



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

Chair: Jonathan Colchester

Correspondence: secretary@brecon-and-radnor-cprw.wales

21/12/2020

Objection:

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

20/0717/FUL: Erection of 2 no. agricultural buildings for the housing of broilers, erection of feed bins, formation of vehicular access together with all other associated works: Cwmafan Llanafanfawr Builth Wells LD2 3PF

- 1. Outstanding Information**
- 2. Quality of Developer Information**
- 3. Need for the Proposal**
- 4. The Project Plans**
- 5. Manure Management Plan**
- 6. Water management and hydrology**
- 7. Ammonia Assessment and Ecology**
- 8. Landscape**
- 9. Amenity**

1. Outstanding Information.

No less than 26 applicant documents were added to the Planning Website on 9/11/2020. Although the Case Officer has advised that public responses should be submitted by 21/12/2020, CPRW considers that a considerable amount of applicant information is still outstanding and we request an opportunity to assess this, particularly the final manure management plan and phosphate assessment.

Statutory consultees and the Powys Ecologist have requested further information. Much of this has still not been supplied (20/12/2020):

Consultee	date	Application doc.	Issue to be addressed/info.required
NRW	19/6/2020	MMP	Nitrogen: all animals on farm housed and unhoused to be assessed
		MMP	Spreading/contingency plans for excess manure to be revised
	8/12/2020	MMP	Nitrogen: all animals on farm housed and unhoused still not assessed
		MMP	Phosphate loading calculations and must demonstrate of need for agricultural benefit.
		MMP	Further details still required about export of excess manure
		MMP	Is Field SN 9454 9692 improved grassland?
NRW	17/12/2020	SAC PROTECTION Announcement: applies to all development that is yet to be determined by the relevant LPA	any proposed new development that might otherwise result in increasing the amount of phosphate within the SAC either by direct or indirect discharges must be able to demonstrate phosphate neutrality or betterment.
CADW	10/6/2020	Archaeology Wales report	Requires Methodology according to WG <u>"Setting of Historic Assets in Wales"</u>
	19/11/2020	Absent documentation of landscaping/planting	LPA to request clear information on landscaping and planting to assess mitigation of high impact on setting of scheduled monument BR089
Powys Ecologist	10/6/2020	ES/Phase 1 habitat survey	Assessment of impacts on Rhysgog verge nature reserve & Rhysgog meadows
		ES	Refer to NRW (not EA) advice
		Ammonia Report	Did not include impact on Rhysgog RVNR or Rhysgog meadows. Applicant to assess.
		Ammonia Report	APIS increase in background levels prior to applications date. NRW to confirm if thresholds/impacts unchanged.

2. Quality of Developer Information

The Agent has clearly learned through experience that there is no need to present clear accurate data relating to the application in question. The volume of generic cut and paste from a stock of previous applications and of sheer repetition is enormous. There are countless basic errors. These are just 3 examples:

- DAS 6: & ES 4.6: worst case scenario 1,980 Tonnes manure P/A. The industry reality is between 1,952 and 2,169 tonnes manure P/A. Therefore the vehicle trip generations likely to be **1/3 less** than described. This is nonsense.
- Parts of the application refer to an intensive free range egg-layer unit. DAS 17: “ *the natural ventilation provided through the building in the form of pop holes*” makes it unnecessary to meet BREEAM “very good standard” etc.
- Extensive cut and paste has resulted in muddles in Roger Parry applications: 20_0717_FUL-CWMAFAN_EIA_APPENDIX_6_EIA_REGULATIONS_1_-267916 refers to **Drefor, Kerry** and the ES Water Assessment refers to **River Severn** (ES tables 42 and 46)

The reader should question the credibility and accuracy of much of this information.

3. Need for the Proposal

ES 1.2.2. repeated at ES 4.3. The LPA must recognise that this has not been established. The supporting data refers to the situation in 2009. In 2020, Powys has an estimated 80% of all the intensive poultry farming and an estimated 80% of all the intensive pig-finishing farming in Wales. There has been an increase of over 3,000,000 broilers in Powys just since mid 2015. The pressure on the Powys environment and on subtropical habitats where feed crops are produced is now unacceptable.

