



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

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1/4/21

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

Objection to Planning Application:

20/1226/FUL Erection of 3 no. additional poultry buildings on existing poultry unit | Dol Y Dre Llanddewi Llandrindod Powys LD1 6SE

1. Numbers

2. Export of litter: Gamber

3. Manure Management at the whole Dol Y Dre Poultry enterprise: NRW

4. Overall Manure Management at Dol Y Dre Poultry enterprise and EIR: PCC

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1. Numbers

The ADAS Manure Management Report says the proposed increase in number of birds is from 140,000 to 280,000. The ES and all other documents say the increase is from 130,000 to 280,000. However, the DAS for the previous application P/2015/0457 says a shed for 50,000 birds will be added to 84,000 existing birds in two buildings making an existing total of 134,000 birds.

According to the Powys website There are four previous consents:

P/2015/0457: a shed for 50,000 birds will be added to 84,000 existing birds in two buildings making an existing total of 134,000 birds.

P/2010/0875: a shed for Broilers which adjoins similar shed "*also used for Free-Range broilers*" to house 40,000 birds.

P/2009/0588: a shed for **Free-Range broilers** - no numbers available.

P/2008/1585: outline permission for **Free-Range broilers** - no numbers available.

Powys CC and NRW need to be clear on the number of broilers in the existing business, the number they are considering for permission and which numbers are classified as Free Range.

The numbers and types of rearing affect the various statistics presented in the application and the use of land.

2. Export of litter: Gamber

Following the applicant's stated intention to export all manure from the 3 new sheds, the NRW response of 24/2/21 advises the LPA to include a suitably worded condition referring to the Gamber Logistics letter. This letter is supposed to address the requirement for phosphate neutrality or betterment for development in the Welsh Wye Catchment to comply with NRW's Planning Position Statement and Interim Planning Guidance. The Guidance says:

In relation to developments to which this document applies, we would expect that any measures relied upon to avoid or mitigate potential impacts on a SAC due to increased amounts or concentration of phosphates, are supported by evidence from the developer which demonstrates that those measures are guaranteed and maintained for the lifetime of the development, and are effective, reliable, and timely. We would also seek confirmation by the local planning authority that the measures can be legally enforced to ensure they will be implemented as proposed.

Gamber says it handles *'75,000 tonnes of litter per year across >75 sites to 200 customers'*. This would average out at under 1,000 tonnes per site delivered at a rate of 375 Tonnes per customer although, obviously, AD customers may take much more than this.

150,000 broilers produce an estimated 3,285 Tonnes or 6,570 cubic metres of manure per year. This figure is derived from values set out in the new Water Resources (Control of Agricultural Pollution (Wales) Regulations 2021. Using customary values in Guidance for Nitrate Vulnerable zones would give a lesser figure of 2,700 tonnes or 5,400 cubic metres). Gamber has very recently provided a similar undertaking for at least 5 of the 21 live applications in Powys planning and therefore Powys County Council and NRW should be considering the in-combination impacts of this arrangement with respect to traffic and the receiving environment over the border.

The Gamber undertaking does not specify where the litter will go. Gamber is based in Herefordshire, in the Wye catchment, and so there is a high risk that Gamber will export excess phosphates from one part of the catchment to another. In as much as the litter supplies ADs, it adds to the problem. Phosphates are retained in digestate which is usually spread on neighbouring land. In addition, digestion of poultry litter requires combination with plant crops, principally maize. Maize requires high levels of nutrients (RB 209) and carries a high risk of soil-erosion and build-up of soil phosphate stores, both of which are recognised to pollute local watercourses. The Gamber letter does not satisfy the requirement in the NRW letter of 2/10/20 that the applicant should identify the AD to which any excess manure will be exported.

According to the NRW Interim Planning Guidance for SACs quoted above, NRW expects evidence that the measures are guaranteed and maintained for the lifetime of the development. The Gamber letter does not supply this evidence. NRW also expects the LPA to confirm that they can legally enforce these measures.

Unless they are in a position to closely monitor quantities and destinations of litter export and enforce against any breach of condition, Powys cannot possibly confirm this. A broiler shed may have a lifetime of up to 50 years and a company such as Gamber may be subject to takeover, merger, bankruptcy etc. as with any other company. The Gamber letter is not a legal undertaking

and so Powys cannot guarantee the export arrangement. The AA cannot claim that the SAC is safeguarded beyond reasonable scientific doubt.

