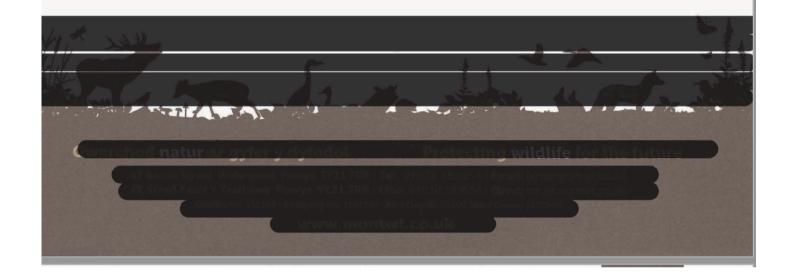
There are four records of Great Crested Newt, *Triturus cristatus*, a European Protected Species and Section 7 species, within 1km of the proposed development. The Preliminary Ecological Assessment evaluated two ponds within 250m as having 'average' suitability for the species, but concludes that the development is unlikely to harm any Great Crested Newts. No assessment has been made as to the potential impacts on the habitat for Great Crested Newts; a material consideration for a European Protected Species.

Great Crested Newts use ponds to breed, but spend much of the rest of the year on land. Whilst the majority of adults stay within around 250m of the breeding pond, they can travel much further, distances of 1000m or more. The Preliminary Ecological Assessment provides insufficient information for the Local Authority to understand the potential impacts on Great Crested Newts. The development cannot be determined without further information on the Great Crested Newt population in this area. Surveys should include the entire development footprint (including the manuring areas).

There are numerous bat records within 1km of the proposed development; four records of Myotis, one record of Lesser Horseshoe, Rhinolophus hipposideros, 2 records of Brown Long-eared, Plecotus auritus

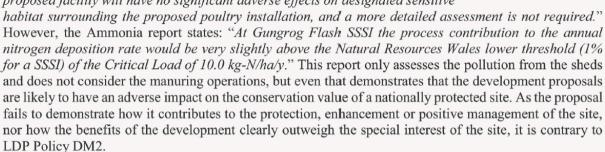
and 24 records of pipistrelles (both Common Pipistrelle, *Pipistrellus pipistrellus* and Soprano Pipistrelle, *Pipistrellus pygmaeus*). All bat species are protected as European Protected Species and yet, no bat surveys have been undertaken. The Preliminary Ecological Assessment identifies a veteran oak tree as a possible roost site, but there is no consideration of the effects on bats of the proposed lighting scheme. Lesser Horseshoes, Brown Long-eared and some *Myotis* species, in particular, are known to avoid lit areas. The EIA report states that "*The main building's gable ends will be lit externally with a single low-wattage fitting of low intensity lighting during normal working hours in winter months.*", and that "*There will be no round the clock external lighting of the site and no use of high intensity security lighting.*". However, it also states that the proposed development will be a 24 hour, 7 days a week operation, indicating that lighting will be required much more than suggested. Any new lighting will impact on any bat species present and therefore bat surveys are required before the Local Authority is able to determine the application.

There is one record of Otter, *Lutra lutra*, within 1km of the proposed development, another European Protected Species. Otters are known to be affected by water pollution, as it affects their food supply. The Pollution Prevention Plan fails to mention manure as a potential pollutant and therefore is not fit for purpose.



Nationally important sites

Section 6.5.3 of the EIA states: "The contribution of emissions from the proposed process to nutrient nitrogen deposition at sensitive habitats is less than the relevant air quality standards and critical load values. It is concluded that emissions from the proposed facility will have no significant adverse effects on designated sensitive



Locally important sites/Section 7 habitats

There are two Local Wildlife Sites within 1km of the proposed development site; Y Frochas and Moel-y-Garth. Y Frochas is dealt with under the 'priority species' section above. Moel-y-Garth is a large area of broadleaved ancient woodland and is dealt with under the 'Trees, woodland and hedgerows' section below. These development proposals are likely to have an adverse impact upon these sites. The documents provided fail to demonstrate how they conserve and enhance the natural heritage importance of the sites, nor how the benefits of the development outweigh the natural heritage importance of the sites. There are also no proposed mitigation and/or compensation measures provided to benefit the sites and therefore the proposed development is contrary to LDP Policy DM2.

The Manure Management Plan maps include an area mapped as semi-improved acid grassland on the Aderyn Planning Viewer. In addition, some of the proposed manuring areas are outside the Aderyn search, which is limited to 1km around the sheds. Further information is required prior to determination.