4. The Project Plans

ES 4.2.1 says the project includes: Generator store, Office, Shower Room, Control Room, Tool Room, Area set aside for landscaping. None of these are shown on the plans.

The site boundary leaves no space for construction work or accommodation of soil heaps or, as Highways have pointed out, for adequate visibility splays on the B 4358.

5. Manure Management Plan

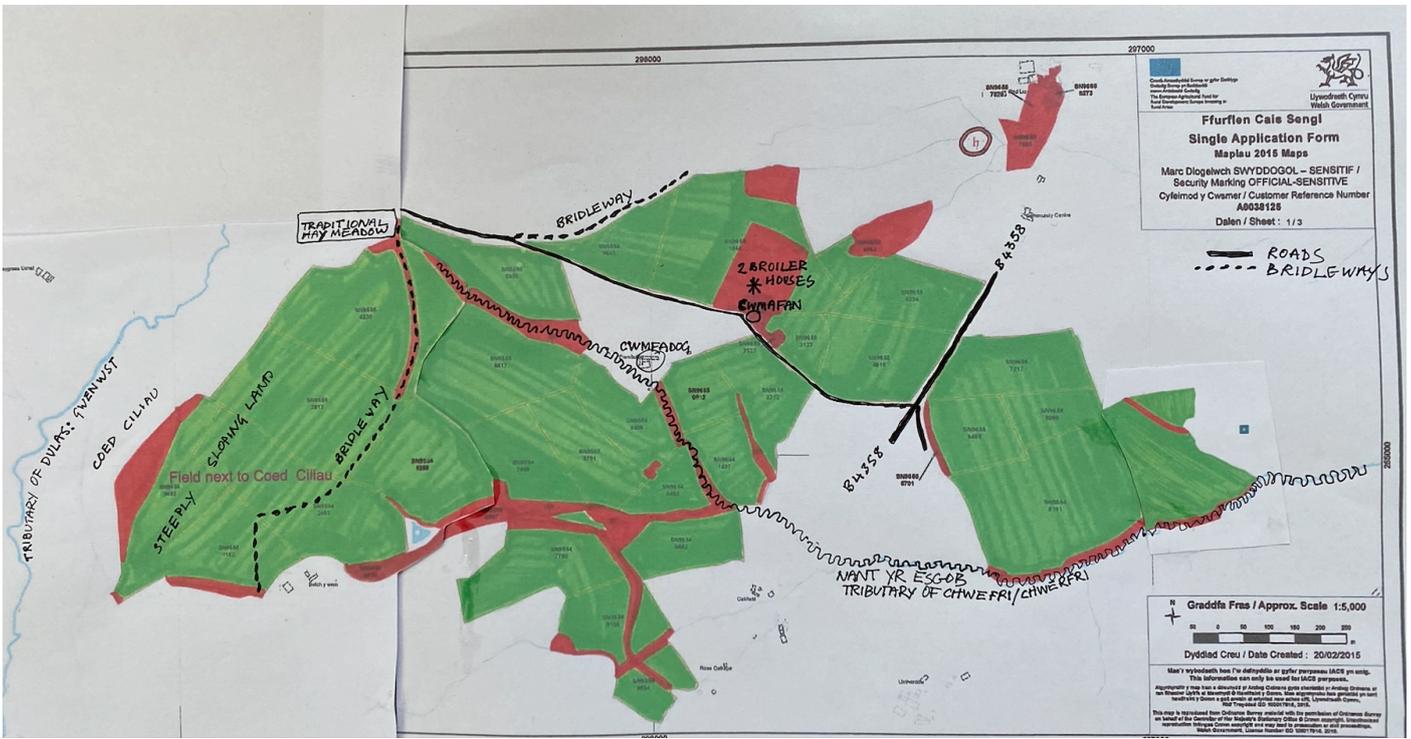
The Amended Manure Management Plan says ‘*All solid manure produced within the poultry unit will be removed every four days and either directly*’. This is a typical regime for free-range layers and contradicts the statement at ES 4.10.4 ‘*The manure will be removed from the poultry units following each crop cycle*’ which is standard procedure for broiler units.