Therefore, in spite of NRW's satisfaction with the arrangement, this arrangement provides no certainty about the protection of the Wye SAC in Wales or in England.

3. Manure Management at the whole Dol Y Dre Poultry enterprise: NRW

NRW has declared the River Ithon one of 10 Opportunity Catchment Areas in Wales for habitat restoration: <https://naturalresources.wales/about-us/area-statements/sector-specific-information/area-statements-and-opportunity-catchments/?lang=en>

We have not discovered exactly what this entails but CPRW hopes that this declaration represents a commitment to safeguarding, reducing pollution, habitat restoration and general improvement in river quality. Therefore we are severely disappointed by NRW's latest planning response to this proposal.

Does the NRW right hand know what the left hand is doing?

NRW, which is also the Environmental Permitting authority for the whole 6 shed complex, has a Duty as a Planning Adviser to consider the first two items on its checklist:

Development planning consultation topics	
1	Within or likely to affect European sites: Special Areas of Conservation (SAC) (designated and candidate), Special Protection Areas (SPA) (classified and potential) and Ramsar sites (designated and proposed)
2	Within or likely to affect a site of special scientific interest; or is within a consultation area around a SSSI notified to the LPA by NRW

Comparing the two NRW responses, it seems that the Gamber arrangement has both sidestepped the need for any phosphate assessment and conveniently diverted scrutiny from the compliance of the Dol y Dre poultry enterprise as a whole. NRW was clearly aware of the shortfall of land for spreading existing manure in their 2/10/20 response and yet they have apparently overlooked the information in Manure Management Plan 294232 when declaring satisfaction with the Gamber export arrangement. This suggests that NRW is only concerned with the additional impact on the SAC of manure management resulting from this application and not with any questions about whether existing manure management breaches guidelines such as NRW GN21 or farming best practice.

The implication is that monitoring and enforcing manure management is not the responsibility of NRW but we shall see below that the LPA does not provide this function either.

4. Overall Manure Management at Dol Y Dre Poultry enterprise and EIR: PCC

When assessing the current application, Powys County Council should be considering the cumulative environmental impacts of adding 3 more sheds and 150,000 birds at this location in keeping with Environmental Impact Regulations (Wales) 4. (2) and Schedule 4. 5, especially (b.) & (e).

SCHEDULE 4 Regulation 17(3)

Information for inclusion in environmental statements

5. A description of the likely significant effects of the development on the environment resulting from, inter alia—

- (b) the use of natural resources in particular land, soil, water and biodiversity, considering as far as possible the sustainable availability of these resources;
- (e) the cumulation of effects with other existing and/or approved projects, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources;

Given the likely life-span of this enterprise, Powys County Council should also be considering the current spreading regime and should be looking ahead at future environmental impacts and the ability of this expanded poultry enterprise to comply with the law in the Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021, introduced today, 1/4/21.

5. PCC and Manure Management for the existing 3 sheds

There is insufficient land for spreading the manure from the existing sheds, even at current maximum permitted nitrogen application rates with no consideration of crop requirements (see NRW GN 21).

According to the Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021, which will be in force by the time this decision is made, farms such as Dol Y Dre will be expected to reduce nitrogen-spreading by approximately one third in two years' time. The maximum nitrogen spreading rate for organic manure across the land-holding will lower from 250k/Ha/y to 170k/Ha/y.

It is not certain how many birds are already kept at Dol y Dre and it is also unclear how much land is available for manure spreading. The best estimate we have is the superseded MMP however this contains a number of faults and so may not be entirely reliable. For this purpose we will assume that 140,000 birds will be added to an existing 140,000 birds as set out in the MMP (although this conflicts with other figures - see above). The MMP suggests the holding is 120 Ha with another rented 52Ha available. The information in Appendix 1, which we take at face value here, shows that approx. 150Ha of these 172 Ha are available for spreading.

The tables in the report only calculate the manure quantities produced by other stock on the farm when these are housed. This is incorrect as NRW has pointed out on 2/10/20. The manure produced for the entire year must be considered whether or not the stock are housed. If year-round production is calculated by rounding up the figures for 365 days, the stated 13.6 Ha required for manure from sheep and cows should be replaced by **56.2 Ha**.