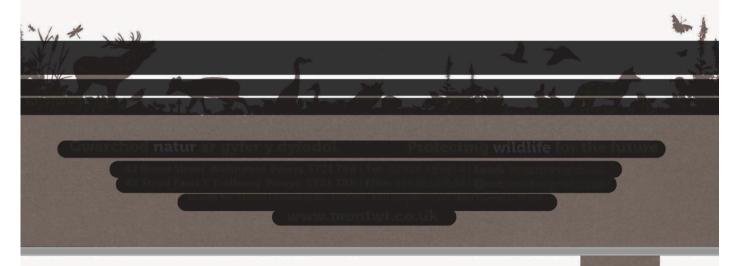
Trees, woodland and hedgerows

On the application form, the applicant has stated that there are trees or hedgerows within the proposed development site, but have provided no Tree Survey as specified by the Local Authority. A Tree Survey is required prior to determination.

5.87% of the land area within 1km is ancient woodland, including 2.68% NRW priority woodland (Aderyn Planning Viewer). This includes Moel-y-Garth Local Wildlife Site, mentioned above. Ancient woodland is particularly susceptible to air pollution from these sorts of developments. It is also worth noting that this part of Wales supports many lichen species which only grow because of the clean air.

The Powys LDP – Biodiversity and Geodiversity SPG. October 2018 states:

"Applicants need to demonstrate how they are taking into account any ancient woodland that their proposal may affect." None of the supporting documentation provided with



this application considers the impacts on the ancient woodland in this area and therefore cannot proceed to determination.

Given the quantity and close proximity of ancient woodland to this development, further advice on this matter should be sought from NRW, ensuring the cumulative impacts of this, along with other developments of this kind, are properly assessed.

Additional comments - biodiversity enhancement

The proposals outlined in the Preliminary Ecological Assessment report are, in our opinion, insufficient to mitigate a development of this scale, let alone enhance it. The report states that 150m of hedgerow and 1ha of trees will be planted. It also recommends the installation of a Barn Owl box on the veteran oak tree, also identified as a potential bat roost; this should not be done, as it may damage the tree and any roost(s) present.

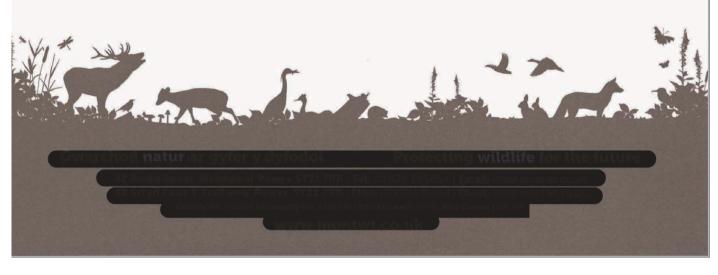
As demonstrated in this letter and by the Aderyn Planning Viewer results, this is an area of high biodiversity. As you know, the Local Authority has a statutory duty under Section 6 of the Environment (Wales) Act 2016 to promote and seek enhancements to biodiversity. If given Consent, the proposed development is highly likely to lead to a loss of biodiversity and the Local Authority would therefore be in breach of this legislation.

Additional comments – environmental permit

The proposed development has been granted an Environmental (IPPC) Permit from NRW, dated November 2018. However, there is a discrepancy between the permitted number of crop cycles and that indicated by the applicant in the supporting documents. The Design and Access Statement states 7.5 cycles per year and the EIA, 7.6 cycles per year; the Environmental Permit is for 6.5 cycles. Following communication with NRW on the matter, they have stated: "The permit is correct with the number of cycles per year being 6.5. This is what the ammonia model was based on. This is for the whole operation. With regards to the maximum potential of the permit, if the operator wishes to expand further they will need to apply to vary their permit. Until then, the operator cannot operate above the permitted number." This serious matter needs clearing up prior to determination, including ensuring that ammonia modelling has been carried out for the correct number of crop cycles.

Conclusion

As demonstrated above, this proposed development fails to demonstrate how it protects, positively manages and enhances biodiversity and would unacceptably adversely affect European Protected Species, Section 7 habitats and species, nationally important sites, locally important sites and trees, woodland and hedgerows of significant public amenity, natural or cultural heritage. Further, given the nature of the development and the inadequate pollution prevention plan, it would also likely adversely affect the achievement of the Water Framework Directive's overarching objectives. Should planning application 19/0938/FUL be given approval in its current form, it would be contrary to Powys LDP Policy DM2. Montgomeryshire Wildlife Trust therefore objects to this proposal.





similar sheds at Ystym Colwyn, Meifod as shown in County Times

https://www.countytimes.co.uk/news/18691781.meifod-farming-family-bid-build-anaerobic-digester/