There is no point in our commenting on the following topics until the applicant’s information, rightly requested by NRW, is available:

- the lack of any phosphate assessment which is critical in the catchment of an SAC
- the faulty calculations with respect to total farm manure production,
- the lack of information about quantity or destination of manure to be exported.
- the inclusion of unimproved grassland in the spreading plan

Irrespective of the total farm manure volume and acceptable spreading rates, the information in the MMP maps is fundamentally flawed.

The MMP is presented in three separate documents using two different scales with no recognisable features or integrated reference map to help location. No doubt this presentation suits the developer because it is likely to defeat those who should be assessing the MMP.

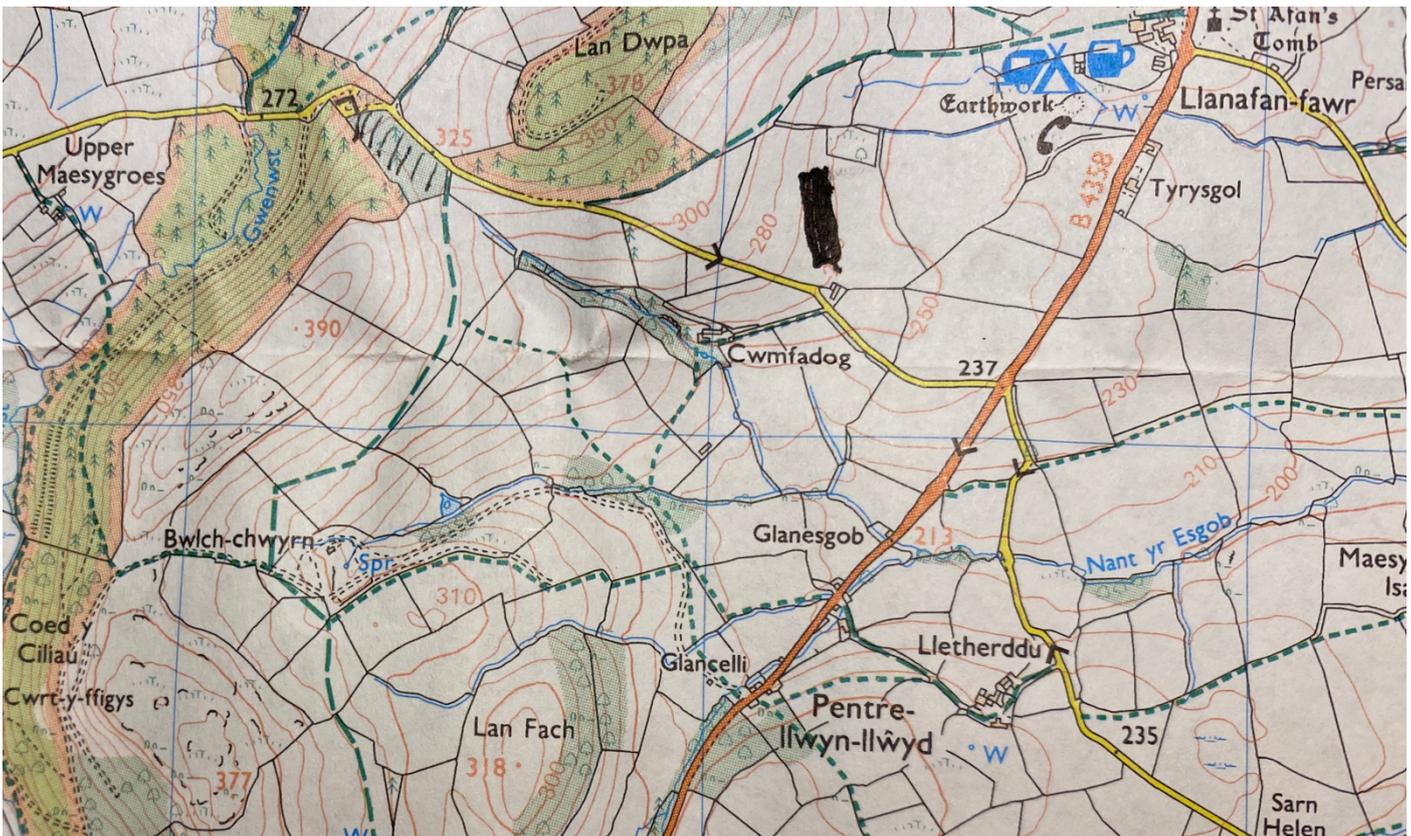


Amalgamated MMP maps

Section 5 describes the colour code for manure spreading. The only colours used are:

Red (no spreading)

Green (Lower Risk. Remainder of land upon which manures are applied and which has not been subsoiled or mole ploughed within the past 12 months).



OS Map containing manure-spreading area for Cwmafán 100,000 broiler application.

Reference to the 1:250,000 OS Map shows that nearly all the land to the West (left) of the uncoloured area surrounding Cwmfadog is steeply sloping down to the watercourses which reach a confluence near Glanesgob, forming the Nant yr Esgob, a tributary of the Chwefri.

There can be no doubt from the OS contours that most of this land should be red, orange or yellow as the slope appears to range between 1:5, or steeper, and 1: 14. The MMP describes:

'Red = No-spread areas, e.g. yards; within 10 metres of a watercourse or 50 metres of a borehole, spring or well used for drinking or parlour washings. Or Areas not normally used for operational reasons but may be brought into use in the future.

Orange = Very High Risk. Steeply sloping fields of gradients 1 in 7 to 1 in 5; fields at risk of flooding; sandy or shallow soil over fissured rock; fields where drains have been installed during the past 12 months; poorly drained or waterlogged land; severely compacted soils, etc.

Yellow = Moderate Risk. Slopes between 1 in 14 to 1 in 8; land sloping towards watercourses; imperfectly drained land.'