More land would be required for the 140,000 broilers which the MMP says are already there. This should be half the total set out in the MMP Table 3.1 however, in Table 3.1, the author has taken a figure already adjusted for occupancy of broiler sheds and then reduced it again by an occupancy ratio of 310/365 days. Therefore, instead of 368.03Ha, the area required for 280,000 broilers should read 433.32.Ha. (close to the NRW calculation on 2/10/20). Half this area, for the existing 140,000 broilers, should read **217Ha**.

Currently, the area required for manure-spreading for existing livestock is 273 Ha. This is almost 100 Ha more than the available farm land and rented land put together. We do not know whether this rented land is currently used for spreading manure from the existing flock and we do not know for certain whether all existing manure is spread on the holding however,

The revised DAS says (p6):

(5) Manure Production = 1.45kg per bird per flock. Existing tractor and trailer movements are 15 tonne loads. The additional manure will be removed by HGV vehicles in 28 tonne loads.

This table of traffic movements (p5) with Note 5, suggests all manure from existing sheds is spread on land with tractors and all manure from the new sheds will be exported.

Reducing nitrogen spreading rates from 250kg/Ha/y to 170kg/Ha/y, will mean over 400 Ha of spreading land will be required for the existing enterprise and therefore the available land will fall short by a massive 225Ha. even if all the manure from the new expansion is exported.

We have seen that there is not enough land to spread the existing manure under existing guidelines. Unless there are undisclosed factors, this would seem to breach nitrogen spreading guidance. Who should be monitoring manure management for the existing unit.?

MMPs are currently made subject to planning condition at NRW's request. There are no manure management conditions for the first two sheds at Dol Y Dre. For the third shed (Application P/2015/0457) no MMP is available to the public however Condition 4 of the approval says:

4. Notwithstanding the details submitted, prior to the commencement of development, a Manure Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Manure Management shall include details of manure spreading and transportation. Thereafter, the development shall be undertaken strictly in accordance with the Manure Management Plan as approved.

We do not know the details contained in the document required by Condition 4 however it is clear these should not differ from the details set out for determination. We do not understand the "notwithstanding" clause because if the MMP was not satisfactory the application should not have been approved.

In a response to an FOI on 30/10/20 (Response -2020-0812E - Manure Management Plan), Powys has very recently confirmed that it has never enforced against breach of a manure management plan and does not consider it is its duty to monitor such plans. However the response also says: *'Alleged breaches of planning permission conditions relating to Manure Management Plans can be reported to the LPA, and a planning enforcement investigation will then be undertaken'*

Therefore it seems no-one monitors existing manure arrangements unless an alleged breach is reported. How can a breach be reported if the documents themselves are not in the public domain? Also, the public cannot possibly verify storage, export and spreading regimes on an individual farm.

It is surely wrong for and LPA to consent to the doubling of a unit close to the SAC when it is not clear that unit is complying with the current planning condition and when new legislation will require more onerous compliance.

If an acceptable export facility is available, shouldn't this be used to reduce the impact of the existing operation?

6. Habitats Regulations Assessment

The NRW response 24/2/21 says:

No assessment of likely significant effect under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) has been undertaken by your authority or it has not been forwarded to NRW for consideration. Should you conclude that the proposed development is likely to have a significant effect on the National Site Network, we look forward to being re-consulted. In the absence of this assessment, NRW cannot offer assurances that the proposals would not result in an adverse effect upon the SAC.

The ES described fitting of ammonia scrubbers to four sheds, one existing and three new. While ammonia scrubbers on the three new buildings are an integral part of the application, the addition of an ammonia scrubber on an existing shed is surely mitigation for emissions from the new sheds, which would otherwise exceed NRW ammonia guidance thresholds.

It is irrational to include the addition of an ammonia scrubber on an existing development as an integral part of 20/2166/FUL and not to consider the manure management for the existing sheds as an integral part of 20/2166/FUL.

This mitigation should not be included in the HRA.

There is no HRA on the Powys website. An HRA, the NRW response and an Appropriate Assessment should be put in the public domain and provided for the Planning Committee to assess.

7. Water consumption and Dirty water tank

Site Drainage Plan RevA-347763 shows all three sheds draining to a single dirty water tank. The pollution prevention plan says the dirty water from the underground dirty water tank will be taken off-site in a sealed tanker and disposed of.

The ES p 5. says the dirty water is "*all spread on the farm*" and therefore it may be presumed to add phosphates, animal detritus, pharma residues and cleaning chemicals to land draining into the SAC.