It is of serious concern that NRW (planning response dated 8/12/20) proposes that, subject to satisfactory response to their requirement 1 (which does not mention gradients), adherence to this erroneous Manure Management Plan should be a condition of planning approval and thus could potentially be enforced by the LPA..

NRW is recommending that the applicant is required to spread on slopes 1:5 draining into the Wye SAC!

The applicant clearly believes that the issue of an Environmental Permit means NRW has already approved plans for protection of water courses, including the SAC. ES 12.2.3 says 'it is reasonable to assume that the adoption of the EAs Practice Guidelines and licensing of the poultry unit under Environmental Permitting Regulations will prevent pollution to recognised standards and make any 'significant' impacts likely.' (our underlining and we assume they mean "unlikely").

Was the MMP a material consideration in the issue of the Permit on 3/12/19? If so, it is worrying that the permit was issued without verifying the information.



Section of plan at Appendix 32.Landscape Reports 3. showing position of broiler sheds and suggested planting.

The land available for spreading is further reduced by any planting/landscaping to ensure biodiversity enhancement, ammonia mitigation and visual barriers. Areas for this suggested in Appendix 32 have not been eliminated from spreading plans. Comparison of this plan with the MMP suggests that the red no-spread area around the sheds does not even include all construction. Nor have the extensive access track and various rights of way been excluded.

6. Water management and hydrology

There is no clear discussion of the hydrology, surface and ground-water features and drainage of the site itself and the land available for manure spreading in the ES. Although NRW has not been commented, we consider this is unacceptable for a major development in the catchment of a failing SAC river.

There is no discussion of the volume of cut and fill required to prepare the roughly 150x75m site and the risk of run-off with silt into watercourses during construction and afterwards. Together with the 5m x 475m access road this area creates 1.35Ha of new hardstanding in open countryside, draining towards relatively narrow roads. At this time of escalating climate change and flooding, measures to increase rather than decrease rainfall absorption in sensitive uplands should be encouraged.

We note that there is a single dirty water tank holding 40mcu. which is emptied onto adjacent land, sometimes twice within one day. The source and volume for bird drinking water is not discussed. The volume of washout water is discussed but, as so often in this application, it is impossible to understand the calculations. For instance, towards the end of ES 4.6:

*'As a worst case scenario the potential production of dirty wash water at the close of each crop will be 88.3 cubic metres; an annual production of 671.08 cubic metres, this uses the assumption clearing out will **take five days.**'*

Not only does $5 \times 88.3 = 441.5$ (and not 671.08) but elsewhere we are told there are 7.5 crop cycles per year (ES 6.1.1) and, earlier in ES 4.6, during each cleanout *'the litter is being removed over perhaps a 3 day period'*.

ES Chapter 12 on Water Resources contains a large number of generic tables, numbered 33 to 41, about magnitudes, probabilities etc of various impacts but these are entirely redundant since there is no evidence or justification for how these apply to local data at all and, as noted above, the River Severn is listed as a receptor. There is no flood-risk map.

ES 12.4 says *'There is no foul sewer connection in the vicinity to the site.'* And yet the project includes

- Office
- Shower Room
- Control Room

apparently with no toilet facilities.

7. Ammonia Assessment and Ecology

The Ammonia Report concludes:

'The detailed modelling predicts that, should heat exchanger units be installed in the proposed poultry houses, impacts would be reduced at all receptors. However, there would still be an exceedance of Natural Resources Wales lower threshold percentage of the Critical Level and Critical Load at Coed Ciliau SSSI and the River Wye SAC/River Irfon SSSI. In such cases, where the predicted process contributions to ammonia concentrations and nitrogen deposition rates are between the Natural Resources Wales/Environment Agency's lower and upper thresholds, depending on the sensitivity of the wildlife sites and the presence, or not, of other ammonia sources, an in-combination assessment may be necessary as part of the competent authority's appropriate assessment '

Nevertheless, NRW did not require and in-combination assessment. The response of 19/6/20 says:

'A permit application was received by NRW on 19/07/2019, and was issued on 03/12/2019 under referenced EPR/BB3497ZH. In issuing the permit an assessment of the ammonia and nitrogen effects was completed and deemed to comply with current guidance that is also applicable to the planning application.

We are satisfied that the process contributions of ammonia and nitrogen deposition from the proposed unit are below the thresholds we apply in our assessment of potential impacts on SSSIs and SACs for this proposal. The permit referenced EPR/BB3497ZH was issued for the rearing of 100,000 broiler chickens at this site on 03/12/2019. In granting of the permit, it was considered that the installation of heat exchangers on this proposal would manage the emissions from the proposal to an acceptable level for protected sites nearby'.

The PCC ecologist has noted that background levels of ammonia and loads of nitrogen have increased since the date of the Ammonia report and requests further comment from NRW. CPRW would welcome a statement from NRW about the evidence about 'thresholds we apply' and why exceedances are accepted without the in-combination assessment the 2017 guidance GN 2020 would seem to demand.

The PCC ecologist also notes:

'Impacts from predicted emissions would be reduced through fitting of heat exchangers into the broiler units but this would not be sufficient to avoid critical level and critical load thresholds being exceeded at Coed Ciliau SSSI and River Irfon SSSI/River Wye SAC.

Further mitigation proposed to reduce impacts from ammonia and nitrogen emissions include further modification to the poultry units, such as inclusion of air scrubbers, or planting trees near the sheds to intercept emissions. The report's conclusion favours the latter option whereby a 35m wide tree belt would help to reduce ammonia levels by 11% in five years.'

The applicant's Ecology Report says:

6.3 MITIGATION OF AMMONIA IMPACT

Further mitigation of potential ammonia impact on two statutory sites may be necessary and could be achieved either by modifications to the sheds (e.g. scrubbers) or by tree planting in the vicinity of the sheds. The online calculator provided by the Centre for Ecology and Hydrology indicates that the planting of a 35-metre-wide tree belt using oak and birch with Scots pine would reduce ammonia deposition by approximately 11% within 5 years and 20% within 25 years.