SSAFO compliance relates to materials and construction but not to capacity for dirty water from poultry shed cleanout. We do not know whether this tank is large enough for the flow of wash-out water and whether the emptying regime is feasible.

The addition of 3 poultry units results in an operation with over double the number of birds. There is no information in the EA about water consumption or water extraction. We do not know

the water source for the 6-shed poultry unit, nor are there any calculations about water consumption by birds or for wash-out operations. There are a large number of intensive livestock units in the Ithon catchment. Given the inevitable droughts we expect with climate change, we believe that the impact on water resources should be set out clearly in an Environmental Statement, including any possible impacts on residential neighbours and other farms and flow rates in local watercourses.

8. Traffic

The letter from Hurlestone Partnership dated 26/10/20 in response to concerns from the Welsh Government Highways Department (8/10/21), predates the arrangement to export 3,285 Tonnes (6,570 cubic metres) of litter. The traffic impacts of this are not discussed in the revised ES. There is no information about the size of vehicle to be used but two types are mentioned in The revised DAS (table on p5 & notes) specifies export in 28 Tonne loads and considers this will add 8 loads per cycle.

This calculation must be a gross underestimate. If 450 tonnes will be exported some 7.5 times a year. This would require some fifteen round journeys (30 movements) of 28 Tonne loaders per shed clean-out. We understand the manure is cleaned out over a two days (DAS p6) and therefore it is important to know whether this requires storage while waiting for removal vehicles to arrive on site and be loaded.

The Hurlestone letter prefers to average out the broiler traffic over the whole year, but the DAS makes it clear that there are traffic peaks with a heavy period for flock clearance and shed washout.

Not only will this increase the pressure on the A483(T), but Gamber's base at Grafton is over 40 miles away. Export of this bulk and weight has a significant carbon footprint. The Welsh Government and appropriate English authorities should be consulted on the impacts of this litter-export plan and be mindful that Dol Y Dre is just one of several applications in the Welsh Wye Catchment proposing export using Gamber as a "solution" to the failing status of the Ithon.

9. Footpaths

The diverted foot-path on the foot-path plan will still go through the N-E footprint of the new sheds. Unfortunately, a variety of different types of mapping with inconsistent dimensions and no large-scale contour map of the location showing gradients, watercourses etc. is typical procedure in IPU applications.

10. Climate change

Powys declared a Climate Change Emergency in September 2020.

PPW 11 refers to climate change throughout and asks, 2.28

- *will the causes and impacts of climate change be fully taken into account through location, design, build, operation decommissioning and restoration and*
- *does it support decarbonisation and the transition to a low carbon economy?*

4.1.4. says '*land use and transport must be integrated. The planning system must ensure it enables integration:*

- *between transport measures and land use planning'*

CPRW considers that the council must take climate change into account.

Once the relationship between an intensive poultry unit and manure spreading on a local landholding is severed by a comprehensive manure export plan, the question arises of whether intensive poultry units need to be on rural farms at all, let alone on farms in failing SAC catchments. Powys has 80% of the intensive poultry industry in Wales. Powys has approved applications for an estimated 10,000,000 intensively farmed chickens, nearly half of which are in the sensitive catchment of the Wye SAC. NRW has recently announced that two thirds of water bodies in Welsh SACs , including the Wye, are failing phosphate targets. The Ithon is one of the failing rivers. It has been selected by NRW for environmental improvements and this should be a material planning consideration..

The intensive poultry industry depends on feed imported from the Americas where production involves large scale large scale habitat destruction and environmentally costly transport. It also uses important water resources. There are serious environmental impacts through use of pesticides and veterinary pharmaceuticals. These and the widely acknowledged risk of human avian flu pandemics are not even considered in planning.

The applicant's position that ammonia emissions can be reduced provided he has permission to double his production is surely out of place. Powys already has an unsustainable intensive livestock industry and every effort should be devoted to reducing the impacts of existing units instead of increasing the burden on our environment and future generations.

The number of questions this application poses about transparency of application data and regulation of intensive livestock units by statutory authorities, including in the application of Habitats Regulations to SAC protection, is cause for grave concern.

- **CPRW encourages Powys Planning Department to refuse this application .**
- **We trust that Powys County Council will liaise with NRW in order to clarify responsibilities with respect to safeguarding SACs and other habitats from environmental impacts of intensive poultry farming. We do not believe the current LPA Planning and NRW Environmental Permitting regimes are fit for purpose in achieving this.**

Jonathan Colchester



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