However:

- The new planting is not 35m wide (see Appendix.32. Landscape report 32)
- The mitigation-planting will develop slowly and be completely absent at first.
- Heat-exchangers are unlikely to maintain their level of efficiency over time.
- The deposition velocity is at its highest level (0.03 in Ammonia Report fig. 5) for northern undesignated parts of Coed Ciliau and the Rhysgog traditional hay meadow mentioned in the PCC Ecologist's report. Even with heat exchangers, ammonia concentrations are close to three times those acceptable for the portion of Coed Ciliau which is designated as an SSSI (Ammonia Report fig. 6b). These sites are not shielded by the proposed planting barrier.

CPRW has frequently commented on the inconsistency between accepting 100% of critical levels and loads for Ancient Woodland and Local Nature Reserves and the SMNR and Environment Act Section 6 duties of the Statutory Authorities.

CPRW understands that the Forestry division of NRW is under obligation to replant native broad-leaf woodland in the PAWS northern part of Coed Ciliau and, as the larch is lost, some natural regeneration is already taking place. Replanting and regeneration would help to enhance resilience by recreating the

biodiversity corridor which formerly existed along this natural ridge but the current application will prejudice this.

The ammonia assessment only considers the ammonia and nitrogen deposition impacts of the sheds themselves however the Inventory of Ammonia Emissions from UK Agriculture 2017: DEFRA Contract SCF0107 Feb.2019 suggests this is a fraction of the impact.

Table 2. Estimate of ammonia emissions (kt NH3) from UK agriculture, 2017* shows clearly that only one third of the ammonia from intensive poultry rearing comes from the housing, the rest is mainly from land-spreading and storage.

There is no clarity about manure storage:

The ES 4.10.4 Manure says:

The manure will be removed from the poultry units following each crop cycle and will then be stored in field heaps before being applied to the land. The regulations allow certain types of solid manure to be stored temporarily in field heaps(subject to a list of best practice rules).

However the amended MMP says:

'4. STORAGE OF MANURE

All solid manure produced within the poultry unit will be removed every four days and either directly spread upon the land at Cwmafan, if the nutrients are required and weather conditions permit (this would only be 4 to 5 times a year), or stored in an existing building on farm.'

We do not consider that this proposal meets the guidance to LPAs issued in the CPO letter of 23/10/19 Securing Biodiversity Enhancements.

The guidance says:

'The attributes of ecosystem resilience (PPW para 6.4.9 refers) should be used to assess the current resilience of a site, and this must be maintained and enhanced post development. If this cannot be achieved, permission for the development should be refused'.

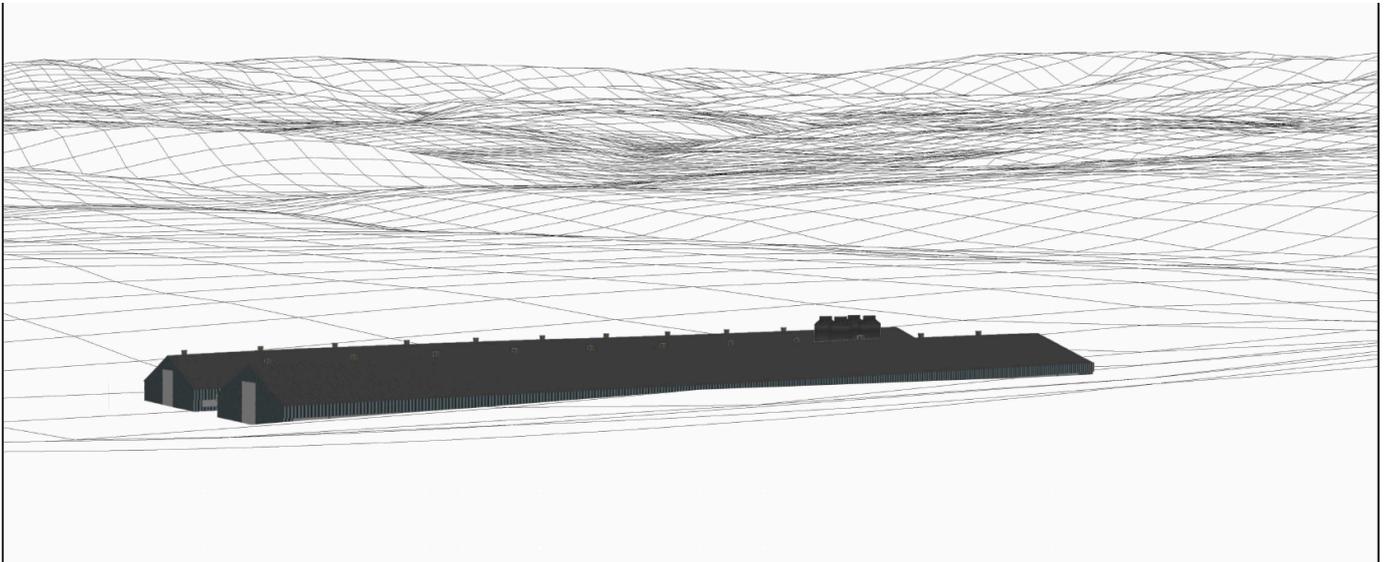
The guidance goes on to recommend 'net enhancement'.

We consider it is impossible for this application to achieve net enhancement of ecology/biodiversity interests.

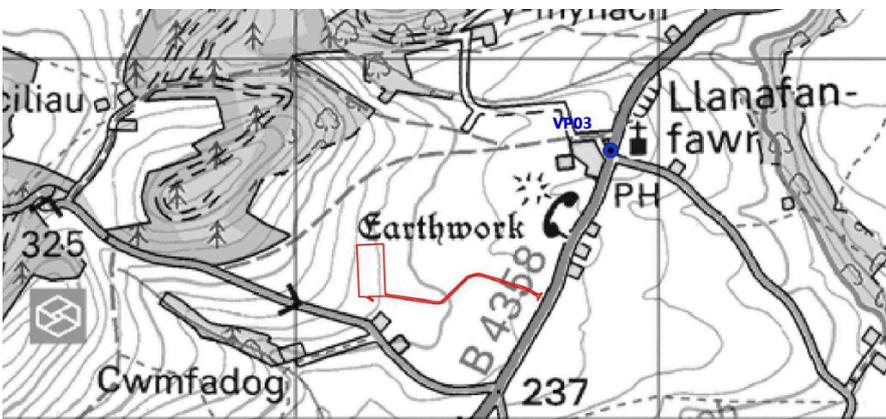
This is before the new NRW requirement for phosphate neutrality and the failing status of the river Chwefri WYE SAC is considered.

8. Landscape

The ES landscape analysis in Ch 7 contains a great deal of generic text about applying a sensitivity/magnitude matrix which is never actually applied at all either by the landscape consultant Viento or by Roger Parry's author, G. Maxfield. The work presented amounts to an unjustified conclusion about impacts not being significant although the unit will be visible from some locations. The conclusion of ES p82 says '*The measures factored into the site selection and design process will reduce, minimise and even improve any potential adverse effects'* suggesting that the author believes the development will enhance the landscape impact and visual experience! Few who see the wireframe and montage from view-point 1 will agree.



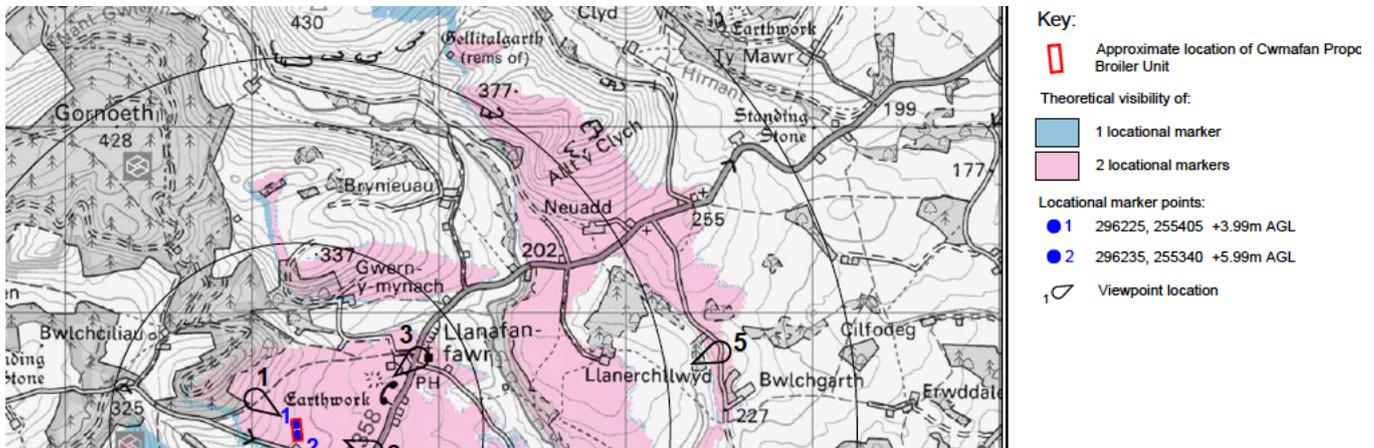
From 20 0717 FUL-PHOTOMONTAGES-324906



Section from Viento: 20 0717 FUL-CWMAFAN EIA APPENDIX 32 LANDSCAPE REPORTS 7 -267951

- The photo montages do not properly display the extent of 150m x 75m hard-standing properly and do not include the 475m x 5m wide access road. The muted colours in the photograph do not do justice to the real impact on a human receptor under many conditions.
- The **High** LANDMAP classifications for **Visual and Sensory** and **Historic** aspect layers are reported but not given due recognition. The Cultural layer has never been assessed by NRW.

- The Public Bridleway location of VP1 'to East' is described as 200m from the site (CWMAFAN EIA APPENDIX 32 LANDSCAPE REPORTS (1) 29) but other plans (e.g. Landscape Reports 7) show it is much closer. The Bridleway climbs to 40 metres higher than the sheds and so a hedge, in the position shown in Landscape Report 3 above, would not provide effective mitigation.
- The ZTV maps 20_0717_FUL-APPENDIX_32_LANDSCAPE_REPORTS__MAPS_-324897 uses 2 locational markers of different heights (AGL) which do not appear to represent the full length of the sheds.



Section from 20_0717_FUL-APPENDIX_32_LANDSCAPE_REPORTS_MAPS_-324897

Powys County Council has no landscape officer and we are concerned that landscape issues may not be given due attention. CPRW doubts that the landscape assessment meets best practice guidance and hopes to comment further on this.

9. Amenity

CPRW considers that the traffic noise and disturbance, operation noise and odour will have a considerable negative impact on surrounding neighbours, particularly at Cwnfadog, and the public enjoyment of the village of Llanafan Fawr with its public house and church. The village will experience odours from the sheds and manure spreading with the prevailing south-westerly winds.

Traffic will be much increased by the need to transport manure off-site. The vehicle movements cannot be properly calculated without a reliable account of manure management. We believe local residents have legitimate concerns but the applicant does not consider any vehicle routing information is necessary:

'it is not considered necessary to propose a routing plan for the poultry unit, given the low volume of additional vehicle movements to Cwmafan.' (DAS 7) and traffic impacts are screened out of the ES *'as increases of traffic are insignificant.'* (ES 6.1).

We are not reassured by the odour report because the experience of Powys neighbours to broiler sheds which have had similar optimistic assessments is that the odour rises towards the end of the crop cycle and is extremely disturbing at clean out time such that they cannot enjoy their gardens, dry their washing etc. Powys will not have received many complaints because Powys residents do not expect sympathy or practical help from Environmental Health.

The experience of using the numerous rights of way shown on the OS 1:250,000 Explorer map will be considerably impoverished by this development.

FOR ALL THE REASONS ABOVE, BRB-CPRW URGES POWYS TO REFUSE THIS APPLICATION.